



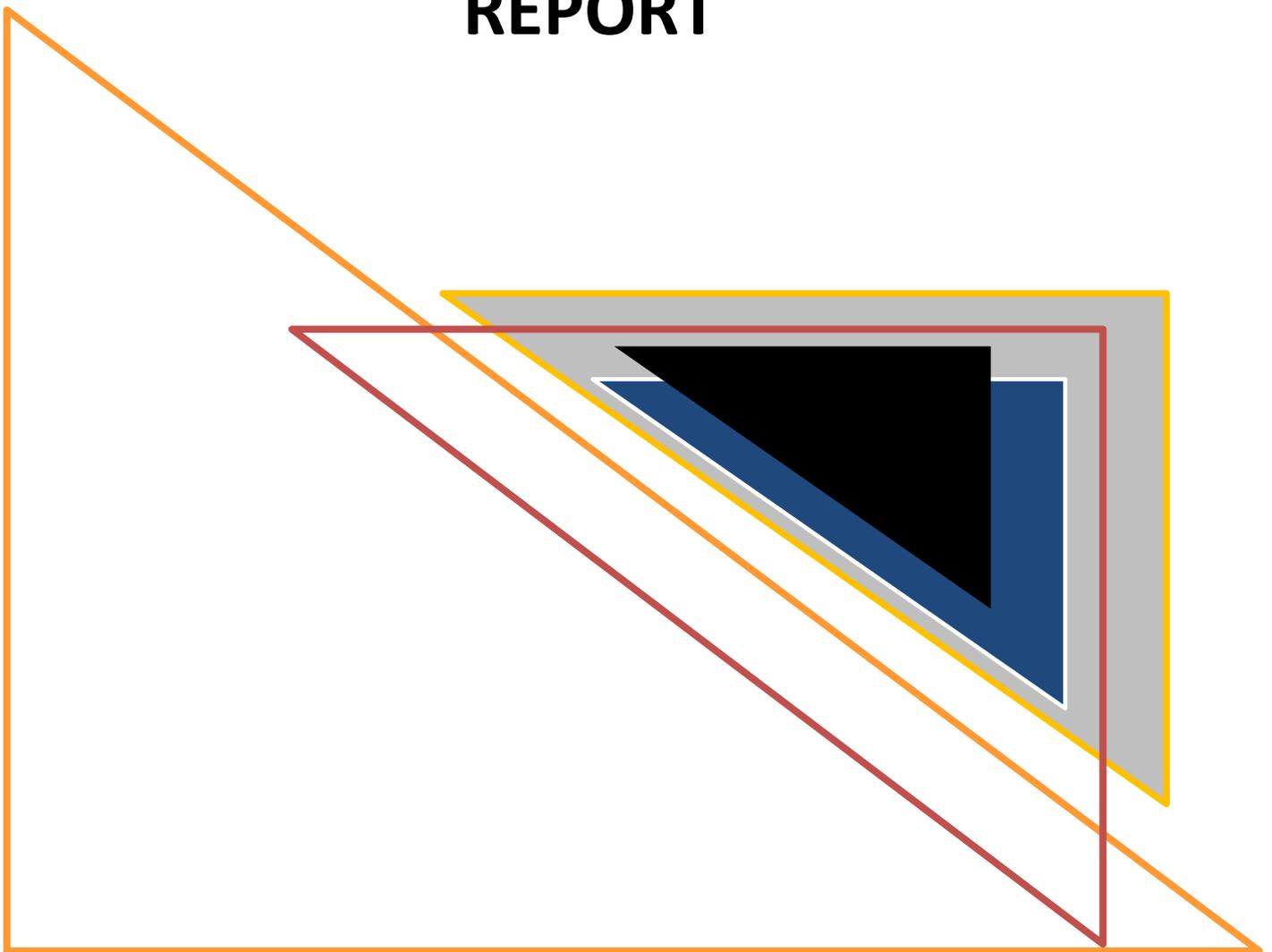
Aboriginal
Affairs



Aboriginal Land Rights Act 1983

STATUTORY REVIEW 2021

REPORT



Dharawal

Njunaliin ngaralanga dharawalwulawala nguradhanhay ngaliya

We respect Aboriginal peoples as the first peoples and custodians of NSW

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MINISTER'S FORWARD

It is with great pleasure I table the five yearly statutory review report on the *Aboriginal Land Rights Act 1983* (ALRA). This report constitutes my report to the NSW Parliament as required under section 252A of the ALRA, setting out the outcomes of my review undertaken in 2021.

In undertaking this review, I carefully considered the observations provided by stakeholders and I am pleased to conclude that the policy objectives of the ALRA remain valid. Likewise, I believe that the terms of the ALRA remain appropriate for securing its policy objectives.

This review has clearly identified that the ability of LALCs to activate, conserve and utilise claimed lands in order to derive greater community benefits must improve. The nature of, and limitations on, the land that is able to be claimed and a history of slow progress in settling claims and transferring claimed lands to LALCs has contributed to a situation where the outcomes of the ALRA have not been maximised for Aboriginal people in NSW. Ways to improve the interaction with, and operation of, other legislative and administrative processes will be considered as part of a comprehensive review of the policy framework in order to fully realise the stated intent of the ALRA.

I extend my sincere gratitude to the ALRA stakeholders that provided written submissions and participated in workshop meetings to inform my consideration of the ALRA and its operation. I especially thank the contribution of the NSWALC and the Registrar of the ALRA for providing their time and contribution in the review process. Special thanks must also be afforded to the LALCs that attended forums to express their views and made submissions for my consideration.

I determined that this review should include a focused examination of the administrative and operational matters of the ALRA. However, I also asked stakeholders to provide me their perspectives on any major policy matters for consideration. This resulted in a range of ideas being identified, including minor correction of anomalies, the streamlining of administrative processes and some substantial and exciting policy thinking for future development. These matters will be addressed in a three-stage process:

- **Stage 1:** A range of administrative and operational changes to better existing structures and provisions to improve the administration of the ALRA and ALCs.
- **Stage 2:** Initiate a consultation on proposals to consider ways for ALCs to undertake land dealings subject to native title as a matter of priority.
- **Stage 3:** To further consider major policy matters and aspirational reform for the ALRA and intersecting legislative frameworks and administrative processes.

All future work, including any proposed amendments to the ALRA, will be undertaken in close collaboration with NSWALC and the Registrar of the ALRA, and in consultation with LALCs and the wider Aboriginal community of NSW.

The Hon. Don Harwin MLC
Minister for Aboriginal Affairs

ABBREVIATIONS

AANSW	means	Aboriginal Affairs NSW
ACH	means	Aboriginal culture and heritage
ALA	means	Aboriginal Land Agreement
ALC	means	Aboriginal Land Councils
ALRA	means	<i>Aboriginal Land Rights Act 1983</i>
ALRR	means	Aboriginal Land Rights Regulation 2020
CATSI	means	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>
CBS	means	Community Benefit Scheme
CLBP	means	Community Land and Business Plan
CLMA	means	<i>Crown Land Management Act 2016</i>
DPC	means	Department of Premier and Cabinet
DPIE	means	Department of Planning, Industry and Environment
ICAC	means	Independent Commission Against Corruption
LALC	means	Local Aboriginal Land Council
LGA	means	<i>Local Government Act 1993</i>
Minister	means	The Minister for Aboriginal Affairs
NCAT	means	NSW Civil and Administrative Tribunal
NTA	means	<i>Native Title Act 1993</i>
NSW	means	New South Wales
NSWALC	means	New South Wales Aboriginal Land Council
ORALRA	means	Office of the Registrar, <i>Aboriginal Land Rights Act 1983</i>
ORIC	means	Office of the Registrar Indigenous Corporations
Registrar	means	Registrar of the <i>Aboriginal Land Rights Act 1983</i>
SLA	means	<i>Subordinate Legislation Act 1989</i>

1. INTRODUCTION

This report constitutes the Minister for Aboriginal Affairs' statutory report to the NSW Parliament, as required under section 252A of the *Aboriginal Land Rights Act 1983* (ALRA), following a statutory review of the ALRA in 2021.

The report provides a sequential narrative of the review as follows:

- Chapter 1 introduces and outlines the contents of this report.
- Chapter 2 outlines the legislative requirements of the ALRA statutory review.
- Chapter 3 outlines the policy objectives and terms of the ALRA.
- Chapter 4 outlines the context informing the 2021 review of the ALRA.
- Chapter 5 outlines the methodology, approach and process undertaken to conduct the review of the ALRA in 2021, including:
 - The terms of reference guiding the review.
 - The NSW Government's collaboration with key stakeholders and the consultation process undertaken.
 - A summary of the submissions received informing the 2021 review.
 - The tabling of the report in the NSW Parliament.
- Chapter 6 provides the findings of the 2021 review, including recommendations for future works and areas for potential amendment of the ALRA.
- Chapter 7 concludes the report.

2. REVIEW REQUIREMENTS

Section 252A of the ALRA requires the Minister for Aboriginal Affairs to review the ALRA every five years to determine whether the policy objectives of the ALRA remain valid, and whether the terms of the ALRA remain appropriate for securing those objectives.

A review of the ALRA was due to commence as soon as possible in 2021. The Minister is required to table a report on the outcomes of the review in each House of the NSW Parliament within 12 months after the end of the five-year period.

3. POLICY OBJECTIVES AND TERMS

The policy objectives of the ALRA, and the objects of LALCs and NSWALC, are respectively captured in sections 3, 51 and 105 of the ALRA.

Section 3 sets out the purposes of the ALRA as follows:

- a) to provide land rights for Aboriginal persons in New South Wales,
- b) to provide for representative Aboriginal Land Councils in New South Wales,
- c) to vest land in those Councils,
- d) 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,
- e) to provide for the provision of community benefit schemes by or on behalf of those Councils.

Section 51 of the ALRA provides that the objects of LALCs are to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council.

Section 105 of the ALRA states that the objects of the NSWALC are:

- a) to improve, protect and foster the best interests of Aboriginal persons within NSW; and
- b) to relieve poverty, sickness, suffering, distress, misfortune, destitution and helplessness of Aboriginal people within NSW.

Importantly, the purpose and objectives of the ALRA are underpinned by the preamble which acknowledges:

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

The 'terms' of the ALRA, amongst other things are construed to mean:

- The form and function of ALCs.
- The regulatory structure of the network of ALCs in NSW and the policy framework within which NSWALC and the Minister oversees the network of LALCs.
- The administrative mechanisms in place to support the operation of the ALRA, such as the consolidated membership roll, Code of Conduct and Model Rules of ALCs, the NSWALC Statutory Fund and the land claim process.

4. CONTEXT

Historical Context

Operating for 38 years, the ALRA is compensatory in nature, recognising that land is of a spiritual, social, cultural and economic importance to Aboriginal people. The ALRA is one of the most progressive Aboriginal land tenure regimes operating in Australia, providing a comprehensive legal framework with the objective to *"improve, protect and foster the best interests of Aboriginal persons within NSW"*.

Since 1983 the ALRA has undergone a number of reviews, most resulting in amendment intended to improve the performance of LALCs and NSWALC, and importantly to benefit the lives and futures of the Aboriginal people of NSW.

The major reviews and amendments to the ALRA and Aboriginal Land Rights Regulation (ALRR) over the past 20 years are briefly summarised below.

Aboriginal Land Rights Act 1983

2001: Registrar's powers and functions

In 2001 a set of amendments were made to the ALRA specifically in relation to the Registrar's power and administrative responsibilities. The changes arose from the findings and recommendations of the 1998 Independent Commission Against Corruption (ICAC) inquiry into ALCs.

The amendments set to strengthen the powers of the Registrar as an 'independent check and balance' in the regulation of the ALRA. The Registrar gained the function to issue compliance

directions and to mediate, conciliate and arbitrate disputes, and the power to investigate complaints about the non-disclosure of pecuniary interests and other breaches of the ALRA.

2006: Governance and structure

Following a ministerial taskforce undertaken in 2004-2005 including extensive state-wide consultation significant amendments were made to the ALRA in 2006. The 2006 amendments commenced operation from 1 July 2007 that strengthened ALC governance, financial management and ways to make for tangible benefits under the ALRA.

The 2006 amendments introduced a clearer separation of the powers and functions of the executive and the administration of ALCs in NSW. Effectively the amendments represented a move from a community-based model of administration (Chairperson, Treasurer and Secretary), toward a more corporate model of governance and operation (Boards and CEOs).

The key changes included:

- The requirements that each LALC have an elected Board and employ a CEO.
- Clearer disqualification provisions for LALC board members, NSWALC councillors and staff.
- Mandatory governance training for all members of LALC boards and NSWALC councillors.
- Community, Land and Business Plans (CLPBs) developed and approved by members.
- Community Benefit Schemes (CBSs).
- Clarified the powers of the Minister in relation to making changes to LALCs, specifically a clear criterion for the dissolution of LALCs.

2010: Land dealings

The 2004-2005 ministerial taskforce also recommended amendments be made to the land dealings provisions of the ALRA, specifically to provide a clearly defined process for LALC land dealing approvals. The focus on land dealings came about from the findings and recommendations of an ICAC inquiry into the now dissolved Koombahtoo LALC and other complex land dealings in the late 1990s and early 2000s by other LALCs. Amendment of the ALRA to provide a comprehensive land dealing regime commenced operation on 31 March 2010. The land dealing provisions of the ALRA have since provided a defined regulatory framework for LALCs in developing and using their land.

The key elements of the ALRA land dealing provisions are:

- Approval for LALC land dealings may be withheld by NSWALC if it considers the proposed dealing is contrary to the interests of the members of the LALC, or to other Aboriginal people in the area of the LALC.
- Approval is required before a LALC can deal with land or enter an agreement to deal with land, and an approval certificate is conclusive evidence of such approval.
- Registration approval certificates are required to register land dealings on land titles under the *Real Property Act 1900*.
- A system of registration prohibition notices to enforce approvals.
- A Community Development Fund created through the payment of a community development levy paid on LALC land dealings and matched with NSWALC payments.
- Land dealing applications may be assessed by an expert advisory panel prior to approval.

2013: Miscellaneous administrative and operational amendments

Led by the Registrar of the ALRA an operational review of the ALRA was undertaken in 2010, covering many parts of the ALRA, from the day-to-day functions of LALCs, to the overarching regulation and compliance of the ALRA by NSWALC and the Registrar. A bill of miscellaneous amendments passed by the Parliament commenced operation on 18 September 2013.

Some of the key improvements that commenced in 2013 included:

- LALC Boards may delegate their functions to CEOs, and for CEOs to delegate functions to other staff members.
- NSWALC gained flexibility and discretion in relation to LALC financial and administrative reporting obligations.
- NSWALC and LALCs were no longer required to notify the Minister for Aboriginal Affairs and the Minister/s administering Crown lands of their land dealings.
- The Registrar may call a meeting of an ALC for the purposes of electing a Board if a Council has no Board, and there is no administrator appointed.
- A casual vacancy of NSWALC includes a vacancy created by a person elected having been found disqualified from holding office at the time of election.

2014: Land agreements, business enterprises, accountability, and housing

Based on extensive research and consultation as part of the Minister's 2012 statutory review of the ALRA, significant reform of the ALRA was made in 2014. Amendments to the ALRA were passed in November 2014 and commenced operation on 1 July 2015. The four major areas of reform were:

- Improvement in the process for the lodgement and resolution of Aboriginal land claims made under the ALRA. This included the landmark provision to allow negotiated settlements as Aboriginal Land Agreements (ALAs).
- Clarification of how LALCs and NSWALC can establish and operate corporate entities, including the transfer of assets to conduct business ventures.
- More efficient regulatory and accountability requirements.
- Stronger LALC housing management.

2017: Capacity and performance improvement

Seeking ways to reduce administrator appointments and build the capacity of the LALC network, amendments were made to the ALRA to enhance its intervention mechanisms in 2017. The amendments refined the options for the appointment of advisors to LALC Boards and introduced the power for NSWALC to issue 'performance improvement orders' to LALCs.

The mechanisms aimed to provide midway intervention to build and strengthen the capacity of the LALC network, rather than the traditional and imposing appointment of investigators or administrators upon Aboriginal communities.

The inclusion of performance improvement orders and the appointment of advisors to LALCs has provided a cost effective and collaborative way to assist LALCs to comply with the regulatory and operational requirements of the ALRA. The mechanisms have reduced the need, number and cost of administrators and investigators to LALCs. The amendments commenced operation from 3 April 2017.

2017: Statutory Review

The last statutory review as required under section 252A of the ALRA was undertaken in 2017. The statutory review confirmed the terms and policy objectives of the ALRA remain valid. Aboriginal community forums were developed and hosted in collaboration with NSWALC. The forums invited representatives from the Aboriginal community of NSW to engage in a facilitated dialogue. The review did not result in amendment of the ALRA. However, the findings outlined in the final report to the NSW Parliament noted the following priority works for attention:

- To make the ALRA regulation less onerous, including addressing areas of duplication.
- Increase participation and membership to facilitate a significant representative Aboriginal jurisdiction in NSW.
- Improve the administrative capacity and financial sustainability of the LALC network.
- Devise proactive and efficient ways to better the interaction and operation of the ALRA with native title laws in NSW.

Aboriginal Land Rights Regulation

The ALRR is a ‘statutory rule’ as defined under the *Subordinate Legislation Act 1989* (SLA). The SLA provides that ‘statutory rules’ are automatically repealed on the fifth anniversary of their making, unless postponed or remade.

Consequential amendments were made to the ALRR in 2002, 2007, 2009 and 2017 in relation to the changes made to the ALRA, as summarised above regarding the Registrar’s powers and functions, corporate governance, land dealings and the performance improvement framework respectively. On occasion minor amendments have been made to the ALRR over the past 20 years.

The bulk of amendments to the ALRR have been administrative in nature, some only minor formatting changes and savings and transitional provisions with respect to timeframes. Additionally, there have been some substantial changes to improve and modernise the electoral process for NSWALC elections, variation of land dealing requirements and specifications regarding appointed administrators and their procurement under the ALRA.

The ALRR was remade in 2014 and 2020 in accordance with the SLA. The current ALRR commenced operation from 1 September 2020.

Present Context

NWALC and LALCs are independent corporations established throughout NSW. The character of LALCs range from large high value land holders in growth areas to others operating as the community hubs in regional and rural locations. The work of this review sought to recognise the diverse nature of LALCs established throughout NSW, focusing on ways to ease administrative and regulatory processes relevant for all LALC business and operations.

An efficient, agile, and capable ALRA network will complement the success of the NSW implementation of the historic 10-year National Agreement on Closing the Gap now in operation in accordance with the NSW jurisdictional plan. ALCs may be direct participants or beneficiaries in the jurisdictional and regional plans to close the gap of disadvantage between Aboriginal and non-Aboriginal Australians ongoing.

In addition to the Closing the Gap agreement, two other pieces of work are presently underway in NSW with high relevance to the operation of the ALRA. These being:

- A performance audit of Aboriginal land claims, being conducted by the NSW Auditor General examining the effectiveness and efficiency of the administration of Aboriginal land claims made under the ALRA; and
- Aboriginal culture and heritage (ACH) reform, to better the protection and administration of ACH in NSW.

These works are being undertaken separately however they are complimentary and will collectively inform better outcomes for Aboriginal people in NSW.

This review notes that the Auditor General's performance audit of Aboriginal land claims is entirely independent, with the final report due to be tabled in the NSW Parliament in 2022. The NSW Government will consider and respond to the findings and any recommendations made by the Auditor General at that time. This review also notes the recently completed evaluation of the *Crown Land Management Act 2016* by the Crown Land Commissioner, in which the recommendations made have been considered in this review of the ALRA.

The NSW Government has committed to providing increased legislative protections for Aboriginal cultural heritage via a co-design process in partnership with key Aboriginal stakeholder groups and in consultation with the Aboriginal community. The ACH reform is also working with its co-design partners to further consider how Aboriginal Land Rights and Native Title regimes can better interact under these reforms. Consequently, ACH matters arising in the review of the ALRA, whether specific to the operation of the ALRA or otherwise, were deemed more fitting for consideration wholistically within the ACH reform process. ACH proposals were duly referred to the ACH team managing those reforms and not progressed as part of the ALRA review.

Importantly, as outlined above the ALRA has been amended multiple times over the past 20 years. This has resulted in some inconsistency within and between certain provisions, confusing language, and some lingering outdated precepts that can make interpretation and application of the ALRA unclear, particularly on the ground in the day-to-day activity of LALCs. Similarly, where there has been reform and modernisation of other statutes, particularly the *Local Government Act 1993* (LGA), the ALRA has not been aligned or updated when changes were made. Therefore, a substantial intent of the ALRA review in 2021 set to focus on the present reading and workings of the ALRA in context with the requirements of other comparable statutes, and more generally alignment with current Aboriginal affairs policy thinking and relationship settings between Aboriginal people and governments in the 21st Century.

The administrative amendments identified in this review will significantly cut red tape, reduce financial costs and ease the day-to-day works of ALCs and the regulators. Importantly, making the ALRA more readable and better understood by all users will have beneficial and long-lasting positive impacts. Improving the accessibility and operation of the land rights system will strengthen and increase engagement across the system which will in turn ensure the continued delivery of the ALRA policy objectives.

5. METHODOLOGY AND REVIEW PROCESS

Approach

Aboriginal Affairs NSW (AANSW) on behalf of the Minister led the review process, with special engagement with NSWALC and the Registrar ALRA as significant regulatory stakeholders.

The timeframe of the ALRA review was brought forward for completion by the end of 2021. The chosen timeline set to achieve an expeditious and efficient statutory review process, with the

tabling of the required report on the review outcomes in the NSW Parliament by end of 2021. The conduct of the ALRA review in 2021 was consciously made, so its work and outcomes would accordingly complement the government's work on Aboriginal cultural heritage reforms and fit with the NSW Auditor General's performance audit of Aboriginal land claims. Care was taken not to overburden key and relevant stakeholders, particularly the Aboriginal community with multiple, overlapping and complex consultation processes.

It was deemed the review of ALRA was the logical first piece of work for completion to better the working of the statute in force, with the performance audit of land claims and ACH reforms as peripheral processes and influences ongoing. The key direction of all three pieces of work will be better known by mid-2022 and opportunities may present to align and combine the findings of each project for integrated implementation.

Terms of Reference

The purpose of the review set to identify matters of relevance to support and better the operation of the ALRA and ALCs in NSW. Specific terms of reference or identified reform proposals were not prescribed. Rather the scope of the review sought to provide a broad exploration of the ALRA in accordance with the intent of section 252A of the ALRA. Specifically, to determine whether the policy objectives of the ALRA remain valid, and whether the terms of the ALRA remain appropriate to secure those objectives. The approach aimed to allow stakeholders the opportunity to reflect on the operation and future of the ALRA widely to bring any matter, whether major reform or minor administrative changes, forward.

Stakeholder Engagement and Consultation

Engagement with targeted stakeholders was undertaken to gain views and ideas to inform the review of the ALRA in 2021. Direct notice to targeted stakeholders was made on 7 May 2021, calling for written submissions by 18 June 2021. The complete stakeholder list is provided in the **Appendix** of this report.

A small working group comprising AANSW in Department of Premier and Cabinet (DPC), NSWALC and the Registrar ALRA was convened from 25 May to 19 August 2021. The group met eight times. Drawing on the expertise of each party, the task of the working group was to raise ideas or areas of concern in the operation of the ALRA and ALRR of note for change, betterment, or repeal for the Minister's consideration. The group worked toward consensus, while being free to hold and maintain differing views and opinions.

Further consultation with LALCs was conducted by NSWALC in regional forums between 12 and 23 July 2021. The forums were held with LALC members from the nine NSWALC regions, undertaken electronically due to restrictions of COVID-19 health orders at the time. The forums presented a number of the ideas for consideration by the working group. The forums were internal and not open to the public or government officer participation. The Registrar and her staff attended all of the forums to provide additional advice as required.

Submissions

A call for written submissions was made on 7 May 2021 to targeted key stakeholders, which included the 120 LALCs of the ALRA network, Aboriginal Owner Boards of Management, native title Prescribed Bodies Corporates and NSW statutory authorities. The submission period ran from 7 May to 18 June 2021. However, all submissions received up to end of September 2021 were considered.

A total of twelve submissions were received as summarised below, noting two stakeholders requested their submissions remain confidential and not made public.

Stakeholder	Type	Summary
NSW Audit Office	Statutory Authority	Draws attention to previous commentary made in audit reports to the NSW Parliament regarding Aboriginal land claims over Crown land, specifically regarding the slow land claim process. Notes the Audit Office is conducting a performance audit on Aboriginal land claims in 2021 to further examine and assess the effectiveness of government processes facilitating and administering Aboriginal land claims.
NSW Ombudsman's Office	Statutory Authority	Offered assistance from the Deputy Ombudsman (Aboriginal Programs) if required.
Tharawal LALC	LALC	Requests for stronger ACH functions in the ALRA and improved land claim and native title processes. Proposes a range of administrative improvements in relation to meeting procedures and requirements, membership and development of Community Land & Business Plans. Requests rate exemptions are widened to benefit LALCs and Aboriginal communities.
Aboriginal Housing Office	Statutory Body	Supports the progress of ACH reforms currently underway in NSW, noting the important intersection of Aboriginal culture with Aboriginal housing aspirations and management. Also suggests ongoing consultation with the Aboriginal housing sector will be beneficial to find ways for LALCs to be agile housing managers in the years to come.
Registrar ALRA	Statutory Office	Focuses on five key areas of the Registrar's functions under the ALRA, proposing changes to provide clarity for users and regulators. Specific proposals relate to LALC membership matters including the proposal to centralise the administration of LALC membership rolls; clearer disqualification provisions for ALC officers and vacancy in office; a clearer conduct and misbehaviour investigation process; clarifying the independence of the Registrar in the operation of the ALRA, including staffing arrangements; and clarifying the registration process for the register of Aboriginal Land Agreements.

ICAC	Statutory Authority	Recommends: cost analysis of any future amendment of the ALRA is undertaken; consideration whether the NSWALC's regulatory and facilitator functions are appropriately balanced; additional funding is provided to support the Registrar to fulfil the functions of the office independently; specific provisions are made to better the calibre of persons in ALC office to prevent corrupt conduct and wrongdoing arising in the ALC network.
Nowra LALC	LALC	Proposes a range of administrative improvements to clarify the withdrawal of land claims, quorum requirements and clearer electoral processes.
NSW Aboriginal Land Rights Association Inc	Community Organisation	Requests a range of amendments to improve meeting procedures including refined quorum requirements dependent on the size of LALCs, use of modern technology to conduct meetings and business, specified access to minutes and calling of meetings. Also requests amendments to improve LALC election processes, membership suspension timeframes and the grounds for disqualification of ALC office. Also requests treaty and agreement making is included in the preamble of the ALRA and suggests the amalgamation of LALCs is considered.
Mr Ash Walker & Mr Chris Ingrey	Individuals	Suggests the ALRA should define the term "cultural area" which will allow for greater interaction between Aboriginal Owners, native title and Aboriginal heritage protections regimes in NSW.

The NSWALC Submission

The NSWALC submission outlines the primacy of the ALRA network as the means for Aboriginal self-determination, realisation of tangible social, cultural, and economic outcomes for Aboriginal people in NSW, and the legal framework for the NSW Government to enable and facilitate the policy objectives of the ALRA through:

- 1) **The acceleration of the return of lands to ALCs held by government**
NSWALC states that the existing land claim process and Aboriginal Land Agreement mechanisms under the ALRA should be better utilised to realise the full potential of land rights. In addition, NSWALC proposes a strategic investment into the ALRA network as the primary land management authority for NSW, and the transfer of all 'public' lands to ALCs, facilitated by a five-year program to build the capacity of ALCs to allow for transfer systems.
- 2) **Supporting the activation of lands to achieve economic, community and cultural outcomes**
NSWALC notes that bettering the NSW planning and land use laws is required to fully recognise the status of the ALRA in NSW.

Specifically, NSWALC recommends:

- Aboriginal economic development and protection of ACH are express objectives of the *Environmental Planning and Assessment Act 1979*.
- The State Environmental Planning Policy (Aboriginal Lands) 2019 is redesigned in partnership with NSWALC and LALCs,
- ALC lands are made exempt from the obligations of the *Biodiversity Conservation Act 2016*.

3) **Removing regulatory burdens**

NSWALC commits to maintaining strong accountability and corporate integrity of ALCs, balanced with enhanced business flexibility and more strategically targeted supports and reduced regulatory burdens. Specifically, NSWALC notes *“simplifying regulatory touchpoints and processes, streamlining compliance requirements, and improving collaboration, will help to create a more efficient regulatory environment, consistent with the goals of empowerment”*.

4) **Empowering the protection and promotion of ACH**

NSWALC reiterates the “promise” that ACH management by Aboriginal people was an intended element of the ALRA when made in 1983. Specifically, NSWALC promotes its model to reform ACH management in NSW asserting it *“enhances ACH protection, empowers Aboriginal people, builds on the land rights infrastructure and respects native title”*.

5) **Increasing investment into the ALRA network**

NSWALC asserts re-instating the financial compensatory mechanism of the ALRA is required, via an ongoing annual percentage of commercial land tax, coupled with a lump sum investment to fulfill the needs for immediate purposes and to ensure the sustainability of the ALRA for future generations. NSWALC specifically notes, *“the NSW land mass has been valued at \$1.8T and the Crown land estate at over \$12B. This reinforces that the amount provided to the Aboriginal Land rights network to date as compensation is grossly inadequate”*.

Analysis

The ALRA statutory review began with a line-by-line review and analysis of the provisions of the ALRA by the working group members, seeking to find areas to better the operation of the ALRA and administration of ALCs in NSW. Consequential or appropriate consideration of the ALRR was also undertaken. Working in good faith all matters were ‘on the table’, in line with the general intent of the 2021 ALRA review to provide a broad consideration of the policy objectives and terms of the ALRA. All ideas and proposals, content of stakeholder submissions and other government policies and priorities of relevance were presented for consideration. The final determination of any potential changes to the ALRA resided with the Minister.

The review and analysis of the ALRA in 2021 was also informed by:

- Known and ongoing operational issues and/or matters that consume large amounts of time and resources of the ALRA regulators (mostly via complaints received from LALC members and other persons).
- Key and/or outstanding findings from the 2017 statutory review.
- Content of submissions received, including the formal submission made by NSWALC as the principal stakeholder.
- Outcomes and findings of the LALC forums conducted in July 2021.

- Feedback and advice from relevant government agencies.

Tabling the Report

In accordance with section 252A of the ALRA, the Minister tabled this report in both houses of the Parliament in November 2021.

6. FINDINGS

Overview

The review found that the policy objectives of the ALRA remain valid and the terms of the ALRA remain functional and appropriate for securing its policy objectives. Nonetheless, the views of stakeholders made in forums and submissions, also confirmed that improvements can be made to better the operation and deliver the intended purposes of the ALRA fulsomely.

The character of LALCs is diverse, ranging in size and capacity from large organisations with high value land holdings and comprehensive development options, through to smaller community-based organisations located in regional and rural settings. As independent body corporates, LALCs devise their goals and aspirations in member approved Community, Land and Business Plans. The review specifically sought to recognise the diverse nature of LALCs established throughout NSW, focusing on ways to ease administrative and regulatory processes relevant to all ALC business and operations, and where applicable the processes and remit of government agencies and regulators.

The review of the ALRA in 2021 resulted in:

- A range of perfunctory proposals, mostly rectifying anomalies consequent of previous amendments to the ALRA or administrative orders and updating references to other statutes in the ALRA and ALRR.
- A range of administrative proposals, generally providing for operational improvements to the ALRA to better the day-to-day operations and administrative processes of LALCs and the regulators, including savings in time, resources and in some cases to remove duplication. The administrative proposals are minor in nature, correcting inconsistencies or to clarify wording within or across certain provisions, and where required update processes to reflect other statutory frameworks. Of note, the administrative changes proposed will greatly assist the readability and logical understanding of the ALRA by all users, but specifically for LALCs and their members.
- Some major policy thinking and potential transformational reform of the ALRA. The proposals categorised as major policy present significant themes and/or policy matters for aspirational change for the future of the ALRA. The opportunity to consider any major policy matters was always an aim of the ALRA review in 2021, with major policy ideas welcomed from all stakeholders. Within the time bounds of review, the major policy matters were not explored in depth, but are recommended for future consideration and development and work ongoing.

It is important to acknowledge that some of the issues arising in the review of the ALRA in 2021 were akin to the key areas noted for improvement following the statutory review in 2017. Matters flowing from the 2017 review of the ALRA are:

- Ways to make for less onerous regulation in the ALRA, particularly to ease and support the day-to-day administration of LALCs.

- Clearer membership and meeting processes, including clarified misconduct and disqualification procedures for LALC officers and NSWALC councillors.
- Ways to improve the interaction of the ALRA and native title interests to provide fair and respectful outcomes for all parties involved.

These matters held special attention in the review of the ALRA in 2021.

The line-by-line review of the ALRA specifically sought to locate unnecessary regulation and imposts upon ALCs in comparison with the provisions and requirements expected of local governments in NSW and Aboriginal corporations registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

A comprehensive review of the administration of membership provisions and the workings of the complaints handling provisions and processes of the ALRA were specifically undertaken with care and detailed focus. As a result, it is proposed the management of LALC membership rolls is centralised with the Registrar ALRA, and Part 10 of the ALRA and relevant disqualification and investigation processes are comprehensively reordered and rewritten to make the complaint handling process under the ALRA easier to follow and understand by multiple users.

The interaction between native title and the ALRA was marked as a key area for future work in the findings of the 2017 statutory review of the ALRA. Native title is a complex legal process and shared responsibility for the government and Aboriginal communities. From 2018 relevant stakeholders have been meeting to formulate ways to make the ALRA and native title provisions work better, including ways for ALCs to undertake land dealings without impairing native title.

Recommendations

The outcomes of the 2021 review of the ALRA identify immediate and long-term work that will involve a three-stage process in the coming years, as follows:

- **Stage 1:** Initiate a draft amendment bill of the ALRA for public exposure, specifically to make administrative and operational changes to better existing structures and provisions to improve the administration of the ALRA and ALCs.
- **Stage 2:** Initiate a comprehensive consultation on proposals to consider ways for ALCs to undertake land dealings subject to native title as a matter of priority.
- **Stage 3:** Convene roundtables with key ALRA stakeholders to consider major policy matters and aspirational reform for both the ALRA and intersecting legislative frameworks and government administrative processes.

The issues uncovered in the 2021 review of the ALRA and the resolution of them as part of Stage 1 of the recommendations set to strengthen and build the capacity of the ALRA in the here and now, by improving the administrative operations that underpin many day-to-day activities critical to support and sustain ALCs, regulators and other users of the ALRA. This is fundamental to all ALC business, regulation and aspiration. Easing the day-to-day work of the ALCs allows them to gain and have greater capacity to facilitate their functions and existing mechanisms under the ALRA, interaction with other statutes and place within the NSW polity and economy.

The work done following the 2017 review, to consider interaction between native title and the ALRA, as discussed above, forms the recommendation for Stage 2. These models are now ready for public consultation, which this review recommends is undertaken for completion as matter of priority.

The aims and basis of the 2021 review of the ALRA also intended to consider and highlight larger policy reform opportunities as potential future projects. These have been identified and are now

noted for future consideration, commitment and development as Stage 3 of the recommendations. This work is to be undertaken with the key stakeholders and relevant government agencies to see the operation of the ALRA grow stronger and improving the outcomes for Aboriginal people in NSW.

The preliminary ideas identified in the 2021 review process considered as Stage 3 major policy matters may be grouped by the following five key themes:

- **Aboriginal Culture and Heritage** - Stronger and recognised ACH functions in the ALRA, that may be incorporated in the ACH reforms underway or made specifically in relation to the functions of ALCs under the existing ACH provisions of the ALRA.
- **Strategic Land Use** – Integration of the ALRA and ALCs into the NSW strategic planning system and processes to provide for better land use opportunities and long-term economic benefits.
- **Compensation** – Stronger focus and commitment on the compensatory basis and purpose of the ALRA, specifically the return of Crown land to ALCs in fair and timely ways and consideration of ongoing financial compensation contributions to sustain the ALRA in perpetuity.
- **Compliance and Regulation** – Streamlining compliance and regulatory roles and responsibilities, including clearer separation of powers between the Registrar ALRA, NSWALC and other regulators of ALCs.
- **Social Housing** – Structural or policy setting changes to support housing construction or other home ownership opportunities for Aboriginal people in NSW on ALC owned land.

The major policy matters are recommended to be developed further. These major policy matters may be undertaken as individual projects, however when viewed collectively, a clear opportunity exists for government to undertake a comprehensive reform with intersecting legislative and administrative frameworks to maximise the full realisation of the ALRA. Pertinently, the above listed major policy matters align with the content and long-term recommendations made by the NSWALC in its submission to the 2021 ALRA review.

Principles: Consistency, Efficiency and Empowerment

The perfunctory, administrative and major policy proposals of this review were all considered through the lens of three guiding principles: consistency, efficiency and empowerment. These principles represent the way to view the intended outcomes of the review and the proposals to better the operation of the ALRA in the day-to-day administration of ALCs in NSW.

Consistency – the guiding principle of ‘consistency’ specifically sought to consider whether the provisions and standards set in the ALRA and required of ALCs are comparable and/or do not exceed those of other regulatory regimes, particularly in contrast to the operation of NSW local governments in accordance with the LGA and Aboriginal corporations registered under the CATSI Act. By way of example, LALCs and NSWALC are required to review their delegations on a yearly basis, whereas local governments are required to do the same thing only after fresh elections every four years. While this example may seem trivial, the requirement nonetheless adds additional work and compliance each year not required of local government. In addition, care was taken to review provisions in the ALRA to correct or clarify any inconsistent use of language and terms to make the reading and interpretation of the ALRA clearer for all users.

Efficiency – the guiding principle of ‘efficiency’ sought to interrogate the provisions of the ALRA to identify whether any were creating barriers, duplication or unnecessary requirements, with the aim

to better regulation and cut red tape to ease administration, particularly the day-to-day activities of all users of the ALRA. By way of example, the function for the Registrar ALRA to keep a register of Aboriginal Land Agreements (ALAs) was made in 2014. ALAs are agreements between LALCs as independent body corporates with the relevant minister administering the *Crown Land Management Act 2016*. In practice, the register of ALAs serves no material purpose and creates unclear and unnecessary administration, and therefore the repeal of the provision is proposed.

Empowerment – the guiding principle of ‘empowerment’ sought to consider the provisions of the ALRA to reflect the relationship between government and ALCs in the 21st Century. By way of example, ministerial approvals of NSWALC policies and annual budget are considered to be outdated in 2021. As an independent, self-determining statutory body, NSWALC does not need governmental oversight and approval of its internal administration. Additionally, the approval process is perfunctory, involving a number of NSWALC and government officers in the process unnecessarily taking up time and resources of both.

Stage 1 – Proposed amendments

Guided by the above listed principles, as the way to identify where and how improvement of the ALRA may be made, and as the intended outcomes to better the operation of the ALRA, the following parts and purposes of the ALRA are proposed for amendment in the Stage 1 response to this review. These may form the basis of the proposed draft amendment bill of the ALRA for public exposure, including further consideration and exploration of any differing views held by stakeholders.

Land claims

As an intrinsic right the ALRA enables ALCs to claim Crown land owned by the state of NSW, which when granted the land is transferred in freehold title. More efficient and faster land claims processing, including the removal of any existing barriers is an ongoing issue for ALCs and calls for improvement were reiterated in the 2021 review.

To facilitate the return of land to ALCs and/or to better the land claim processes, the 2021 review identified some potential amendments of the ALRA that may include:

1. Removal of current barriers for ALCs to access land for residential development, as one ground Crown land may not be claimable.
2. Repeal the provisions giving the Registrar a discretion to refuse claims without referral to the Crown Lands Minister where the claimed land is not vested in Her Majesty.
3. Repeal of the keeping of a register of ALAs by the Registrar ALRA and the provisions giving the Registrar a discretion to refuse land claims made contrary to ALAs.
4. Compel relevant Crown landowners and managers to disclose known contamination on Crown lands subject to Aboriginal land claims.
5. Where land has been successfully claimed, clarify the assessment and/or administrative processes for the finalisation of any other made claims over the same land.

Membership

LALC membership is paramount to the working of the ALRA. Accordingly, the integrity of membership rolls is essential. Currently, there are significant administrative hurdles and issues involved in maintaining LALC membership rolls and their integrity. These include the difficulties that result from the separate functions of LALC CEOs (who have responsibility to keep LALC rolls) and the Registrar (who is required to keep the consolidated membership roll and track of the

voting status of people who are members of multiple LALCs). A number of issues can be overcome by LALC membership rolls being kept centrally by the Registrar ALRA.

Proposed amendment of the ALRA to improve membership processes and the management of membership rolls may include:

1. Centralisation of membership roll administration with the Registrar. Noting all membership decisions will be still be made by the voting members of LALCs and their CEOs will have ready access to their membership roll. The Registrar will undertake maintenance and administration of rolls on a day-to-day basis only.
2. Update of member details on membership rolls is provided by LALC CEOs to the Registrar using a standardised form, online or by other flexible technological methods.
3. Clarify LALC member voting rights is determined by what is recorded on the consolidated LALC membership roll kept by the Registrar, to provide certainty at any point in time of all member voting rights in each LALC.
4. Allow NSWALC to have access to the consolidated roll as required for the performance of its functions.
5. Allow LALC members to have access to LALC membership records consistent with privacy principles.
6. Make other changes as necessary to ensure rules about applying for membership and keeping membership rolls are clear and are internally consistent.
7. Specify NSWALC is able to provide policy advice to LALCs about membership matters.

Land dealings and community benefits

The return of land and community benefit schemes provide the tangible benefits to ALC members. The way for LALCs to undertake land dealings to use their lands and to provide community benefits schemes are clearly set out in the ALRA and these provisions broadly work well. Nonetheless some improvements were identified in the 2021 review of the ALRA and are proposed for adjustment to streamline and clarify some land dealing and community benefit provisions, which may include:

1. Clarification of the requirements for land purchased by LALCs, specifically regarding the restriction of purchases at an agreed threshold above market value.
2. Repeal 'development application' as a land dealing while maintaining appropriate regulatory oversight of developments valued above \$500,000.
3. Allowing NSWALC to refund the Community Development Levy paid by a LALC on a contract or agreement subsequently terminated or rescinded.
4. Clarifying NSWALC's power to amend or revoke land dealing approvals (while considering any consequences on approval certificates).
5. Clarifying the powers of NSWALC and LALCs in relation to land dealing approval agreements.
6. Clarifying the definition of 'community benefits' and 'community benefits scheme' to reflect the policy intent of schemes and services as 'subsidised'.
7. Simplifying the process for approval of the NSWALC Community, Land & Business Plans.
8. Ensuring alignment between the objects of LALCs and of NSWALC while clearly conveying the charitable/publicly beneficial objectives of the institutions.
9. Including "waters" in the preamble of the ALRA, to recognise Aboriginal connection to Country.

Misconduct and complaints handling

The ALC network and its operation is based on the participation of large cohorts of people - mostly volunteers - and their interaction with each other via formal and informal meetings and with external parties including property developers, housing providers and wider local communities. Misconduct and behavioural issues do arise in the operation of the ALRA, some resulting in formal complaints and investigations, largely the remit of the Registrar ALRA or NSWALC to address by certain prescribed processes. ALCs are also subject to ICAC and NSW Ombudsman investigation and inquiries as required.

Clear understanding of the expected conduct and responsibility of ALC officers and members is critical to both the operation of and the underlying confidence in the ALRA. However, the conduct, disclosure and disciplinary provisions can be confusing to read and do not support timely and effective action in relation to misconduct.

The 2021 review of the ALRA prioritised a comprehensive look at the workings of Part 10 of the ALRA. The ICAC submission also outlined some specific issues and proposed amendments to strengthen the governance of LALCs and to prevent corruption and wrongdoing. The 2021 review of the ALRA found a re-write and/or reorder of Part 10 and related provisions of the ALRA would be beneficial to make the complaint handling and conduct expectations clearer, fairer and more effective for all users. The aim of a re-write of Part 10 of the ALRA and interrelated provisions sets to ensure the conduct and complaint handling processes under the ALRA provides:

1. Clarity that the provisions of the ALRA relating to complaints of misconduct and investigations, apply to all sitting and former officers and staff of ALCs, to ensure all wrongdoing in the ALRA is addressed accordingly.
2. Provides the Registrar with an express power to suspend an officer on an interim basis when investigating a complaint regarding serious misconduct, bound by a specified timeframe for the Registrar to deal with the matter.
3. LALC Board members and councillors are required to disclose in a manner consistent with local and state government elected officials whether they have had findings of corrupt conduct made against them under the ICAC Act, or serious misconduct under the ALRA, or any prior criminal convictions and/or imposition of pecuniary penalties
4. Specificity a duty upon LALC Board members and NSWALC councillors to act in the best interest of their membership.
5. Clarifies dismissal provisions in the Codes of Conduct to ensure they operate effectively in relation to serious breaches.
6. Clarification of formal censure motions for misconduct, with the intent that motions made properly by a clear and fair process for all relevant parties.
7. Clarification of misconduct (including breach of the disclosure provisions) can be dealt with quickly and efficiently by the Registrar, without need for referral to NCAT.
8. The Registrar is able to deal with misconduct and compliance with investigation powers similar to those available to other regulatory agencies (ICAC and Ombudsman). Ensuring that the same complaints and investigative processes and powers can be used for both complaints about misconduct and non-compliance matters.
9. Clarifies that the Registrar is an *investigating authority* for the purposes of the *Public Interest Disclosures Act 1994* to whom protected disclosures may be made.

Representation, jurisdiction and elections

The ALRA provides the Aboriginal people of NSW with a democratically representative jurisdiction in NSW, via community decision making in the 120 LALCs constituted across NSW as

independent corporate bodies and NSWALC the independent statutory authority all elected every four years. Proposed amendments of the ALRA to reflect and improve NSWALC and LALC standing as the prominent Aboriginal representation and jurisdiction in NSW may include:

1. Clarification that NSWALC has the role to provide policy advice to the Minister for Aboriginal Affairs on any matter relating to Aboriginal rights and interests, not limited to “land rights” alone.
2. Repeal ministerial approval of NSWALC budget and policies.
3. Provide for NSWALC to work directly with the Electoral Commissioner or other service provider to determine the date of the NSWALC election, as aligned with local governments under the LGA.
4. Provide for NSWALC elections to be conducted by the NSW Electoral Commission or an electoral service provider, mirroring options available to local government or Local Land Services, inclusive of modernised and cost-effective voting methods and options.
5. Extend the leave of absence to include LALC employees if they choose to stand for election in NSWALC elections.
6. Clarify that LALC Boards elected at the end of administrator appointments fill vacancies until the next cycle of Board elections of the entire LALC network held on a four-yearly basis.
7. Allow NSWALC councillors to engage in other paid employment opportunities, specifying any additional employment must not interfere with their full-time duties as councillors and requires formal consent by NSWALC.
8. Allow for LALC members to provide approval for LALC Board members to undertake paid Aboriginal cultural heritage employment or activities related to the LALC where they are an elected officer, so not to disqualify a person from holding office as a Board member on that ground.
9. Clarification that governance training requirements for Board members are up-to-date and across current versions of the ALRA and ALRR, limiting any exemption of training so Board members fully understand their current obligations and workings of the ALRA on election.
10. Align disqualification from ALC office on the grounds of previous criminal convictions with those for local government councillors under the LGA. Currently persons cannot be a LALC officer or NSWALC councillor if they have been convicted of any offence that carries a penalty of 12 months imprisonment or more, whereas it is for five years or more for local government councillors and officers.
11. Clarify that LALCs may determine Board members allowances, aligned with the CATSI Act.
12. Clarify the operation of the provisions of the ALRA relating to disqualification, discretions of the Registrar and vacation of office.
13. Clarify the disqualification provisions relating to persons in office as Board members leading to an administrator being appointed, so disqualification is not limited to “immediately” before an appointment is made, and the disqualification applies across the entire LALC network and not limited to the LALC where an appointment has been made. The disqualification provision should also apply to the eligibility for employment as LALC CEOs.
14. Include disqualification of persons in holding office in ALCs when they have failed in the management of corporations under the CATSI Act.
15. Allow persons elected to office in one LALC to be employed in another LALC where they are not an officer to widen the capacity and participation in the LALC network.
16. Broaden NSWALC exemptions or extensions for all LALCs when preparing their Community Land and Business Plans instead of those with “limited operations”.

17. Allow NSWALC the discretion to elect when and how (if at all) it may disclose its land interests, rather than the current requirement for NSWALC to list all lands and encumbrances in its Community Land and Business Plan.
18. Require that the person holding the position of NSWALC CEO must be an Aboriginal person.

General administration

The detailed line-by-line review of the ALRA revealed a number of general administrative matters for rectification or improvement, including the correction of some existing anomalies, updating administrative processes to reflect modern technology and methods, and new definitions or legislative notes to clarify the workings of certain provisions.

General administrative improvements for potential amendment may include:

1. ALC delegations reviewed and changed to after their election every four years, aligned with requirements for local government under the LGA, rather than on an annual basis.
2. Removal of the prescriptive requirements for advertising LALC and NSWALC CEO vacancies, mirroring the provisions of the LGA and to include clarity on the use of electronic and social media formats to advertise vacancies.
3. Allowing ALCs to conduct business by telephone, closed circuit television or other contemporary technological means, including the calling and holding of formal meetings.
4. Clarify the powers of Board members to execute documents on behalf of the LALC.
5. Broaden the assessment of the NSWALC financial position to capture the net assets of NSWALC as determined by the relevant accounting standards.
6. Review the ALRA and ALRR to identify all references to the terms “account” or “accounts” to provide clear notes or definitions of the specific meaning in various provisions.
7. Make the appointment of a special auditor to LALCs by NSWALC discretionary to reduce any undue cost.
8. Clarify certain inconsistent terms and obligations regarding the Registrar’s administration of the register of Aboriginal Owners.
9. Specify the Minister must table a report in writing stating the reasons for his or her appointment of an administrator to NSWALC as soon as practicable, to mirror the requirement for the appointment of investigators to NSWALC under the ALRA
10. Make for appointed administrators to LALCs to provide their monthly reports to the Registrar ALRA along with those parties that currently receive administrator reports.
11. Remove NSWALC from the *Government Sector Finance Act 2018* and insert the financial obligations required of NSWALC into the ALRA.
12. Repeal ministerial approval for the amendment or replacement of the list of administrators, which is made, paid and maintained by NSWALC.
13. A comprehensive review of the ALRA and ALRR is undertaken to ensure referral to other statutes are current and any anomalies are rectified.
14. Clarify certain administrative arrangements for the Office of the Registrar.

7. CONCLUSION

This report constitutes the Minister’s report to the NSW Parliament, as required under section 252A of the ALRA. Specifically, the ALRA requires the Minister to table a report with outcomes following a review of the ALRA in both houses of the Parliament.

The review process undertaken in 2021 confirms the policy objectives of the ALRA remain valid. Concurrently, the review has confirmed that the terms of the ALRA remain functional and appropriate for securing its policy objectives, through the successful operation of a network of independent ALCs, empowered with considerable land holdings and assets providing for broad based Aboriginal representation, polity and authority throughout NSW.

APPENDIX

Targeted stakeholder list

Auditor General
Aboriginal Housing Office
NSW Aboriginal Land Council
NTSCORP (Native Title Services Corporation)
Greater Sydney Commission
Independent Commission Against Corruption
NSW Ombudsman
Deputy Ombudsman (Aboriginal Programs)
Office of Local Government
Registrar, Aboriginal Land Rights Act 1983
NSW Electoral Commission
Bandjalang Aboriginal Corporation Prescribed Body Corporate
Barkandji Native Title Group Aboriginal Corporation (RNTBC)
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
Dunghutti Elders Council (Aboriginal Corporation) RNTBC
Githabul Nation Aboriginal Corporation RNTBC
Gumbaynggirr Wenonah Head Aboriginal Corporation
Ngullingah Jugun (Our Country) Aboriginal Corporation RNTBC
Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC
Yaegl Traditional Owners Aboriginal Corporation RNTBC
Biamanga National Park Board of Management
Gulaga National Park Board of Management
Gaagal Wanggaan (South Beach) National Park Board of Management
Mutawintji National Park Board of Management
Mount Grenfell Historic Site Board of Management
Worimi Conservation Lands Board of Management
Mount Yarrowyck Board of Management
Albury & District Local Aboriginal Land Council
Amaroo Local Aboriginal Land Council
Anaiwan Local Aboriginal Land Council
Armidale Local Aboriginal Land Council
Ashford Local Aboriginal Land Council
Awabakal Local Aboriginal Land Council
Bahtabah Local Aboriginal Land Council
Balranald Local Aboriginal Land Council
Baradine Local Aboriginal Land Council
Baryulgil Square Local Aboriginal Land Council
Batemans Bay Local Aboriginal Land Council
Bathurst Local Aboriginal Land Council
Bega Local Aboriginal Land Council
Biraban Local Aboriginal Land Council
Birpai Local Aboriginal Land Council
Birrigan Gargle Local Aboriginal Land Council
Bodalla Local Aboriginal Land Council
Bogal Local Aboriginal Land Council
Bowraville Local Aboriginal Land Council

Brewarrina Local Aboriginal Land Council
Broken Hill Local Aboriginal Land Council
Brungle - Tumut Local Aboriginal Land Council
Bunyah Local Aboriginal Land Council
Casino-Boolangle Local Aboriginal Land Council
Cobar Local Aboriginal Land Council
Cobowra Local Aboriginal Land Council
Coffs Harbour Local Aboriginal Land Council
Collarenebri Local Aboriginal Land Council
Condobolin Local Aboriginal Land Council
Coonabarabran Local Aboriginal Land Council
Coonamble Local Aboriginal Land Council
Cowra Local Aboriginal Land Council
Cummeragunja Local Aboriginal Land Council
Dareton Local Aboriginal Land Council
Darkinjung Local Aboriginal Land Council
Deerubbin Local Aboriginal Land Council
Deniliquin Local Aboriginal Land Council
Dorrigo Plateau Local Aboriginal Land Council
Dubbo Local Aboriginal Land Council
Eden Local Aboriginal Land Council
Forster Local Aboriginal Land Council
Gandangara Local Aboriginal Land Council
Gilgandra Local Aboriginal Land Council
Glen Innes Local Aboriginal Land Council
Goodooga Local Aboriginal Land Council
Grafton Ngerrie Local Aboriginal Land Council
Griffith Local Aboriginal Land Council
Gugin Gudduba Local Aboriginal Land Council
Guyra Local Aboriginal Land Council
Hay Local Aboriginal Land Council
Illawarra Local Aboriginal Land Council
Ivanhoe Local Aboriginal Land Council
Jali Local Aboriginal Land Council
Jana Ngalee Local Aboriginal Land Council
Jerrinja Local Aboriginal Land Council
Jubullum Local Aboriginal Land Council
Karuah Local Aboriginal Land Council
Kempsey Local Aboriginal Land Council
La Perouse Local Aboriginal Land Council
Leeton & District Local Aboriginal Land Council
Lightning Ridge Local Aboriginal Land Council
Menindee Local Aboriginal Land Council
Merrimans Local Aboriginal Land Council
Metropolitan Local Aboriginal Land Council
Mindaribba Local Aboriginal Land Council
Moama Local Aboriginal Land Council
Mogo Local Aboriginal Land Council
Moombahlene Local Aboriginal Land Council
Moree Local Aboriginal Land Council

Mudgee Local Aboriginal Land Council
Muli Muli Local Aboriginal Land Council
Mungindi Local Aboriginal Land Council
Murrawari Local Aboriginal Land Council
Murrin Bridge Local Aboriginal Land Council
Mutawintji Local Aboriginal Land Council
Nambucca Heads Local Aboriginal Land Council
Narrabri Local Aboriginal Land Council
Narrandera Local Aboriginal Land Council
Narromine Local Aboriginal Land Council
Ngambri Local Aboriginal Land Council
Ngulingah Local Aboriginal Land Council
Nowra Local Aboriginal Land Council
Nulla Nulla Local Aboriginal Land Council
Nungaroo Local Aboriginal Land Council
Nyngan Local Aboriginal Land Council
Onerwal Local Aboriginal Land Council
Orange Local Aboriginal Land Council
Peak Hill Local Aboriginal Land Council
Pejar Local Aboriginal Land Council
Pilliga Local Aboriginal Land Council
Purfleet/Taree Local Aboriginal Land Council
Red Chief Local Aboriginal Land Council
Stuart Island Local Aboriginal Land Council
Tamworth Local Aboriginal Land Council
Tharawal Local Aboriginal Land Council
Thungutti Local Aboriginal Land Council
Tibooburra Local Aboriginal Land Council
Toomelah Local Aboriginal Land Council
Trangie Local Aboriginal Land Council
Tweed/Byron Local Aboriginal Land Council
Ulladulla Local Aboriginal Land Council
Unkya Local Aboriginal Land Council
Wagga Wagga Local Aboriginal Land Council
Wagonga Local Aboriginal Land Council
Walgett Local Aboriginal Land Council
Walhallow Local Aboriginal Land Council
Wamba Wamba Local Aboriginal Land Council
Wanaruah Local Aboriginal Land Council
Wannarring Local Aboriginal Land Council
Warren Macquarie Local Aboriginal Land Council
Wee Waa Local Aboriginal Land Council
Weilmoringle Local Aboriginal Land Council
Weilwan Local Aboriginal Land Council
Wellington Local Aboriginal Land Council
West Wyalong Local Aboriginal Land Council
Wilcannia Local Aboriginal Land Council
Winbar Local Aboriginal Land Council
Worimi Local Aboriginal Land Council
Yaegl Local Aboriginal Land Council

