

OFFICE OF THE REGISTRAR 2018–2021 STRATEGIC PLAN

ABORIGINAL LAND RIGHTS ACT 1983

This plan sets out the strategic direction of the ORALRA over the next three years and outlines our values, mission, key objectives and strategies.



OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

MESSAGE FROM THE REGISTRAR, ABORIGINAL LAND RIGHTS ACT 1983

The Registrar of the *Aboriginal Land Rights Act 1983* ('ALRA') is an independent statutory office holder appointed by the Governor.

Over the years the role of the Registrar has expanded. The functions of the Registrar are set out in section 165 of the ALRA and include:

1. Maintaining the Registers of Aboriginal Land Claims and Aboriginal Owners;
2. Maintaining the consolidated membership roll for all Local Aboriginal Land Councils;
3. Providing support to Local Aboriginal Land Councils to ensure compliance with the ALRA;
4. Mediation, conciliation or arbitration of disputes relating to the ALRA;
5. Investigating complaints relating to allegations of misconduct by Councillors, Board members, Chief Executive Officers and staff of land councils;
6. Providing recommendations and advice to the Minister for Aboriginal Affairs;
7. Other functions provided under the ALRA.

The Office of the Registrar, ALRA ('**ORALRA**') is staffed with a small, but dedicated team which service 120 Local Aboriginal Land Councils across NSW.

The ORALRA is funded on an annual basis through Aboriginal Affairs New South Wales ('AANSW').

This plan sets out the strategic direction of the ORALRA over the next three years. The plan outlines our values, mission, key objectives and strategies to meet our statutory functions under the ALRA.

The purposes of the ALRA are:

1. To provide land rights for Aboriginal persons in New South Wales,
2. To provide for representative Aboriginal Land Councils in New South Wales,
3. To vest land in those Councils,
4. 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, and
5. To provide for the provision of community benefit schemes by or on behalf of those Councils.

My team and I are honoured to work with Local Aboriginal Land Councils ('LALCs'), the New South Wales Aboriginal Land Council ('NSWALC') and the NSW Government to help achieve these purposes.

Nicole Courtman

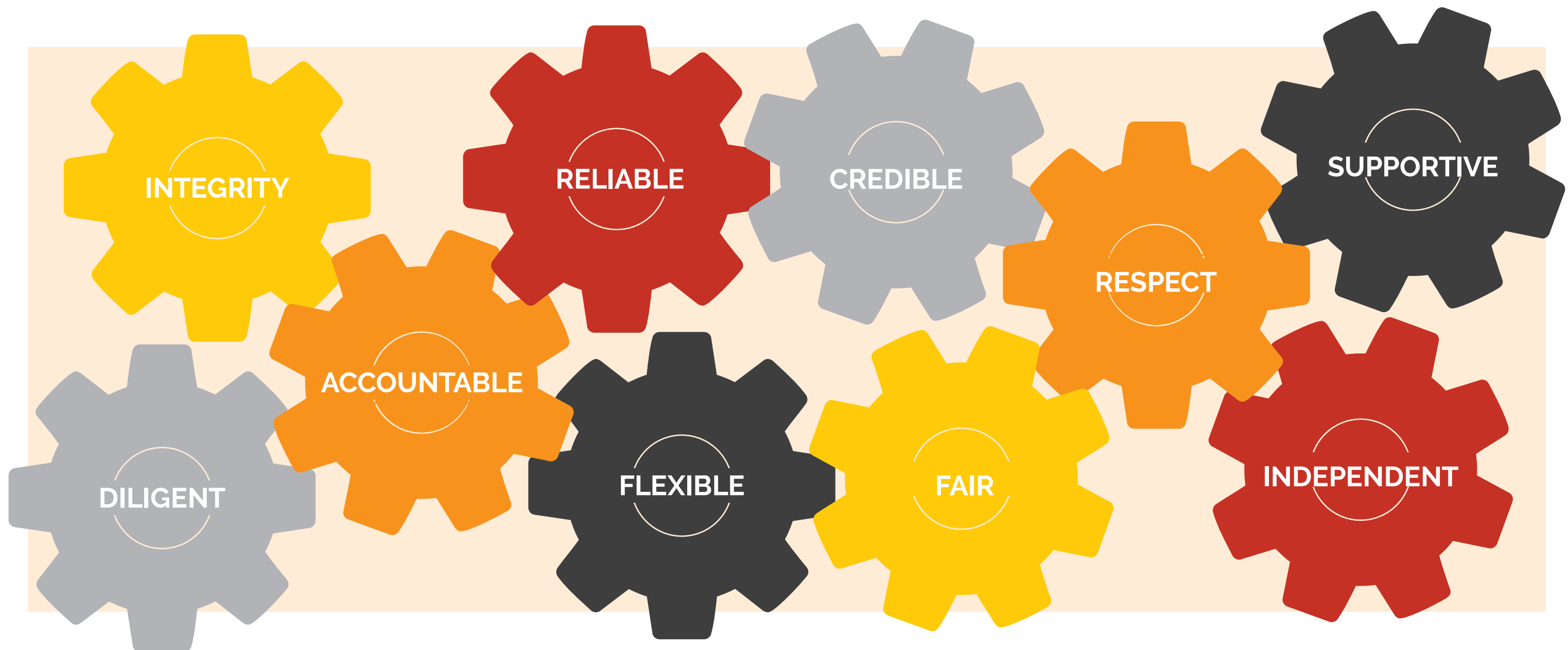
Registrar, Aboriginal Land Rights Act 1983



OUR MISSION

1. To support the return of land to Aboriginal people through the ALRA;
2. To support self-determination by Aboriginal people through the Aboriginal Land Council system in the ALRA.

OUR VALUES



WE BELIEVE IN

1. Supporting the return of land to Aboriginal people for social, economic and cultural purposes;
2. The provision of accurate information to the Aboriginal community, the NSW Government and the public;
3. The need to be accessible and flexible; and
4. Supporting the Aboriginal community by promoting self-determination through the NSW Aboriginal land rights system with guidance and education regarding good governance.

LAND CLAIMS

KEY OBJECTIVES

1. Support Aboriginal land councils to make Aboriginal Land Claims (ALC).
2. Maintain the Register of Aboriginal Land Claims and Aboriginal Land Agreements.
3. Improve the accessibility and efficiency of the registration process for Aboriginal Land Claims.

KEY STRATEGIES

1. Upgrade the Register of Aboriginal Land Claims and Aboriginal Land Agreements.
2. Review policies and procedures for land claims to reduce manual handling and duplication in processes.
3. Provide access to information in the Register of Aboriginal Land Claims to:
 - a. support ALC operations; and
 - b. support negotiations relating to land claims.

ALC PROCESS

Below is the Aboriginal Land Claims (ALC) process map — from claim registration to determination and the agencies responsible.

NSWALC or a LALC identifies property within its area to be claimed.

NSWALC or the LALC lodges completed Aboriginal Land Claim form to the Office of the Registrar, ALRA.

The Office of the Registrar, ALRA records the claim on the Register of Aboriginal Land Claims.

The Office of the Registrar, ALRA writes to NSWALC or the LALC to advise of the registration of the claim.

The Office of the Registrar, ALRA refers the claim to the Crown Lands Minister.

LAND CLAIM FOR LAND PURSUANT TO ABORIGINAL LAND RIGHTS ACT 1983 (NSW), SECTIONS 36, 37

OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

Level 3, 2-10 Wentworth Street,
Parramatta, 2124
02 8633 2266

PO Box 5068
Parramatta, 2124

Please print all details clearly using block letters:

Name of Council: Local Aboriginal Land Council

Address of Council: (Postal address registered with the Registrar's Office)

Telephone Number:

Email Address:

Name of Chairperson:

Lot/Portion Number or Reserve Number:

Deposited Plan, Parish Map or Other Plan Number:

Nearest Town or Village: Parish:

Shire of Municipality: County:

Please attach a detailed plan, sketch and/or map of the claim area and identify it clearly.

If this application is lodged by the NSW Aboriginal Land Council on behalf of one of more Local Aboriginal Land Councils (LALCs), please insert the name(s) of these LALC(s) here:

Map identifying the claim area is attached? ☐ YES ☐ NO

Area is coloured in or hatched? ☐ YES ☐ NO

Under section 36 (4A) of the *Aboriginal Land Rights Act 1983* the Registrar may refuse to refer a land claim to the Crown Lands Minister if:

(a) The claim, or part of the claim, relates to lands that are not vested in Her Majesty, or

(b) The claim, or part of the claim, has been made in contravention of an undertaking given by the claimant in an Aboriginal Land Agreement under section 36AA, while such undertaking remains in force.

Generally land not vested in Her Majesty means land not vested in the State of New South Wales, most commonly private land.

An undertaking in an Aboriginal Land Agreement may prohibit an Aboriginal Land Council from making a claim for particular land. If such an undertaking is given, land the subject of the undertaking cannot be claimed while the undertaking is in force.

The Registrar keeps a record of all enforceable Aboriginal Land Agreements.

If the Registrar decides not to refer a land claim to the Crown Lands Minister, the Registrar must advise the claimant Aboriginal Land Council of his intention not to refer the land claim and give the claimant Aboriginal Land Council at least 28 days to provide further information about why the land claim should be referred.

If after 60 days from the date of lodgement of the claim, the Registrar has not referred such a land claim to the Crown Lands Minister, the Registrar is taken to have refused to refer the claim to the Crown Lands Minister.

An Aboriginal Land Council may appeal the Registrar's decision not to refer a land claim to the Crown Lands Minister to the court.

☐ I am satisfied that the land the subject of this land claim is vested in Her Majesty; and

☐ I am satisfied that this land claim does not contravene an undertaking in an Aboriginal Land Agreement under section 36AA of the *Aboriginal Land Rights Act 1983*.

Signed & dated by LALC Chairperson:

ABORIGINAL OWNERS

KEY OBJECTIVES

1. Maintain the Register of Aboriginal Owners in NSW.
2. Support the registration of Aboriginal Owners for land across NSW.
3. Give priority to the registration of Aboriginal Owners for lands listed on Schedule 14 of the *National Parks & Wildlife Act 1974* and s36A of the ALRA.
4. Provide support to Aboriginal Owners and Boards of Management to exercise rights and functions.
5. Improve the accessibility and efficiency of the Register of Aboriginal Owners.

KEY STRATEGIES

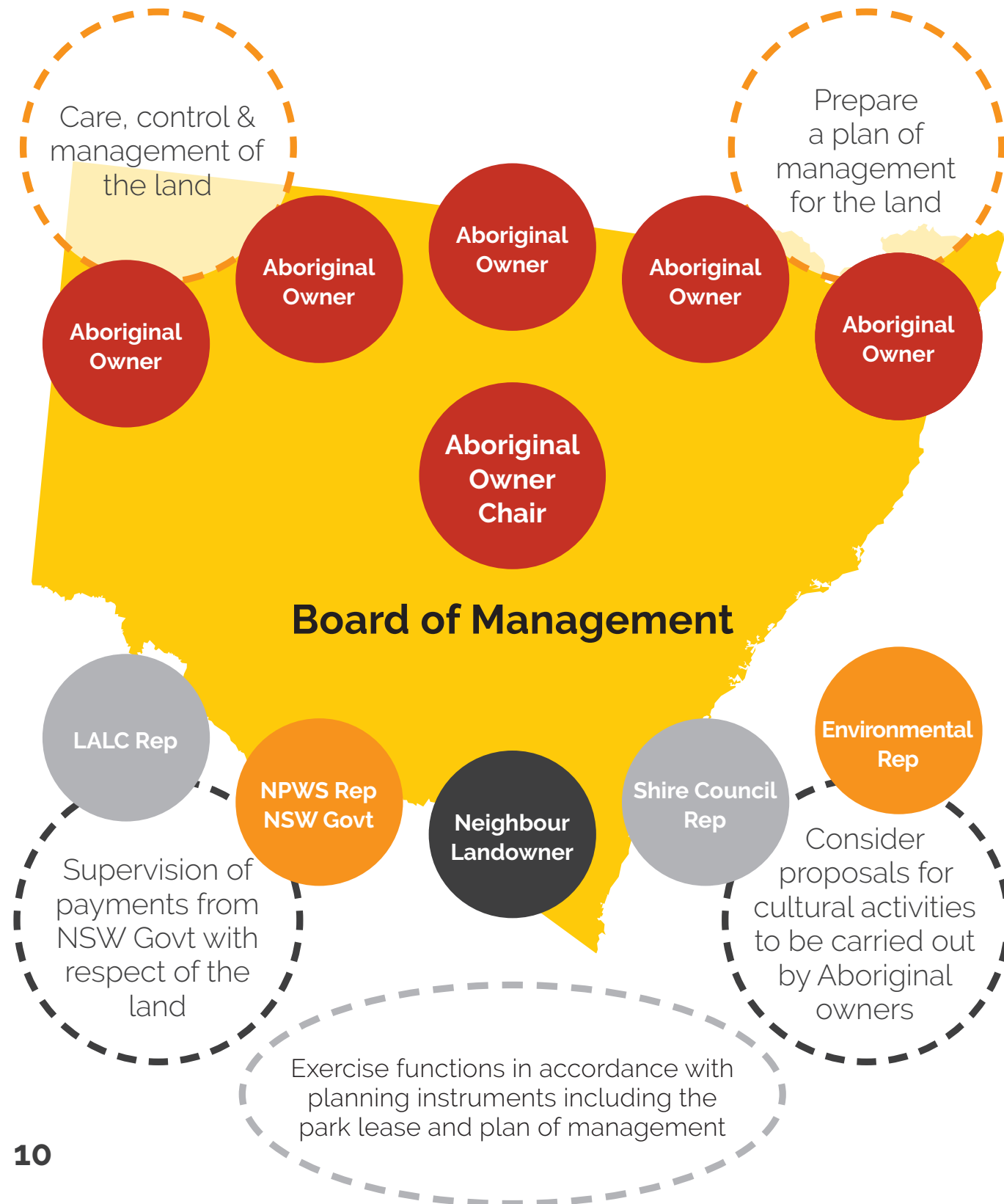
1. Upgrade the Register of Aboriginal Owners.
2. Foster awareness of the role of Aboriginal Owners.
3. Work with the Office of Environment and Heritage (OEH) to provide support to Aboriginal Owners and Boards of Management.
4. Provide information to support consultation with Aboriginal Owners.
5. Work with Aboriginal Owners, Board of Management and Aboriginal Land Councils to engage with government for ownership outcomes for Aboriginal people.

ABORIGINAL OWNER RESPONSIBILITY



BOARDS OF MANAGEMENT

Aboriginal owned & jointly managed conservation areas in NSW have Boards of Management. Boards vary in size but there is always an Aboriginal owner as Chairperson and the majority of members are Aboriginal owners. Boards of management have specific responsibilities in relation to the land.



GOVERNANCE (COMPLIANCE/INQUIRIES/COMPLAINTS)

KEY OBJECTIVES

1. Support Aboriginal Land Councils to comply with the requirements of the ALRA and the Aboriginal Land Rights Regulation 2014 (ALRR).
2. Provide for an accessible inquiries/complaints system that is focused on outcomes for Aboriginal Land Councils.
3. Provide for greater co-ordination in relation to the regulatory powers in the ALRA.
4. Maintain independence, trust and respect for the ORALRA advice and assistance.

KEY STRATEGIES

1. Develop formal Memorandum of Understandings to strengthen relationships and information sharing with:
 - a. NSWALC
 - b. AANSW
 - c. ICAC
 - d. NSW Ombudsman
2. Work collaboratively with NSWALC to support LALCs to comply with ALRA.
3. Develop formal inquiries/complaints handling system to improve accessibility and responsiveness.

KEY STRATEGIES (CONTINUED)

4. Manage inquiries/complaints to enable Aboriginal Land Councils to adopt good governance practices and sound management.
5. Support good governance and management in Aboriginal Land Councils by providing practical advice that can be implemented and progressed locally.
6. Develop protocols around the provision of advice to LALCs in relation to compliance with ALRA.
7. Develop plain language guides and training materials for key topics to improve compliance.
8. Mediate, conciliate or arbitrate disputes relating to the ALRA to strengthen relationships with the LALC network and support legislative compliance.
9. Exercise discretion to issue compliance orders, and other formal powers in the ALRA in appropriate cases.
10. Investigate and take appropriate action in relation to allegations of misconduct by Councillors, Board members, Chief Executive Officers and staff of Aboriginal Land Councils.
11. Refer inquiries/complaints to external complaint handling bodies as required.



OUR GUIDING PRINCIPLES FOR DEALING WITH COMPLAINTS RELATED TO THE ALRA

Our guiding principles for dealing with complaints related to the ALRA

FACILITATE COMPLAINTS

People should be able to make complaints in person, by phone, email or by mail. They should understand our process for dealing with complaints, be treated with respect and listened to, and know what avenues are available to them if they disagree with our decision.

All complaints are considered confidential.

RESPOND TO COMPLAINT

We assess all complaints and endeavour to treat each matter with fairness and integrity in accordance with the ALRA. We may seek information from external sources to better understand an issue and resolve it in a timely manner. We will endeavour to advise the complainant of the progress of their complaint.

MANAGE THE PARTIES TO THE COMPLAINT

As most complaints involve multiple parties, we work to ensure each party is communicated with and hear all sides of the story. We will also make sure all parties understand what the ALRA provides in relation to their matter. While we treat all parties with respect, we will not tolerate unreasonable behaviour and aim to manage negative conduct and protect our staff.

OUR LEGISLATION LIMITS WHAT WE CAN INVESTIGATE

We can investigate the conduct of:

- Board members and staff, including Chief Executive Officers, of Local Aboriginal Land Councils in NSW
- Councillors and staff of the NSW Aboriginal Land Council

We handle complaints about matters directly related to provisions of the ALRA 1983 and ALRR 2014

We cannot investigate the conduct of:

- The Governor, Parliament, Ministers and Members of Parliament
- Local government
- Courts or court like bodies such as NCAT
- Legal advisors
- Royal commissions

We also cannot handle complaints about:

- Individual employment related issues
- Housing providers that are NOT Local Aboriginal Land Councils
- Private companies or individuals that are not within our legislation
- Complaints relating to government agencies

The ORALRA acts impartially and independently of both the Aboriginal Land Council and the complainant. We do not act as advocates.

We also have an important role in relation to dealing with public interest disclosures and can provide support and training for staff and Board members on complaint handling and good governance for Aboriginal Land Councils.

COMPLAINT MANAGEMENT PROCESS



MEMBERSHIP

KEY OBJECTIVES

1. Maintain the consolidated membership roll for all members of LALCs.
2. Support LALCs to effectively maintain up-to-date membership rolls.
3. Provide advice and support to LALCs, members and Aboriginal people regarding membership matters.
4. Improve the accessibility and efficiency of the consolidated membership roll.
5. Support good governance and management by LALC CEOs and Board members in relation to membership matters.

KEY STRATEGIES

1. Upgrade the consolidated membership roll.
2. Increase awareness within the LALC network of the importance of maintaining an accurate and accessible membership roll.
3. Work collaboratively with NSWALC to educate and assist LALC CEOs with membership matters.
4. Develop plain language policy and procedure guides, and training materials on membership-related matters.
5. Attend regional forums to increase awareness on membership matters.
6. Provide support and practical advice that can be implemented by LALCs

Applicant lodges approved form with LALC

CEO checks form has been completed correctly

Application is placed on the agenda for the next Members' meeting

Members consider whether to accept or decline the application.

CEO writes to applicant informing them of the outcome

New Membership Application Form for Local Aboriginal Land Council (LALC)



OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

Level 3, 2-10 Wentworth Street
Parramatta, 2124
02 8633 1266

PO Box 5068
Parramatta, 2124

PLEASE USE BLOCK LETTERS

Name of the LALC you wish to join:

Personal Details: (PLEASE USE BLOCK LETTERS)

Title (Mr, Ms, Mrs, etc.): First Name:

Middle Name(s): Surname:

Known by Any Other Names: (If applicable)

Date of Birth: (dd/mm/yyyy) Sex: (Circle one) ☐ Male or Female ☐

Email Address: (Optional)

Contact Number: (Optional)

Residential Address: (Required - PLEASE USE BLOCK LETTERS)

Street Number Street Name:

Suburb/Town: Postcode:

Postal Address: (If different from residential address - PLEASE USE BLOCK LETTERS)

Street Number and Name or P.O Box:

Suburb/Town: Postcode:

Important

As per Section 54 of the Aboriginal Land Rights Act 1983 (ALRA) any person wishing to join a Local Aboriginal Land Council should complete this form and submit it to the Local Aboriginal Land Council (LALC) they wish to join.

Please fill out the details on the back of this form.

Please set out the basis upon which you assert your Aboriginal descent: (Required) (Attach additional information if necessary)

Are you a registered Aboriginal owner (as listed on the Register of Aboriginal Owners) in relation to land within the area of the LALC? Yes or No

Do you reside within the LALC Boundaries? (Circle one) ☐ Yes or No ☐

If no, please set out the basis of your association to the LALC area: (Attach additional information if necessary)

Do you wish to join the LALC as a Voting or Non-Voting Member? (Circle one) ☐ Voting Member or Non-Voting Member ☐

Are you a Voting Member of any other LALC? (Circle one) ☐ Yes or No ☐

If yes, please indicate which LALC(s):

Are you a Non-Voting Member of any other LALC? (Circle one) ☐ Yes or No ☐

If yes, please indicate which LALC(s):

I hereby declare that:

I have attained the age of 18 years; and
I am a member of the Aboriginal race of Australia; and
I identify as an Aboriginal; and
I am accepted by the Aboriginal Community as an Aboriginal; and I reside within the LALC area, or have an association with the area (as described).

APPLICANT'S SIGNATURE

DATE:

ADVICE TO MINISTER FOR ABORIGINAL AFFAIRS

KEY OBJECTIVES

To provide independent advice to the Minister on matters relating to the ALRA including:

- a. Operations of LALCs;
- b. Changes to LALC boundaries and name changes;
- c. Appointment of advisors, investigators and administrators;
- d. Practicality of amendments of the ALRA; and
- e. Other legislative amendments, such as reforms in relation to the protection of Aboriginal culture and heritage, that relate to the ALRA.

KEY STRATEGIES

- 1. Monthly reports and meetings with Minister for Aboriginal Affairs to provide confidential advice.
- 2. ALRA Working Group.
- 3. Regular consultations with key stakeholders, including Aboriginal Land Councils, NSWALC, AANSW, Crown Lands and OEH to discuss issues.

**“ My team and I are
honoured to work with
Local Aboriginal Land Councils,
the New South Wales Aboriginal
Land Council and the NSW
Government to help achieve the
purposes of the Aboriginal Land
Rights Act 1983.**

Nicole Courtman

Registrar, Aboriginal Land Rights Act 1983

Office of the Registrar

Aboriginal Land Rights Act 1983 (NSW)

ADDRESS

Level 3, 2-10 Wentworth Street, Parramatta NSW 2124

MAILING ADDRESS

PO Box 5068, Parramatta NSW 2124

PHONE

02 8633 1266

EMAIL

adminofficer@oralra.nsw.gov.au



OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)