



NEW SOUTH WALES ABORIGINAL LAND COUNCIL
ANNUAL REPORT 2010 - 2011

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**LIBERATE AND
EMPOWER
ABORIGINAL
PEOPLE IN
NEW SOUTH
WALES THROUGH
ECONOMIC AND
SOCIAL
INDEPENDENCE**



**New South Wales
Aboriginal Land Council**

OFFICE OF THE CHAIRPERSON

31 October 2011

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

Dear Minister

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

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

Yours sincerely

Stephen Ryan
Chairman
New South Wales Aboriginal Land Council

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Stephen Ryan

CHAIRMAN'S WELCOME

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

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

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

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

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

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

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

The considerable gains outlined in these pages are

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

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

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

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

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

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

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

Stephen Ryan
Chairman, NSWALC



Bev Manton

CHAIRWOMAN'S REPORT

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

It is also my last.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Both were held.

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

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

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

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

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

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

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

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

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

It is my fervent hope it will do so.

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

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

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

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

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



Bev Manton
Chairwoman, NSWALC



Geoff Scott

REPORT BY THE CHIEF EXECUTIVE OFFICER

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

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

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

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

This reporting period has been no different.

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

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

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

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

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

Its achievements can be found throughout this report.

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

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

It is a fact not lost on the new Council.

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

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

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

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

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

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

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

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

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

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

It was again evident in this reporting period.

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

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

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

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

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

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

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

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

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

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

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

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

We have long argued the benchmark is artificial.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It will continue to do so in the next.

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

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

Our focus will be on Aboriginal social enterprises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We have our governance policies and procedures about right.

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

All of this is again reflected in these pages.

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

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

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

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



Geoff Scott
Chief Executive Officer

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

COUNCIL STRUCTURE AND MEMBERSHIP

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

They are elected to serve a four year term.

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

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

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

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

The election was conducted by the NSW Electoral Commission.

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

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

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

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

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

The Role of Councillors

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

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

In addition, the role of a Councillor is:

- To represent the interests and respond to the concerns of Local Aboriginal Land Council members, and
- To facilitate communication between the Local Aboriginal Land Council members and the New South Wales Aboriginal Land Council.

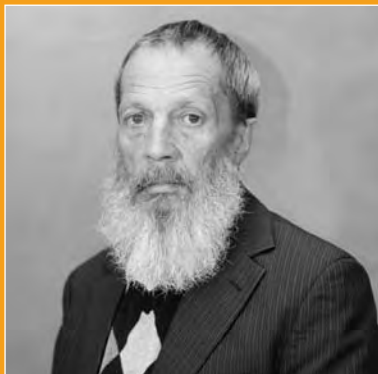
The Council is supported in its work by a Head Office, located in Parramatta, and a Zone office structure established in five regional centres, Dubbo, Queanbeyan, Coffs Harbour, Broken Hill and Gosford

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

Councillor Profiles

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

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



Mid North Coast Region

Bev Manton

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

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

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

Central Region

Stephen Ryan

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

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

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

Wiradjuri Region

Craig Cromelin

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

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

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

Councillor Profiles



Northern Region

Tom Briggs

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



Sydney Newcastle Region

Roy Ah-See

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

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

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

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

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



North West Region

Steve Gordon

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

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

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

Councillor Gordon did not seek re-election.

Councillor Profiles



SouthCoast Region

Neville "Jack" Hampton

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

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

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



NorthCoast Region

Patricia Laurie

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

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



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

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



Western Region

William Murray

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

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

He has enjoyed a long involvement with various Aboriginal organisations.

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

Councillor Profiles

Following are profiles of the four new Councillors.



Mid NorthCoast

Peter Smith

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

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

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



North West Region

Anne Dennis

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

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

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



Western Region

Des Jones

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

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

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

Councillor Profiles



North Coast

Tina Williams

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

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

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

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

COUNCILLOR ATTENDANCE AT MEETINGS 2010-2011

Total number of Council meetings - 17

Total number of meeting days - 31

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

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

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

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

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

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

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

Who We Are and What We Do

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

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

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

This is not the case.

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

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

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

The purposes of the Act are as follows:

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

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

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

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

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

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

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

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

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

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

Our Clients

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

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

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

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

Further miscellaneous amendments are anticipated during the next reporting period.

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

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

They commit the NSWALC to:

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

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

Responsibilities for implementation are assigned at a work unit level.

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

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

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

NSWALC Corporate Plan

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

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

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

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

Local Aboriginal Land Councils

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

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

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

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

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

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

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

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

Other Stakeholders

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

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

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

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

Council has resolved to:

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

Our Values

They also outline the NSWALC's core values.

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

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

These include:

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

The NSWALC seeks to work within these core values to:

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

Delivering Outcomes

Both Plans also contain a key commitment to delivering outcomes.

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

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

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

Corporate Priorities

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

Advocacy and Rights

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

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

We will continue to work for:

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

Strong Leadership and Governance

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

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

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

In this crucial area we seek to:

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

Productive and Meaningful Partnerships

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

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

In this respect the NSWALC will continue to:

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

Community Health and Well-Being

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

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

We will do so by:

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

Land, Cultural Heritage and Environmental Management

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

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

We will do so by:

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

Community Development and Planning

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

We will do so by:

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

Innovation, Learning and Continuous Improvement

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

The NSWALC is committed to:

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

Wealth Generation and Commerce

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

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

We will do so by:

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

Commitment and Vision

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

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

The NSWALC will seek to lead by example.

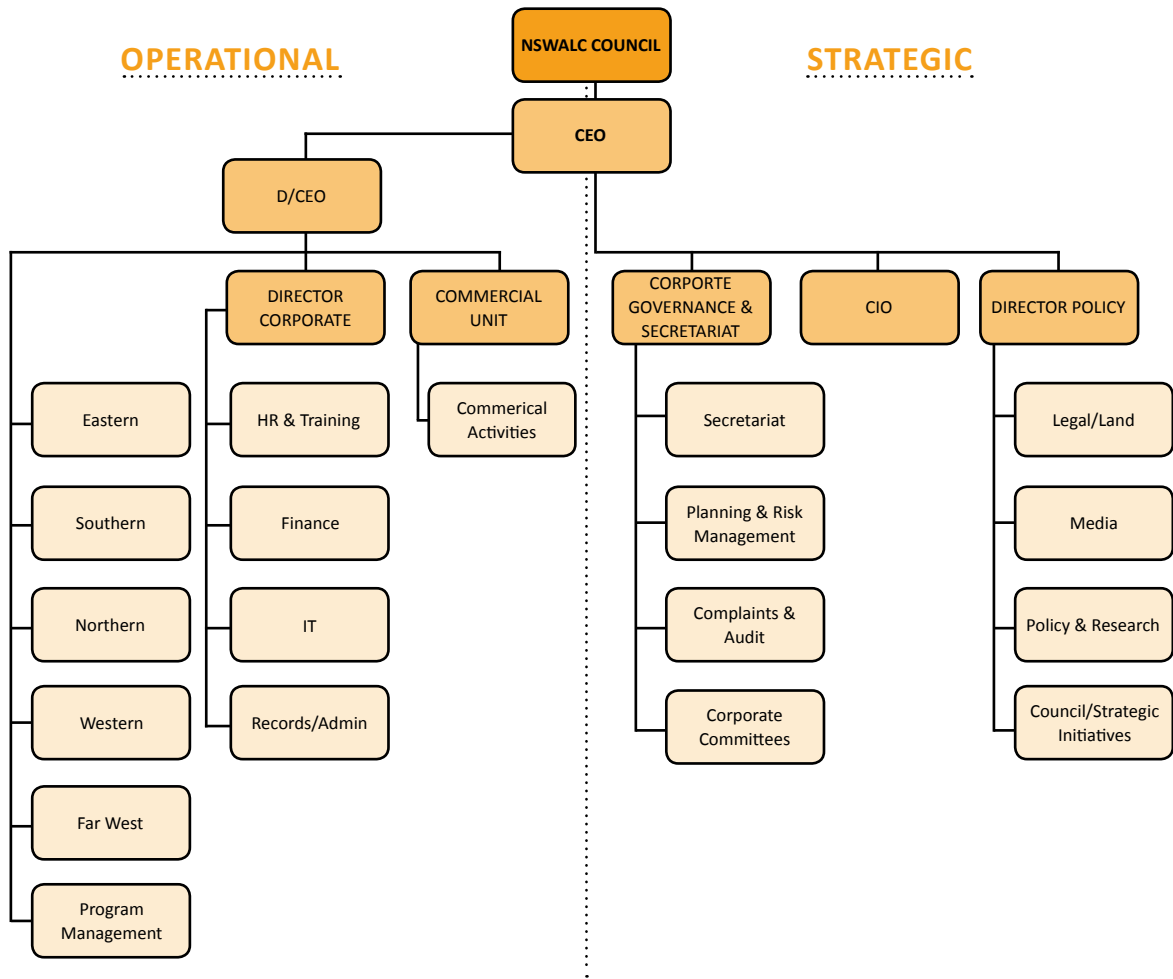
We will do so by demonstrating a professional and unified commitment to working with our communities and stakeholders to develop equitable commercial outcomes and opportunities aimed at addressing past injustices and alleviating the social and economic disadvantage that continue to affect our people.

We aim to ensure:

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

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

Organisation Structure



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

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

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

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

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

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

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

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

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

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

More than 50 per cent of NSWALC staff are Aboriginal.

Executive

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

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

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

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

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

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

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

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

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

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

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

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

In turn he reports to the Chief Executive Officer.

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

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

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

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

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

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

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

STRATEGIC

Legal Services Unit

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

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

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

The Unit's work during the reporting period included:

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

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

Legal Officers, one Legal Officer and one administrative assistant.

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

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

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

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

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

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

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

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

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

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

Land Rights Unit

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

It works to implement the core principle of the ALRA.

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

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

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

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

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

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

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

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

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

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

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

Corporate Governance Unit

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

It provides integral support for NSWALC's governance structure.

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

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

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

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

Secretariat

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

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

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

Complaints

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

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

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

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

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

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

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

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

Corporate Committees

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

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

They are:

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

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

Internal Audit

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

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

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

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

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

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

Staffing

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

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

The Policy and Research Unit

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

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

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

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

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

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

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

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

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

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

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

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

Media and Marketing Unit

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

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

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

The Unit's formal functions and responsibilities include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Investment

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

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

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

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

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

OPERATIONAL



Lesley Turner
Deputy Chief Executive Officer

The Operational Division

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

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

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

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

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

Compliance statistics are outlined later in this report.

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

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

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

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

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

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

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

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

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

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

Corporate Services

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

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

The Unit's have the following functions and responsibilities:

Finance Unit

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

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

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

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

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

The Finance and Accounting Manager is Mr. Fred Roxas.

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

Human Resources

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

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

The Unit's additional key responsibilities include:

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

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

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

Training and Development Unit

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

Its roles include:

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

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

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

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

Information Technology Unit

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

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

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

The unit is responsible for:

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

The Unit also provides recommendations and

support on emerging technologies and industry best practices.

Records and Administration Unit

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

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

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

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

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

The Unit consists of five staff members: Administration and Procurement Manager, Ms. Dianne VanAken, Travel and Administration Officer, Ms. Lesley Smith, Senior Records Officer Mr. John Toth, Archive and Disposal Officer Ms. Pratima Rohan and Receptionist Coral See.

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

The Commercial Unit

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

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

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

The Unit's core functions and responsibilities include:

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

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

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

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

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

Indigenous Money Mentor

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

The role of the IMM is to:

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

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

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

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

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

Program Management Unit

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

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

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

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

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

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

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

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

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

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

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

Compliance and Evaluation

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

They are responsible for:

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

Interventions

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

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

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

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

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

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

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

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

Zone Offices of NSWALC

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

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

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

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

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

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

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

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

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

THE YEAR IN REVIEW

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

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

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

The reporting period was a particularly hectic one for Council.

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

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

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

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

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

These include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Aboriginal Communities Water and Sewerage Program

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

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

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

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

The program commenced on July 1, 2008

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

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

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

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

NEED FOR THE PROGRAM

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

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

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

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

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

Many of these communities are former Government missions and reserves.

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

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

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

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

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

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

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

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

HOW THE PROGRAM OPERATES

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

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

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

WHAT THE PROGRAM PROVIDES

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

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

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

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

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

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

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

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

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

SERVICE AGREEMENTS

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

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

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

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

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

This is standard due diligence.

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

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

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

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

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

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

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

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

MANAGEMENT PLANS

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

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

Management plans had been developed for 55 communities.

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

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

CAPITAL WORKS

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

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

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

TRAINEESHIP PROGRAMME

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

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

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

PROGRAMME EXPENDITURE

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

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

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

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