



# NEW SOUTH WALES ABORIGINAL LAND COUNCIL

ABN 82 726 507 500

Committee Secretary  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Committee Members

## **Re: *Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014***

The NSW Aboriginal Land Council (“**NSWALC**”) is the peak body representing Aboriginal peoples in NSW and with over 20,000 members, is the largest Aboriginal member based organisation in Australia.

NSWALC is a self-funded statutory corporation established under the *Aboriginal Land Rights Act 1983*(NSW), with a legislated objective to improve, protect and foster the best interests of Aboriginal peoples in NSW, and functions relating to the acquisition of land and the protection and promotion of Aboriginal culture and heritage. NSWALC also provides support to the network of 120 autonomous Local Aboriginal Land Councils across NSW that have similar objectives and functions.

NSWALC is a strong advocate for practical measures to deliver sustainable socio-economic improvements to the circumstances of Aboriginal and Torres Strait Islander peoples. These measures must realise and be based on the fundamental rights of Aboriginal and Torres Strait Islander peoples as espoused in the United Nations Declaration on the Rights of Indigenous Peoples; most notably the following:

**Article 3** Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development

**Article 26** Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

**Article 28** Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

In this context, NSWALC provides the following comments on the proposed amendments of the *Aboriginal and Torres Strait Islander (A Stronger Land Account) Amendment Bill 2014(Cth)*:

### **Amendments to strengthen the purpose for *Aboriginal and Torres Strait Islander Act 2005(Cth)***

NSWALC is a strong supporter of legislative mechanisms that provide recognition and compensation for Aboriginal and Torres Strait Islander peoples’ dispossession of Indigenous lands.

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**Amendments to ensure that the Land Account is only used for land-related purposes**

As the *Aboriginal Land Rights Act 1983(NSW)* recognises, land is of spiritual, social, cultural and economic importance to Aboriginal peoples. Land is central to the lives of Aboriginal and Torres Strait Islander peoples, and dispossession is central to the current socio-economic circumstances of Aboriginal and Torres Strait Islander peoples. Land restitution must remain central to the response to dispossession and its ongoing impacts.

**Amendments to strengthen Indigenous control over the Land Account and Indigenous Land Corporation**

NSWALC is a strong advocate for Indigenous self-determination and for any measures that strengthen Aboriginal and Torres Strait Islander control of the affairs and futures of Aboriginal and Torres Strait Islander peoples.

**Amendments to introduce strong corporate governance, transparency and accountability**

NSWALC is a strong advocate for good governance and any measures that enhance transparency and accountability.

If you have any questions regarding this correspondence, please contact Clare McHugh, Executive Director of Policy

Yours sincerely

Lesley Turner  
Chief Executive Officer

Date:

29/8/14