

1. Opening statement, Central Land Council – Les Turner

Thank you for having the Central Land Council join you today.

While we are disappointed with the outcome of the referendum, we recognise the courage to both invite and provide Australia with an opportunity to vote for change.

Aboriginal people from communities across our region overwhelmingly voted Yes. Our people will regroup to work towards a brighter future. We need to work together and support each other for the future of Aboriginal people.

We see an important component of Australia's united future in helping to build understanding about our country. We would welcome more civic education such as high school curriculum that includes understanding the parliament and the Australian constitution, as well as Aboriginal and Australian history.

The CLC will continue to focus on its statutory functions, including ensuring traditional owners' rights are respected in relation to land, water, and sacred sites. We will continue to advocate on the public policy priorities determined by the CLC Council.

Since establishment, the CLC has maintained strong Aboriginal governance and accountability; and has a robust record of effectively fulfilling its statutory functions, supporting Aboriginal success and representing, protecting and advocating for Aboriginal rights and interests. The CLC has demonstrated significant benefit to Aboriginal people across its region, including:

- Supporting traditional owners to have 418,548 square kilometres of land returned under the *Aboriginal Land Rights (Northern Territory) Act 1976* ('ALRA').
- Supporting 34 successful native title determinations and continuing to do so.
- Supporting Aboriginal groups to apply over \$224 million of their land use income since 2005 to Aboriginal-determined community benefit projects.
- Setting up 14 ranger groups, helping traditional owners look after their country.
- In 2022/23 some deliverables of the CLC included:
 - Issuing 184 certificates to protect sacred sites from third parties, based on consultation with and instructions from traditional owners,
 - Facilitating 56 cultural heritage management and intergenerational knowledge transfer projects,
 - Facilitating traditional owner participation in 161 land management forums, and
 - Facilitating ORIC compliance and 78 AGMs for Aboriginal Corporations.
- At 30 June 2023, the CLC were administering over 2,900 leases and licences and over 80 exploration and mining production agreements, following traditional owner instructions.

For the public record, the CLC also takes this opportunity to address some statements made about the CLC during the August 2023 Senate sitting.

In relation to the Australian National Audit Office (ANAO) June 2023 performance report on the CLC's governance, which was a comprehensive audit conducted over more than one year:

- The CLC's functions are set out in the ALRA and the Native Title Act ('NTA'). These key pieces of legislation protect the interests of traditional owners.
- The 2023 ANAO performance audit found that "The CLC's governance arrangements under the ALRA, NTA and PGPA Act are largely effective."¹
- It also found that "The CLC's arrangements to promote the proper use and management of resources under the PGPA Act are largely appropriate, except for arrangements to manage risk of fraud and conflicts of interest."¹ The CLC agreed to address the gaps found in these systems. We are working with an external firm on the former, and have already implemented the recommendations for the latter.
- For the sake of clarity we bring to the Committee's attention **the Auditor-General's Mid-Term Report in 2020² which explains that "unqualified' and 'qualified (largely positive)' conclusions are considered positive conclusions...".**
Please refer to Appendix A for an extract from the Auditor-General's report highlighting the spread of ANAO audit conclusions by activity over a five year period.
- The CLC are progressing implementation of the 11 ANAO recommendations. We have addressed four and are on track to complete at least six by year end. We will publish six-monthly progress updates, and welcome any follow up ANAO audit.
- The CLC welcomes ANAO audits as a mechanism of transparency, accountability and continuous improvement; supporting the ongoing fulfilment of the CLC's statutory functions for the benefit of Aboriginal people.

Further clarifications are tabled at appendix A to this statement.

The CLC has important statutory functions to continue delivering positive outcomes for our people, and the CLC remains focused on this task.

¹ ANAO, Governance of the Central Land Council (2023) p6

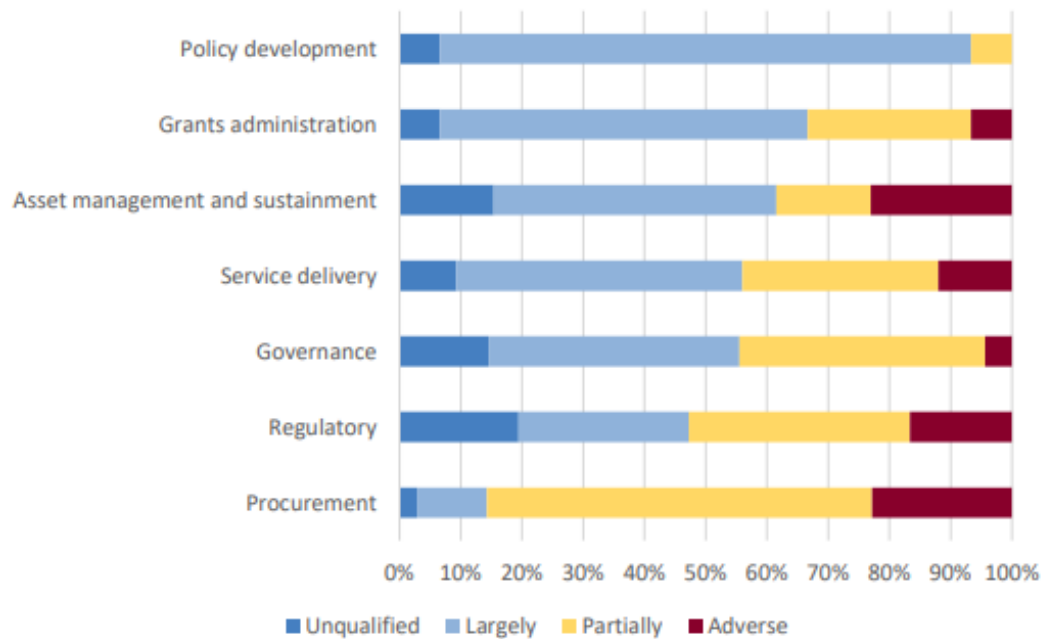
² ANAO, Auditor General's Mid-Term Report (2020) https://www.anao.gov.au/sites/default/files/Auditor-General_mid-term_report.pdf; see para 3.13

Appendix A

ANAO audit conclusions by activity

The Auditor-General’s report provides ‘analysis of the spread of audit conclusion categories across activities’ in the reporting period 2015-16 to 2019-20.³

Figure 3.2: Audit conclusion by activity



This demonstrates that ‘largely effective’ is a common conclusion.

The CLC’s administration of distributions

Statements were made in the Senate on 9 and 10 August 2023 regarding the CLC’s administration of distributions⁴ that are not supported by the ANAO report.

To address this, an overview of the CLC’s distribution arrangements is outlined below.

- The ANAO 2023 report concludes that the CLC’s “Distribution processes are well established and comply with the requirements of the ALRA and NTA.”⁵

³ ANAO, Auditor General’s Mid-Term Report (2020), pp35-36

⁴ Refer Senate Hansard 9 August 2023 p100 and 10 August 2023 p73

⁵ ANAO, Governance of the Central Land Council (2023) p9

- The ANAO refer to ‘distributions’ of the land council as those amounts received into the land use trust account for distribution for the benefit of traditional owner or community members. This includes income from:
 - land use income and section 19 lease income paid by third parties in accordance with the agreement approved by traditional owners.
 - royalty equivalent amounts for the benefit of affected areas of mining operations.
- The CLC administers distributions within legal requirements, with clear governance oversight, and guided by local cultural protocols - operating with respect for Aboriginal ways of making decisions.
- The distributions administered by the CLC in 2021-22, referred to in the ANAO report, were distributed following instruction from the respective Aboriginal groups as follows:
 - Just over half of these distributions were received from third parties through land related agreements. For agreements, traditional owners determine the recipients of such funds – which may include distribution to an Aboriginal Corporation, distribution to individuals, or allocation to community development for purposes of community benefit projects. The CLC’s elected executive committee of 11 members from across the region review these instructions to check consultations, that the right people have made the decisions, and that the agreement is fair and reasonable. The relevant Aboriginal governance group then instructs the CLC on the payment of funds.
 - And over \$38 million was received through s64(3) of the ALRA; royalty equivalent funds for the benefit of Aboriginal people affected by those mines. Of this over \$36 million was paid to the Granites Mine Affected Areas Aboriginal Corporation (‘GMAAAC’) which engages the CLC Community Development service to facilitate the corporation’s application of funds to self-determined community benefit projects – with all project decisions made by community elected committees. GMAAAC is a highly successful initiative generating significant benefit across 9 communities. Further information regarding GMAAAC is provided in Appendix B.
- In 2021-22 the intensive workload to facilitate meetings of the relevant Aboriginal governance groups for purposes of taking distribution payment instructions included:
 - Working with 34 Aboriginal Corporations with total membership numbers exceeding 10,000 Aboriginal people.
 - Facilitating 154 meetings with the relevant traditional owner group or Aboriginal Corporation regarding individual distributions.
 - CLC’s Community Development service worked with 93 of the 96 Aboriginal governance groups, facilitating 139 governance group meetings. The Aboriginal governance groups prioritise, plan, fund and monitor community benefit projects; instructing the CLC on the application of funds.
- The CLC maintains records of distributions and annual audits have been clear (unqualified). Financial statements of Aboriginal Corporations that the CLC administers distributions for also have independent financial audits with statements lodged with ORIC annually.

Appendix B. Granites Mine Affected Area Aboriginal Corporation (GMAAAC)

GMAAAC was set up in 1991 to receive affected area compensation under s64(3) of the Aboriginal Land Rights (Northern Territory) Act which is a royalty equivalent amount calculated based on royalties paid by the Granites gold mine. Residents from nine remote communities in the Tanami make up GMAAAC's membership. These communities are Yuendumu, Nyirripi, Willowra, Lajamanu, Tanami Downs, Balgo, Billiluna and Ringer Soak.

Half of GMAAAC's income is invested for after mine closes, and the remainder is divided between the nine communities for community benefit projects.

Each community elects a committee of Aboriginal residents to prioritise, plan and fund projects. Our community development unit facilitates this work and helps the committees to increase their governance capacity.

The committees elect 18 directors who oversee the corporation's investments.

Since 2008 GMAAAC has invested \$84.9 million into the nine communities.

In the last financial year GMAAAC committees approved 85 new community benefit projects valuing \$17.2 million.

There is wide variety of projects funded from small businesses such as the Xtra Mile bus service running out of Yuendumu to cultural support initiatives to skate parks and playgrounds. Most recently GMAAAC committees have been investing in community infrastructure often collaborating with government departments to deliver large scale community infrastructure such as the Lajamanu water park and sports infrastructure master plans.

GMAAAC committees prioritise local employment with 142 Yapa working a total of 14,945 hours across a wide variety of projects.

This employment ranges from cultural consultants, contract work on construction projects to long term employment delivering community programs.

GMAAAC directors and committee members have presented at national and international conferences about their work in driving the development of their communities.

To hear from GMAAAC itself, listen and watch GMAAAC members explaining their corporation and the work they do for their communities: www.clc.org.au/gmaaac/