



Dominic Perrottet

Premier of NSW

52 Martin Place,
Sydney,
NSW 2000

March 30, 2022

Re: Funding of Aboriginal Land Councils in NSW

Dear Premier,

Recently, comments were invited concerning a proposed amendment to the Aboriginal Lands SEPP for parts of Northern Beaches. This was met with strong opposition from community groups, individuals and Northern Beaches Council for a variety of reasons and we appreciate the support given to those protests by you, our local Members of NSW Parliament.

However, that process has put a spotlight on a serious issue that is relevant to all Aboriginal Land Councils in NSW that feel compelled to raise funds from lands they have claimed and we would appreciate any actions you can take to bring about positive changes to the following situation:

1. Historically, Aboriginal people occupied the land that is now New South Wales but, as settlers arrived from other countries and NSW Government was established to administer the state, land was commandeered for residential, commercial and agricultural purposes. All land was declared to be "Crown Land" until released as needed for specific uses.
2. In an effort to compensate Aboriginal people for their loss of land, NSW Government set up a system where 7.5% of NSW land tax concerned with land transfers was paid to Aboriginal Land Councils that were established in 1977 across the State with the expectation that the Land Councils would use that money for the needs of Aboriginal people in each area. That form of funding ceased in 1997.
3. When Aboriginal Land Councils requested that they be granted land, rather than, as formerly, a portion of the stamp duty, the NSW Government passed *The Aboriginal Lands Rights Act* in 1983 which set up a system whereby Aboriginal Land Councils could claim crown lands that were not already being used or required for other purposes. Initially, land that was transferred to Aboriginal land councils could not be sold but this was changed in an amendment in 1990.
4. At first, lands transferred to Aboriginal Land Councils under the 1983 law were still charged Local Council rates which the Aboriginal Land Councils could not afford but this situation was rectified in 1997 and claimed lands now do not attract Local Council rates.

Friends of Narrabeen Lagoon Catchment



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5. The situation now is that Aboriginal Land Councils have an increasing amount of land in their ownership and those Land Councils are expected to provide services to their members. There is an expectation that Land Councils could raise revenue from their claimed lands to fund the provision of services to their members. But this is problematical.
6. It is inequitable to expect Aboriginal Land Councils to rely on raising income from their claimed lands. The definition of the lands they could claim is that those lands are not required for residential, commercial, agricultural, sporting or other purposes. They are lands that are usually on the fringes of suburbia with severe constraints to development.
7. If the claimed lands are covered with valuable biodiversity, there are mechanisms available for those lands to be leased back for inclusion in a National Park. (Part 4A of the *National Parks and Wildlife Act 1974* provides mechanisms by which Aboriginal communities can obtain lease fees while maintaining control over their lands through Boards of Management.) Or there is an option to establish lands as biobanking sites. The negotiations necessary to establish one of those options can be complex but this is a valuable way of raising funds on lands that have high biodiversity value.

There needs to be a concerted effort involving meaningful dialogue with Aboriginal traditional owners across all of New South Wales to re-examine the funding requirements for medical, social, housing and educational support for Aboriginal people. We must develop a far more equitable system for that funding than the current system.

It is impressive that the NSW Aboriginal Land Council has in 2019 set up separate subsidiary organisations to concentrate on housing, employment and training for Aboriginal people. NSWALC Housing Ltd established in January 2019 and NSWALC Employment and Training Ltd established in June 2019.

Any effort you, as a Member of Parliament, can make to re-organise the current funding system to remove the requirement for Aboriginal Land Councils to develop or sell their lands to raise money would be much appreciated.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ron Patton', with a horizontal line underneath.

Ron Patton, President