

KATHERINE REGIONAL LAND COUNCIL (*proposed*)

C/- Jawoyn Association
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26 July 2011

The Hon. Howard W Olney AM QC
Aboriginal Land Commissioner
[Address Removed]

Dear Commissioner

Application for the Establishment of the Katherine Regional Land Council

Further to our meeting with you in Katherine on 17 May 2011 we enclose (*) a list and copies of a number of papers we wish to submit to you for the purposes of your enquiry.

The enclosed papers have been developed over many meetings of the Applicants, their steering committee and support group.

With respect to your Terms of Reference ("ToR"), we make the following comments:

ToR	Topic	Comments
1	The appropriateness of the qualifying area	See the enclosed Establishment Paper lettered B, <i>Qualifying Area</i> .
2	The extent to which the proposed Land Council will be able to satisfactorily perform the functions of a Land Council	See the enclosed Establishment & Working Papers.
3	Nature and scope of the proposed Land Council's functional responsibilities	We do not have a comprehensive understanding of these matters, but expect that the NLC and others have provided or will provide the relevant information to you; and see our comments in relation to ToR.4a
4a	Budget and funding sources for the operations of the proposed Land Council	See our letter to you dated 02 June 2011 and our further comments below.
4b-d	The proposed governance, administrative, service delivery and money distributions arrangements of the proposed Land Council	See the enclosed Working Papers.
5	The views of others	The Establishment Paper lettered D, <i>Support to Date</i> , is currently being compiled and will be submitted to you shortly.

We would be grateful to receive details of the information provided to you by the NLC and others in relation to ToR.3, in particular, details of the nature and scope of the existing and up-coming projects within the qualifying area, with a view to us then preparing a submission addressing ToR.4a.(budget and funding sources). Of course, having regard to the time by which you have been required to complete your report, we will make submissions to you soon even if details of the existing and anticipated workload are not available to us. We

understand that the Minister has changed the date by which your report is required to 30 October 2011. Is this so?

We are aware of various experiences by traditional owners of NLC services which have caused them frustration, disillusionment and disappointment. Instances of these can be provided to you by those who have experienced it - and we could provide you with contact details if you request. You heard of some during your meeting with us in Katherine on 17 May 2011.

However, our Application is not based on the NLC's performance, good or bad, and it may be that such is not relevant for the purposes of the Minister's response to our Application (under s.218 of the Land Rights Act). For us, it is time for us and others in the qualifying area to take a more active role in the management for our traditional lands and more real responsibility for our communities.

We would be pleased to provide any additional information, including any clarification of our submissions or additional comments, which you consider relevant to the matters the subject of your enquiry.

We would also be pleased to arrange a further meeting with you again, in Katherine, before you complete your report.

We must add that we presently do not have any sources of funding left to enable us to meet with you again as we did previously nor to enable us to prepare further submissions, other than those identified in the enclosed list of papers as intended to be provided to you shortly. We anticipate the need, in particular, to being able to properly respond to the submissions you have received from others when they are available to us.

You will be aware that we have written to the Minister seeking funding for these purposes; see our letter to the Minister dated 18 July 2011 (a copy of which was faxed to you on 18 July 2011).

Any support of our request which you can provide would be most appreciated. Yours sincerely for the applicants.

[Name and Signature Removed]

KRLC Application

List of Papers Submitted to the Aboriginal Land Commissioner

30 June 2011

- Pre-Establishment Papers -			
A.	The Proponents	Page 1	To be provided shortly
B.	Qualifying Area	Page	
C.	Planning for Establishment	Page	
D.	Support to Date	Page	To be provided shortly
- Operations Working Papers -			
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11.	Money Management	Page	
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14.	Project Management	Page	
15.	Review Committee	Page	

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The Proponents

30 June 2011

To be provided.

The Qualifying Area

Boundaries

The qualifying area is shown on maps included in the Application and is intended (and required) to be wholly included in the area of the NLC.

Judge Olney, Aboriginal Land Commissioner, has in his letter to the Applicants received on 23 May 2011 raised a few queries with respect to the boundaries.

Seabed

- Judge Olney has pointed out in his letter that the qualifying area boundary shown in the KRLC Application extends beyond the low water mark of the coastline along both the eastern and western sides and, as such, extends beyond the area of the NLC.
- Accordingly, the boundary of the qualifying area cannot extend beyond the low-water mark of the mainland and should be changed.
- However, if there are any islands within the seaward boundaries shown in the Application which are "land in the Northern Territory" (see *Risk v Northern Territory and Olney*: 30 May 2002) they should be included in the qualifying area.

Fitzmaurice and Daly Rivers

- In addition, Judge Olney's assumption is confirmed to the effect that the northern boundary of the qualifying area is adjacent to the land held by the Daly River/Port Keats Aboriginal Land Trust and by the Upper Daly Aboriginal Land Trust.
- As such, the qualifying area extends to the boundaries of the lands held by those Land Trusts and thus includes such parts of the Fitzmaurice and Daly Rivers which are not part of the lands held by those Land Trusts.

South Alligator River

- So far as the boundary along the South Alligator River is concerned, it is to follow the centre line of that River.

Jim Jim Road

So far as the boundary along the Jim Jim Road is concerned, it is, more or less, to follow the centre line of the road.

The Region

Katherine is the business and government centre for the qualifying area.

The qualifying area is of an administratively effective size. It is estimated that over 14,000 Aboriginals live in the qualifying area. We look forward to receiving the information being gathered by the ALC in relation to the Area.

The qualifying area's boundaries, in large measure (and so far as relevant), coincide with the boundaries:

- of existing Shire Councils (along the north),
 - of land held by Aboriginal Land Trusts (along the north east),
 - of the area for which the NLC is currently recognized as the Representative Aboriginal/Torres Strait Islander Body (in respect of the seaward areas),
 - between the NLC and the Central Land Council (along the south).
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Planning for Establishment

10 August 2011 (amended)

Proposed Katherine Regional Land Council Aboriginal Corporation

The KRLC Applicants are in the process of establishing a new Aboriginal Corporation to assist them to pursue their Application. The Corporation is to be named the *Proposed Katherine Regional Land Council Aboriginal Corporation*.

KRLC Transition Committee

A committee of appropriately qualified persons is proposed to be established as soon as practical (and resources permit) to plan for the establishment of the KRLC.

To date the following persons have agreed, in principle, to join the transition committee:

[Names Removed]

The Transition Committee is to assist in planning for the establishment of the KRLC and, in particular, address:

- Governance processes,
- Staffing / consultants, including initial management,
- Information management, Consultation processes,
- Traditional ownership identification,
- Project management processes,
- Asset / infrastructure requirements, and
- Budget preparation.

No doubt there will be further matters which are identified for the attention of the Transition Committee.

It also envisaged that the Transition Committee will have a principal role in the establishment of the KRLC during, say, the first 9 months of its operation.

KRLC Application : Paper No D

Support to Date

30 June 2011

To be Provided.

Principles of Operation

30 June 2011

The focus of the KRLC will, in accordance with the wishes of the relevant traditional Aboriginal owners, be to empower and support traditional owners to exercise responsibility for the management and development of their traditional lands. In particular, the new land council will assist in the coordination and facilitation of negotiations between traditional owners and those who propose the use or occupation of the traditional Aboriginal owners' land and will assist the traditional owners to obtain independent legal and other expert assistance.

With such a devolution of powers, the new land council can expect, over time, that more and more of its focus will be on assisting, facilitating and monitoring the local Aboriginal groups, organisations and communities responsible for facilitating local land management and development.

The KRLC is to operate so that there is:

- transparency and consistency of service;
- accountable representation of communities;
- more local and immediate decision-making;
- greater self-determination for traditional owners;
- better respect for traditional ways of decision-making;
- more support for Aboriginal businesses and more employment for local communities on their own country;
- timely attention to matters relating to Aboriginal land and other lands in which there are traditional interests, including commercial developments.

Consultations and negotiations with and the ascertainment of consents from traditional owners by the KRLC are all to be undertaken - and are to be seen to be undertaken - in ways that respect the local Aboriginal law and custom, in particular, wherever and whenever ALRA business is done in the area of the KRLC.

Corporate Arrangements

30 June 2011

KRLC Establishment

The Transition Committee, having helped to plan its establishment, is proposed to work closely with the initial KRLC members to actually establish the KRLC and its operations; see the Planning for Establishment paper.

General

Adopting the principles set out in the Principles of Operation paper, especially those relating to supporting local decision-making will reduce consultation and administrative costs and delays, for example, in completing land use agreements under s.19 of the Land Rights Act.

The KRLC will not operate as a legal practice, nor hold itself out as providing legal assistance to traditional owners or their local or regional bodies.

Representation

The KRLC will expect its members to:

- fulfill an important role in identifying the priorities within their communities;
- pass on concerns from their communities to the land council; and
- actively assist in reporting to their communities on the operations of the land council.

Members will be appropriately supported and resourced.

On matters of general representation which do not directly concern the use of particular land, the KRLC will generally rely on the KRLC members to represent their communities and, on occasion, they will be required to consult with their communities in relation to such matters.

Offices

The KRLC anticipates maintaining the existing NLC regional offices within the qualifying area, the head office being in Katherine.

Role of the Central Office

- Oversight KRLC-wide projects.
- Consider, propose and respond to proposed legislative changes
- Provide a service network.
- Be responsible to the traditional owners' local and regional organizations.

KRLC Regional Committees

KRLC Regional Committees are proposed, based on regions such as those identified in the *KRLC Membership Working Paper*.

KRLC Executive Committee

The KRLC may also establish an executive committee if such is required to facilitate prompt and appropriate attention to fulfilling the functions of the KRLC.

Delegations

30 June 2011

KRLC Regional Committees

The KRLC intends to delegate substantial powers to the KRLC Regional Committees, for the purpose of enabling the efficient fulfilment of the KRLC's functions.

The Land Rights Act permits the delegation of substantial powers & functions to such committees of KRLC members; see s. 28(2) & s.29A of the Land Rights Act.

KRLC Executive Committee

The KRLC may also delegate substantial powers to the KRLC Executive Committee, if any.

The Land Rights Act permits the delegation of substantial powers & functions to such committees of KRLC members; see s. 28(2) & s.29A of the Land Rights Act.

Traditional Owners

The KRLC will work in close conjunction with traditional Aboriginal owners and their incorporated associations.

The working relationship, legitimate to local Aboriginal law and custom, between the KRLC and the traditional Aboriginal owners is principally set out in the relevant Local Consultation Process.

That relationship may well feature a (representative, competent) local associations nominated by local .traditional Aboriginal owners.

The KRLC will delegate substantial powers to such local associations. (Note: The Land Rights Act permits the delegation of a limited range of powers & functions to Aboriginal corporations; see s.28A of the Land Rights Act.)

Memoranda of understandings may also feature in the working relationship between the KRLC and local incorporated associations.

The KRLC will assist traditional Aboriginal owners to establish and maintain such associations.

KRLC Members

Where appropriate, delegation might be made to KRLC members who have been appropriately authorized by the traditional Aboriginal owners. This may, for example, feature where a project has been considered by a KRLC Regional Committee of the (full) KRLC but further negotiations are to be concluded and powers are delegated to KRLC members to ratify the final agreement.

KRLC Staff

The KRLC will minimise delegations to KRLC staff.

Membership

30 June 2011

It is presently anticipated that there will be similar numbers of KRLC Members to those currently existing for the NLC in the qualifying area.

Consideration is being given to the methods by which KRLC Members will be chosen, and suggestions will be submitted to the Minister. [Note: The Minister decides the methods under s.29 of the Land Rights Act.]

Special attention will also be given to identifying and training potential KRLC members.

The qualifying area would have regard to social and cultural qualities of the local communities, have a number of identified regions within it, such as:

- Timber Creek (including Yarralin, Pigeon Hole)
- Katherine (including Wugular, Barunga, Werenbun, Pine Creek)
- Borroloola / Barkly (including Robinson River)
- Mataranka / Minyerri (including Jilkminggan)
- Elliot / Marlinja
- Ngukurr / Numbulwar (including Urapanga)
- Gulin Gulin / Weemol

Other Organisations

30 June 2011

The KRLC will establish and maintain good, cooperative working relationships with relevant local authorities, including Shires, and relevant industry groups, especially those relevant to industries in which traditional owners do or are likely to participate, including:

- Northern Territory Cattlemen's Association
- Chamber of Commerce Northern Territory
- Northern Territory Fishing Council
- Northern Territory Resources Council
- Northern Territory Tourist Commission
- Northern Territory Parks & Wildlife Service

The KRLC will seek to reach memoranda of agreement with the local governing authorities operating in the qualifying area, addressing communications and mutual support and, in particular, to:

- i. facilitate cooperative operations, and
 - ii. facilitate the provision of local government services to communities in the qualifying area.
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Ceremony

30 June 2011

Traditional Aboriginal owners will be actively supported in the maintenance of their songs, dance and singing.

Traditional law and ceremony is intrinsic to properly managing land.

The NLC has focused on doing things properly according to Australian law (only). KRLC aspires to doing things according to both to Australian law and traditional law and ceremony - and to avoid actions which causes a loss of ceremony, land, culture or language.

This is a continuing aspirational policy.

These processes of traditional law and ceremony apply not only to decisions about land, but also to education, health and commerce.

Register of Traditional Ownership
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30 June 2011

Principles

KRLC cannot properly fulfil its objects and provide its services while the identity of the traditional Aboriginal owners of the KRLC area remains covert.

The right people must talk for their country.

Secrecy about who the traditional Aboriginal owners are is disempowering. Without such certainty, the traditional Aboriginal owners themselves cannot properly look after their own country.

The traditional Aboriginal owners want their status known and recognized.

Identification

Priority will be given to a comprehensive program to register the identities of the traditional Aboriginal owners of the land within the KRLC area and their respective decision-making processes. It is anticipated that this will, in some instances, be a very difficult task as it will entail dealing with long-standing disputes and uncertainties which have been allowed to 'fester' for many years.

For the purposes of identifying the traditional Aboriginal owners, it is generally envisaged that:

- i. initial identification will be undertaken in conjunction with the senior traditional Aboriginal owners (and traditional elders in the region) – men and women with knowledge, authority and experience in local Aboriginal law & culture - and the KRLC Regional Committee;
- ii. due regard will also be given to the traditional ownership information provided by the NLC and in relevant ALC I Land Claim Reports;
- iii. academic anthropology will not be the highest priority;
- iv. if need be, an anthropologist or other person nominated and acceptable to the relevant Aboriginals will undertake research and report back;
- v. priority will be on traditional dispute resolution processes * .

Further, more detailed processes may be required, depending upon the nature of the uncertainty.

The traditional Aboriginal owners' decision-making processes are to be mirrored in their Local Consultation Process.

Register

Extracts from the register will be made available to the relevant traditional Aboriginal owners and, subject to the wishes of the relevant traditional Aboriginal owners, other persons.

It is expected that associations of the local traditional Aboriginal owners will play a key role in providing information to enable the register to be maintained.

* Cp. The Tiwl dispute resolution processes described in the "Reeves Report" (1998) at pages 185 to 187.

Land Management : Principles

30 June 2011

Local Decision-Making

The KRLC will, subject to the wishes of the traditional Aboriginal owning groups, promote collaborative processes of decision-making with the most local or regional, competent Aboriginal group, organization or community. Arrangements which promote self-determination by such Aboriginal groups are to be developed, with a view to encouraging the most local level of appropriate decision-making.

It is recognized that traditional Aboriginal owners want to take responsibility for the management of their land.

The KRLC will work in close conjunction with traditional Aboriginal owners and their incorporated associations, as well as with Aboriginal communities and their organisations.

Local Priorities

The KRLC will give priority to the initiatives of traditional Aboriginal owners for the management and development of their traditional lands.

First Advise the Traditional Owners

The traditional Aboriginal owners or their association will, in accordance with their Local Consultation Process, be promptly:

- i. informed of proposals for the use and occupation of their traditional lands; and
- ii. asked how they wish to deal with such proposals, including from whom they wish to obtain relevant advice and assistance.

It will be recommended that their advisers undertake the accredited training; see the Land Management: Local Consultation Processes Working Paper.

If requested, the KRLC will assist the traditional Aboriginal owners (or their association) to engage suitable advisers.

It may be convenient for the KRLC to maintain a register of available and suitable consultants.

For KRLC-wide projects, the KRLC may take a more active role.

Informed Consent

The consent to be given by traditional Aboriginal owners for the purposes of the Land Rights Act is to be *informed consent*.

Informed consent includes knowing, with reasonably certainty:

- i. what (actual, likely and possible) impacts there will be on the community
 - ii. and on land, how long it will last and how adverse impacts will be minimized and fixed up;
 - iii. how sacred sites will be protected;
 - iv. what jobs and work there will be for locals and their businesses;
 - v. how much money is to be received and who will get it;
 - vi. who will implement and monitor the project for the traditional Aboriginal owners.
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Land Management : Principles

30 June 2011

Process	Notes:		
<p>Proponent's Land Use Approval (Note 1)</p>	<ol style="list-style-type: none"> 1. If by TOs, the KRLC may assist in its preparation. 2. The TO's authorised contact may be identified in the Register of Traditional Ownership and their Local Consultation Process 3. Of the (full) KRLC, if the KRLC Regional Committee does not have the delegated authority to deal with the matter – or if the Traditional Owners are not satisfied with the decision of the KRLC Regional Committee. 4. The KRLC Regional Committee may require more information and/or refer the matter to the (full) KRLC 		
<p style="text-align: center;">↓ ↓</p>			
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">KRLC Office</td> <td style="width: 50%;">The TOs' Authorised Contact (Note 2), eg TO Aboriginal Corporation, identified in the relevant Local Consultation Process</td> </tr> </table>		KRLC Office	The TOs' Authorised Contact (Note 2), eg TO Aboriginal Corporation, identified in the relevant Local Consultation Process
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<p style="text-align: center;">↓ ↓</p>			
<p>Traditional Owners, in accordance with their Local Consultation Process, consider the proposal and:</p> <ul style="list-style-type: none"> ○ Appoint advisers & negotiators, and ○ In due course, approve the draft land use agreement 			
<p style="text-align: center;">↓</p>			
<p>KRLC Regional Committee (Note 3):</p> <ul style="list-style-type: none"> ○ Receives information to enable it to ratify the draft land use agreement, ○ Ratifies the draft land use agreement (as complying with the Land Rights Act requirements for: <ul style="list-style-type: none"> a) proper consultation & consent and b) being fair). <p>(Note 4)</p>			
<p style="text-align: center;">↓</p>			
<p>Land Trust signs the draft land use agreement</p>			

Land Management : Local Consultation Processes

Local Aboriginal Law & Custom; the new way of doing ALRA business

30 June 2011

Processes for Consultation & Consent

The KRLC will assist in the preparation of documents setting out the processes by which groups of traditional Aboriginal owners in the KRLC area make decisions in about their traditional lands (the "Local Consultation Processes").

Each Local Consultation Process is intended to respect, if not also be founded on, the relevant local Aboriginal law and custom.

Special care will be taken to identify and support the traditional Aboriginal owners' traditional or other decision-making processes; cp. s.77A of the Land Rights Act; and to their adoption of effective, efficient and informed decision-making processes. In particular, it is expected that, by doing so, proper respect will be accorded to the traditional Aboriginal owners' elders.

Each Local Consultation Process will:

- i. spell out what it means to properly consult the traditional Aboriginal owners and other Aboriginals in the relevant locality;
- ii. spell out the requirements for informed consent from the traditional Aboriginal owners in the relevant locality;
- iii. be transparent; and
- iv. be included in the accredited training required of KRLC staff, consultants and others; see below.
- v. identify local 'first point of call' organizations authorized by traditional owners to be a point of contact for them.

Compliance with the Local Consultation Process will ensure both:

- i. respect the local Aboriginal law and custom, and
- ii. compliance with the Land Rights Act's requirements to consult with, and for consents to be given by, groups of traditional Aboriginal owners.

Land Rights Act Compliance

Where relevant, the traditional Aboriginal owners or their representative will report to the KRLC Regional Council. If required, the KRLC can:

- i. firstly, if it has not already done so, undertake the consultations required under the Land Rights Act, and
- ii. secondly, approve or ratify and give effect to the proposed agreement, for example, by directing the relevant Land Trust to enter the agreement.

Preparation of Each Local Consultation Process

The KRLC, with appropriate assistance, will empower the relevant elders in each locality to identify the local Aboriginal law & custom applying to decisions about land in that locality.

It is envisaged that each Local Consultation Process might encompass closely affiliated groups of traditional Aboriginal owners in a locality. (On this basis, a locality may coincide with the areas covered by a KRLC Regional Committee.)

Training about the Local Consultation Process

The KRLC, with appropriate assistance, will assist relevant elders in each locality to develop and implement cross-cultural training courses based on their Local Consultation Process.

Each such local course will, as well as explaining the consultation process to be followed locally for the purposes of the Land Rights Act and, probably, by private business and government agencies for other consultative purposes:

- be accredited as part of a formal tertiary education program;
- be principally delivered by local elders, supported and employed by the KRLC or an appropriate tertiary or other institution;
- explain the local Aboriginal law & custom relevant for the making of legitimate decisions;
- become an essential pre-requisite for consultants and others working with the KRLC in particular localities;
- inform people about the way that the KRLC operates in each locality within its area;
- provide "2-way" training for locals in respect of external consultants and negotiators.

A 5-day course is envisaged. Regular refresher courses are also planned. There may be local courses, regional courses and KRLC- wide courses.

KRLC staff and consultants will be expected to obtain and maintain such cross-cultural accreditation. Staff and consultants who are chosen by traditional Aboriginal owners (and their associations) to advise them will also be expected to obtain such accreditation.

It is also planned that the existing and proposed occupiers and users of Aboriginal land will obtain such accreditation (or appropriate variations).

Such accredited training may also be offered to Commonwealth and NTG employees.

Costs

Whilst there will be additional costs in preparing Local Consultation Processes, it is anticipated that, in due course, consultation costs will be reduced from what they are presently.

CDU School of Indigenous Knowledge

The School of Indigenous Knowledge, Charles Darwin University ("CDU"), has agreed to work out a memorandum of understanding with KRLC under which that School will assist in setting up and maintaining such courses and ensuring they are properly run. (See the letter from the CDU dated 16 May 2011.)

Immediate "Pilots"

It is proposed that the KRLC Applicants identify three (or more) 'pilot' localities and embark upon the development and delivery of courses for them with the CDU.

The CDU is willing to assist in setting this in motion immediately.

Funding permitting, it is hoped that these "pilots" will commence shortly.

Land Management : Access Permits

30 June 2011

Agreements will be reached with traditional Aboriginal owners in relation to the grant, under the Aboriginal Land Act (NTL of permits to enter and remain on their Aboriginal land.

Such agreements are required under s.5(7) of the Aboriginal Land Act (NT). Delegations of the power to grant permits will be proposed for the traditional Aboriginal owners' associations.

A register of granted permits will be maintained, so far as required, by the KRLC and/or the traditional Aboriginal owners' associations.

The KRLC will consider limiting its power to grant permits so that, for example, it only has power to grant permits to its own staff; leaving the local bodies to grant all other permits. This will support local responsibility.

Land Trusts

30 June 2011

Only traditional Aboriginal owners will be nominated for membership to Land Trusts.

Land Trust members will be properly informed of and educated in their roles and responsibilities as Land Trust members, including explanation of s.19 of the Land Rights Act and other consultation and consent requirements, including the KRLC's protocols for consultation; see the Corporate Arrangements and Delegations paper.

Steps will be taken to ensure that Land Trust members have enough information to be satisfied that the KRLC direction to them is lawful.

The role of Land Trusts will also feature in the Local Consultation Processes and associated training.

Budget

30 June 2011

To be provided.

Money Management

30 June 2011

It is realized that the KRLC must comply with a range of statutory requirements relating to its management of money.

The KRLC will offer- and encourage traditional Aboriginal owners to otherwise obtain and consider- proper advice from reputable financial advisers or institutions in relation to the distribution and investment of the monies they receive from the use and occupation of their traditional lands.

In particular, the KRLC will seek to put in place arrangements to ensure the efficient distribution of the traditional Aboriginal owners' monies (including interest earned), without delay.

This may, for example, be by providing in the relevant land use agreement (or in associated documentation) for payments to be made to the incorporated association nominated by the traditional Aboriginal owners to receive the money. Such arrangements are likely to incorporate measures to ensure the proper handling of the money (having regard to the purposes of s.35 of the Land Rights Act), but will avoid any reason for repeated, costly meetings with traditional Aboriginal owners each time there is money available for distribution.

In particular, the traditional Aboriginal owners or, it is expected, the group having authority of the traditional Aboriginal owners to make decisions about the use of money, for example, their elders or their association's board of directors, will be encouraged to consider long-term investment and community development options.

Where the KLRC is required to exercise a discretion in relation to the distribution of money, the distribution will not be arbitrary, so that, for example, money being distributed to the traditional Aboriginal owners will be distributed equally among them or their families, and not to favoured individuals.

Townships and Housing

30 June 2011

The KRLC will encourage traditional Aboriginal owners to consider the long-term leasing of townships to suitable town-management bodies which can, in turn, grant long-term sub-leases for housing and other purposes in those townships.

The KRLC will promote private responsibility in relation to the construction and maintenance of housing.

Suitable, private sources of funding for housing will be promoted, for example (perhaps), the Traditional Credit Union, in addition to wages, rent and other personal income.

A similar policy will apply to insurance of infrastructure on Aboriginal land, within and outside townships.

Staff and Consultants

30 June 2011

Staffing

The Transition Committee will play a key role in the engagement of initial staff and consultants; see the Planning for Establishment Working Paper.

The KRLC will respect the wishes of traditional Aboriginal owners in relation to the persons they wish to engage to advise them from time to time. Often, the traditional Aboriginal owners will already have a sound working relationship with such persons.

- Accordingly, a small administrative office is proposed:
- Chief Executive Officer
- Financial Management Officer
- Secretary / PA
- 3 Project Officers
- Legal Officer (to advise the KRLC itself, not groups of traditional Aboriginal owners)
- Anthropologist
- Associations Officer (to assist with financial management and governance of Aboriginal Corporations)
- 2 Administrative Officers

The KRLC will not practice as a legal adviser. The reason for this is to reflect its support of communities choosing their own advisers and also so that the KRLC can maintain utmost integrity (having regard to ethics and avoiding conflicts of interest). Each group of traditional Aboriginal owners will generally have its own legal adviser.

Consultants

The KRLC will engage (and, where appropriate, will assist traditional Aboriginal owners and their associations to engage) consultants as and when required.

Accredited Training

To qualify for engagement, staff and consultants are expected to undertake the training proposed in respect of the Local Consultation Processes relevant to the area(s) in which such staff or consultants work; see the *Land Management / Local Consultation Processes* Working Paper.

Project Management

30 June 2011

The KRLC will give appropriate priority to the proposals of traditional Aboriginal owners in relation to the management and use of their traditional lands.

At the same time, due consideration will be given to the proposals of others including, for example, mining companies and governments. In view of the "user- pays" arrangements which will apply to these proposals, it is anticipated that additional services can be obtained, as and when required, from consultants.

In addition, as a smaller organization (than the existing Land Council), the KRLC will have the capacity to act on a timely basis, including when there are commercial or other reasons to give priority to certain matters.

The KRLC will, jointly with the relevant traditional owners (directly or through their association), implement a kind of "triage" to identify the priority which should be given to each project with which it is concerned. This will entail the maintenance of a detailed project list database.

The KRLC will aim to facilitate the timely processing of land use proposals, in accordance with the relevant Local Consultation Process.

The KRLC will aim to facilitate the proper monitoring of existing land uses, insofar as required.

The KRLC will maintain a register of land uses and occupations, which will link to the Register of Traditional Ownership.

KRLC Review Committee

30 June 2011

Probably following the operations of the Transition Committee (see the *Corporate Arrangements Working Paper*), a small, standing committee will be established of Aboriginal elders and independent, relevantly qualified and experienced professionals ("Review Committee") to review decisions of the KRLC at the request of Aboriginals affected by the decisions.

This Review Committee will also regularly review the KRLC's operations and make recommendations for improving its services.

Review Committee members may also mentor KRLC members during and between KRLC meetings.
