

Economic development in Aboriginal communities

Site visit report

Singleton, Williamtown and
Watanobbi



Site visit to Singleton, Williamtown and Watanobbi – Monday 14 March 2016

On Monday 14 March 2016 committee members undertook site visits to:

- Wonnarua Nation Aboriginal Corporation, located at Singleton
- Worimi Local Aboriginal Land Council, located at Murrook Culture Centre, Williamtown
- Darkinjung Local Aboriginal Land Council, located at Watanobbi.

Wonnarua Nation Aboriginal Corporation

Wonnarua Nation Aboriginal Corporation (WNAC) is a corporation registered under the *Corporations (Aboriginal Torres Strait Islander) Act 2006*. WNAC works to nurture the history and culture of Wonnarua people, and improve the health and education of its members and also manages investments to sustain the work of the corporation.¹

The committee met with WNAC Chief Executive Officer, Mr Laurie Perry. Also in attendance were:

- Ms Tracey Skene, Chairperson, WNAC
- Mr Arthur Fletcher, Director, WNAC
- Mr Cordell Skaiffe, World Vision Australia.

WNAC operate six Opportunity Hubs, provided for by the OCHRE framework. WNAC has worked with various councils to establish and operate the hubs to develop enterprise on land it owns. WNAC use offsets, negotiated with private companies or government for loss or destruction of cultural land and heritage, to access capital.

WNAC work to develop partnerships and networks with key stakeholders in the local area as well as with organisations that have similar goals.

The key points and issues highlighted during the visit to WNAC were:

- in relation to land councils, the limitations relating to land claims under the *Aboriginal Land Rights Act 1983* including backlog, native title extinguishment and restrictions on use. WNAC (not the Local Aboriginal Land Council) has protected Wonnarua land by lodging an Aboriginal Protection (AP) claim in relation to Crown Land claimed by LALCs where it has an ongoing connection to that land. Mr Perry explained that thinking and acting strategically about how to achieve the best outcome was critical to navigating some of the issues with the various land rights systems in place:

‘This is the problem with the Land Rights system even the Crown Lands system because even though you get the land, and they’re all backlogged and whatever, even though you get it what are you going to do with it? Even if you get a Native Title agreement on it, it’s not yours, it’s the Government’s. You don’t own it. You might share a bit of royalties out of it. You still have to prove you have a connection to it... Strategically plan where your Crown

¹ Wonnarua Nation Aboriginal Corporation website, www.wonnarua.org.au

Land is from a land council's point of view, AP it and then get a deal done and then Aboriginal communities will survive.'

- the importance of having the right people in the right roles
- the challenges of dealing with government agencies
- the benefits of developing strong local partnerships and networks
- the benefits provided by the Indigenous Chamber of Commerce and Indigenous Business Australia in relation to business and enterprise development. Mr Perry commented:

'I'm not going to go to the Aboriginal Affairs department and say 'can you help us?' because I'm not going to get anywhere. I'm not going to the NSW Land Council for help because I'm not going to get anywhere. I'm going to talk to the ILC, and the IBA because this is about business'.

Mr Perry spoke about how he had utilised different processes within the land rights system to improve WNACs economic position. The first example offers a good case study:

'One key point you need to understand is about the Redouberry Hill hub is that it's a mission, it has Crown Land, it's a Crown Land area. The local land council put a land claim on it. I went to the Crown Lands department and said 'I cannot believe this is happening this Native Title claim and I spoke to the land council and I said 'mate we've got to work together here. This area is so important to our mob ... Now I put an AP which is an Aboriginal Protection claim on that piece of land and I get a letter back from the land council six months later agreeing ... to work together on the AP ... it now goes to the Crown Lands department, which it has and guess what the claim now goes from the bottom to the top'.

Worimi Local Aboriginal Land Council

The committee visited Murrook Culture Centre in Williamstown and spoke with the following representatives of the Worimi Local Aboriginal Land Council:

- Mr Andrew Smith, Chief Executive Officer
- Aunty Valerie Merrick, Board Member
- Uncle Neville Lilley, Board Member
- Uncle Allan Anderson, Board Member
- Mr Justin Ridgeway, Board Member.

Worimi LALC operates various business enterprises that take advantage of their environment, a key example being its Sand Dune Adventures enterprise which operates quad bike tours on the Stockton sand dunes and the sand mining business.

The key issues highlighted during the meeting at Murrook Culture Centre were:

- having the right people in right roles can have significant positive impact on the viability and success of LALCs and the economic outcomes they provide for Aboriginal communities. Referring to Worimi's success, Uncle Neville Lilley told the committee:

‘There are three things our CEO, the Board our CEO has and also our administration are three of the keys of making our organisation so successful’

- good governance, policy and procedure and accountability are cornerstones of any good business and are as essential to LALCs as to other businesses
- many LALCs are asset rich but cash poor
- the importance of partnerships with key stakeholders, including mining and other companies conducting business on their land; National Parks and Wildlife Service, councils and others:
 - ‘... the relationship we’ve been able to develop with our local government has put us in a good position to be able to negotiate and move forward on property development and other commercial developments’ (Mr Smith)
- there are significantly more compliance requirements imposed on LALCs when compared to the financial compliance mechanisms under the *Corporations Act* (7 v 35). Mr Smith told the committee:

‘... under the *Corporations Act*, if we were strictly mainstream, there’s approximately seven or so key instruments of financial accountability and compliance that Corporations have to meet.

Under the *Aboriginal Land Rights Act* there’s something like 35 which unfortunately shows there’s still a little bit of that ‘mission management mentality’ and a distrust that says ‘you, don’t really know what you’re doing’ that still lingers...’

Darkinjung Local Aboriginal Land Council

The committee was briefed by the following people on projects undertaken by the Darkinjung Local Aboriginal Land Council to enhance economic development for Aboriginal communities in the local area:

- Mr Sean Gordon, Chief Executive Officer, Darkinjung LALC
- Ms Lynne Hamilton, Planning and Development Manager, Darkinjung LALC
- Mr Tony Simpson, Legal Counsel, Darkinjung LALC
- Mr Chris Smith, ADW Johnson Consultants.

Darkinjung LALC is the largest non-government landholder on the Central Coast, holding approximately 3,500 hectares of land in the area. Additional claims awaiting determination could see that figure grow to over 14,000 hectares.

Darkinjung has various business and development enterprises either current or planned, including residential developments, commercial leases, and businesses and service provision including in the areas of education, aged care and retail.

The key issues highlighted during the visit to Darkinjung were:

- the incorrect assumption (by Aboriginal and non-Aboriginal people) that land claimed under *Aboriginal Land Rights Act 1983* is automatically conservation land. This is limiting because it restricts what can be done with the land, in terms of developing, selling leasing etc. There are requirements (section 42G of the Act) to consider cultural and heritage significance of the land to Aboriginal persons when considering whether to approve a land dealing. Mr Gordon explained:

‘What happens between the transition from this land coming from the Crown to coming to us is that somewhere in the middle is that we culturalise it ... it’s very tough to get 80 per cent of your members at a meeting to declare land culturally insignificant for the purpose of selling it, leasing it or developing it.’
- there are limiting and enabling aspects of the legislation that affects economic development in Aboriginal communities. Native title and planning laws present particular challenges:

‘... the other big issue ... is financial inflexibility ... As a not-for-profit organisation every development is about putting a community benefit back in place (having to pay section 94 fees is prohibitive)’ (Mr Gordon)

‘the other one for us is Native Title. The restrictions on Native Title that a State government, a local government authority can deal with Native Title much easier than a local Aboriginal land council ... Even if we don’t have Native Title to claim lodged over a particular area we still have to a extinguishing process that State governments and local governments aren’t required to go through.’ (Mr Gordon)
- there is a need for better education across the community about the economic potential of Aboriginal communities:

‘There hasn’t been a lot of general support through local government around our developments and there hasn’t been a lot of support from our local communities.’ (Mr Gordon)