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# Appendix one – Response from agencies

## Response from Department of Premier and Cabinet



Ref: A5356904  
Your Ref: D22044658

Ms Margaret Crawford  
Auditor-General for NSW  
NSW Audit Office  
GPO Box 12  
SYDNEY NSW 2001

Dear Ms Crawford

I write in response to your letter to the Department of Premier and Cabinet (DPC), dated 24 March 2022 which enclosed the final report for the performance audit investigating whether DPC, the Department of Planning and Environment and the NSW Aboriginal Land Council are effectively facilitating and administering Aboriginal land claim processes under the *Aboriginal Land Rights Act 1983* (ALRA).

As invited by you, this constitutes my formal response to the final report of the performance audit. This response has been prepared in consultation with Ms Nicole Courtman, Registrar of ALRA and is provided on behalf of DPC and the Office of the Registrar ALRA.

The recent Statutory Review of the ALRA noted that “a history of slow progress in settling claims and transferring claimed lands to Local Aboriginal Land Councils has contributed to a situation where the outcomes of the ALRA have not been maximised for Aboriginal people in NSW.”

Your report provides a framework to guide improvements in the Aboriginal land claim process and I am hopeful this report will lead to substantial improvements in outcomes for Aboriginal people in NSW.

DPC is broadly supportive of the recommendations detailed in the final report and included with this letter is a table detailing specific responses to each of the recommendations attached. I am pleased to advise you work has already begun on progressing several of the recommendations.

Thank you again for the professional and productive engagement your team afforded my staff over the course of this important performance audit. I look forward to the tabling of the final report in the NSW Parliament.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Coutts-Trotter'.

**Michael Coutts-Trotter**  
**Secretary**  
26 April 2022

## Performance Audit: Facilitating and administering Aboriginal land claim processes

## Recommendations

By the end of 2022		
No.	Recommendation	Response
1.	<p>DPC should establish and lead strategic governance that oversees a resourced, coordinated interagency program that is accountable for delivering Aboriginal land claim processes. These strategic governance arrangements should include the Registrar, senior executives from DPC (AANSW), DPE, and NSWALC as the relevant state-wide peak Aboriginal organisation.</p> <p>At a minimum, these arrangements should:</p> <ul style="list-style-type: none"> <li>express a whole-of-government commitment to achieving the intent of the <i>Aboriginal Land Rights Act 1983</i> (NSW) (the Act)</li> <li>reflect the relevance of the NSW Government's OCHRE Plan and Closing the Gap reform priorities</li> <li>define how DPC (ORALRA) and DPE's land claim processing activities should be aligned to outcomes and be consistent with obligations</li> <li>conduct strategic planning that results in sustained investment in facilitating land claim processes, and to increase the rate of land claim processing</li> <li>lead the strategic management of risks and opportunities (to Aboriginal Land Councils, state agencies and other parties) given the large number of undetermined claims and which may arise with an increased rate of claim processing</li> <li>establish a mechanism for regular reporting by DPC (ORALRA) and DPE on the coordinated program of land claim processing activities, including on outputs and outcomes against defined measures, and for annual reporting to the community</li> <li>monitor the progress of relevant reform priorities identified in the 2021 statutory review of the Act, including work on the interaction between the Act and native title legislation.</li> </ul>	<p>The Minister for Aboriginal Affairs (the Minister) will convene a taskforce to be chaired by an independent and eminent individual. The taskforce will report directly to the Minister and comprise of senior executives from DPC (AANSW), DPE and NSWALC, as well as the Registrar <i>Aboriginal Land Rights Act 1983</i>.</p> <p>The taskforce will provide advice directly to the Minister broadly aligned with the arrangements detailed in this recommendation.</p>
2.	<p>DPE and DPC (ORALRA) should jointly establish operational arrangements to deliver a coordinated interagency program for end-to-end Aboriginal land claim processes. These arrangements should be developed and regularly reviewed in collaboration with NSWALC and with input from LALC representatives. These arrangements should be clearly documented and communicated to promote transparency, and at a minimum should:</p> <ul style="list-style-type: none"> <li>express key principles for operational 'ways of working' consistent with the Act</li> <li>define a culturally-informed service charter, reflecting relevant aspects of Closing the Gap priority reform 3 (transforming government organisations)</li> <li>clarify operational roles and responsibilities, particularly with respect to information sharing and capacity building activities with LALCs</li> <li>manage interagency operational risks to effective land claim processing, and contribute to the management of strategic risks by reporting on actions to manage risks and the delivery of the outputs and outcomes from land claim processes to the DPC-led strategic governance group (recommendation 1).</li> </ul>	<p>DPC supports this recommendation and will provide support to the delivery of this recommendation to both the Registrar ALRA and DPE through the taskforce identified in Recommendation 1.</p> <p>ORALRA has recently been awarded seed funding from Department of Customer Services, (through the Digital Restart Fund) to develop a concept for end-to-end processing of Aboriginal land claims through the development of a new <b>Aboriginal Land Claim Spatial Information Management System (ALCSIMS)</b>.</p> <p>ORALRA aims to establish a steering committee for this project with membership from AANSW, DPE (Crown Lands), NSWALC and ORALRA that will guide the development of the project to ensure that there is end-to-end process and reporting that meets this recommendation.</p> <p>ORALRA welcomes the opportunity to work with DPE on ongoing operational arrangements including, but not limited to, joint funding requests</p>

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3.	<p>DPC should implement, in partnership with NSWALC, an education program that enhances understanding of the Act and its operations. The program should incorporate subject-matter expertise from the Registrar and DPE. At a minimum, it should include tailored education for key state agencies and the local government sector that clearly communicates how their activities can impact on land claim processes, land under claim, and the intent of the Act.</p>	<p>DPC (AANSW) supports this recommendation and will design and implement a learning and engagement programme to meet this recommendation. While this recommendation identifies that an education programme should be delivered by the end of 2022, DPC (AANSW) has identified a need more broadly across the sector in relation to the general level of understanding of the NSW land rights system and underpinning legislative framework.</p> <p>This recommendation is to be delivered as part of a broader programme that is intended to transition to a business-as-usual activity as part of the DPC (AANSW) role in supporting the Minister for Aboriginal Affairs to administer the <i>Aboriginal Land Rights Act 1983</i> and to support the achievement of the intended outcomes of the Act.</p>
4.	<p>DPC should complete planning for an interagency, Aboriginal land claim spatial information management system. Planning should be done in partnership with the Registrar, DPE and NSWALC, and with input from LALC representatives. The plan should aim to have the information management system operational in 2023.</p>	<p>DPC supports this recommendation. The delivery of the proposed <b>Aboriginal Land Claim Spatial Information Management System (ALCSIMS)</b> is in progress as detailed in response to Recommendation 2.</p>
5.	<p>DPE should finalise updates to its land claim assessment procedures to ensure their currency and consistency with the Act, and integration with other DPE policies and functions, and with the activities of other agencies. DPE should seek input from NSWALC and LALC representatives on relevant aspects of these procedures.</p> <p>In particular, assessment procedures should be finalised to support:</p> <ul style="list-style-type: none"> <li>transparent approaches to identifying and prioritising land claims for assessment</li> <li>timely and consistent approaches to evidence gathering and escalating related delays, informed by transparent evidentiary thresholds for determining claims</li> <li>clearer protocols for engaging with Aboriginal Land Councils in relation to claim assessments, amendments and withdrawals, and Aboriginal Land Agreements.</li> </ul>	<p>DPC supports this recommendation and has been advised by DPE that this work is in progress and scheduled to be completed in line with this recommendation.</p>

By 1 July 2022		
No.	Recommendation	Response
6.	<p>DPE should implement a resourced, ten-year plan for its land claim assessment functions that increases the rate of land claim processing, consistent with the Act. DPE's processes for identifying and prioritising claims for assessment, and for identifying opportunities for Aboriginal Land Agreements, should be transparently aligned with this plan.</p> <p>At a minimum, this plan should:</p> <ul style="list-style-type: none"> <li>increase the annual rate of land claim processing to be above the five-year average number of claims lodged<sup>8</sup></li> <li>set and monitor target timeframes for: <ul style="list-style-type: none"> <li>determining new claims (for example, those made after 30 June 2023)</li> <li>determining 'current' claims (for example, those made after 30 June 2021)</li> <li>determining 'aged' claims (for example, those made before 30 June 2021).</li> </ul> </li> <li>focus on determining claims that are likely to result in land grants, at least in the initial years of its implementation</li> <li>detail how DPE will transparently report on the outputs and outcomes of this plan to government and communities.</li> </ul> <p>This plan should be developed with the support of the DPC-led strategic governance group to ensure adequate resourcing and alignment with outcomes (see recommendation 1).</p>	<p>DPC supports this recommendation and has been advised by DPE that Crown Lands is in the process of developing a multi-year plan that addresses this recommendation.</p>

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7.	DPE should implement a five-year workforce development strategy for its land claim assessment function. This strategy should involve a review of its current resourcing profile, consider options to expand specialist expertise, and ensure access to adequate training for staff. This strategy should be aligned to the NSW Government's Aboriginal Employment Strategy and reflect Closing the Gap priority reform 3 (transforming government organisations).	DPC supports this recommendation and has been advised by DPE that this work is in progress. DPC notes that the proposed Taskforce discussed in the response to Recommendation 1 will provide support and guidance on the delivery of this recommendation.
8.	DPC (ORALRA) should finalise the remediation and upgrade of the statutory Aboriginal Land Claims Register to ensure its accuracy, enhance functionality, and enable its integration with an interagency land claim information system (recommendation 4).	DPC supports this recommendation and notes that work is in progress. DPC will provide support to the delivery of this recommendation to both the Registrar ALRA and DPE through the taskforce identified in Recommendation 1.  ORALRA has recently been awarded seed funding from Department of Customer Services, (through the Digital Restart Fund) to develop a concept for end-to-end processing of Aboriginal land claims through the development of a new Aboriginal Land Claim Spatial Information Management System (ALCSIMS). This will include an upgrade to the existing Aboriginal Land Claims Register  ORALRA aims to establish a steering committee for this project with membership from AANSW, DPE (Crown Lands), NSWALC and ORALRA that will guide the development of the project to ensure that there is end-to-end process and reporting that meets this recommendation.

On an ongoing basis		
No.	Recommendation	Response
9.	DPE should maintain, enhance and formalise information-sharing arrangements with NSWALC and LALCs to inform their claim making and engagement in relevant processes.	DPC supports this recommendation. DPE has advised that Crown Lands is establishing communications systems in consultation with NSWALC to address this recommendation.
10.	NSWALC should maintain and enhance information-sharing and other forms of support to LALCs to inform their claim making and continue to build LALC capacity to engage in relevant processes and decision-making about land claims.	DPC supports this recommendation and will discuss with NSWALC opportunities for the Government to assist NSWALC in system solutions to support the information sharing recommended.

# Response from Department of Planning and Environment



## Department of Planning and Environment

Our ref: DOC22/070816

Your ref: D22046459

Ms Margaret Crawford  
Auditor-General for New South Wales  
GPO Box 12  
Sydney NSW 2001

21 April 2022

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**Subject: Performance audit – facilitating and administering Aboriginal land claim processes**

Dear Ms Crawford

Thank you for your letter dated 24 March 2022 inviting our response to your performance audit report of the facilitation and administration of Aboriginal land claim processes.

The Department of Planning and Environment (the Department) supports the recommendations of the audit. The Department's responses to these five recommendations are contained in the enclosed table.

The Department looks forward to continuing to assist the Department of Premier and Cabinet (DPC) and the NSW Aboriginal Land Council (NSWALC) in relation to the audit's other recommendations.

We thank you for acknowledging that the Department has recently been making changes to improve the processes and outcomes of Aboriginal land claims, but we recognise that further changes are needed to enhance effectiveness.

Since 2020, to address the historical under-resourcing and structural issues that have led to the backlog of land claims, the Department has begun increasing its resourcing and implementing reforms to improve land claim processes. The Department has:

- doubled the resources of the team responsible for assessing land claims,
- commenced prioritisation projects in partnership with Local Aboriginal Land Councils (LALCs),
- established a community engagement team to engage with Aboriginal stakeholders,
- focused on negotiating more Aboriginal Land Agreements (ALAs) with LALCs which will assist to address multiple claims in a region,
- improved cross-agency collaboration and governance with NSWALC, LALCs and other government agencies, and,
- improved operational efficiencies through streamlining assessment procedures.

The Department will integrate the audit recommendations into the Department's work on Aboriginal land rights and native title to best achieve cultural, economic and spiritual outcomes with Aboriginal people and NSW communities. We appreciate the necessity for an interagency approach and will continue to work with DPC, NSWALC and LALCs to improve Aboriginal land claim processes.

Yours sincerely,

Mick Cassel

Secretary

Recommendations directed to the Department (DPE)	Response
<p>2 By the end of 2022, DPE and DPC (Office of the Registrar Aboriginal Land Rights Act (ORALRA)) should jointly establish operational arrangements to deliver a coordinated interagency program for end-to-end Aboriginal land claim processes. These arrangements should be developed and regularly reviewed in collaboration with NSWALC and with input from LALC representatives.</p> <p>...</p>	<p>Supported – the Department is in the process of reviewing and updating current and new procedures to work with ORALRA, NSWALC and LALCs to jointly establish operational arrangements, forward planning, and regular reviews for practice improvements.</p> <p>The Department has invited ORALRA, NSWALC and Aboriginal Affairs NSW to participate in an end-to-end review. The Department has also established a LALC Reference Group to provide initial advice and direction on refreshing the Aboriginal Land Agreement process, which can settle multiple claims.</p> <p>The Department has been advised by DPC that the strategic interagency governance group to be set up under recommendation 1 will support the delivery of recommendation 2. The Department is supporting DPC in establishing that governance group.</p> <p>The Department assisted ORALRA in its successful application for funding to develop an end-to-end Aboriginal land claim spatial information management system. The Department will continue to assist during the system's development, which will also address recommendations 4 (interagency land claim spatial information management system) and 8 (upgrading the Aboriginal Land Claims Register), which are directed to DPC.</p>
<p>5 By the end of 2022, DPE should finalise updates to its land claim assessment procedures to ensure their currency and consistency with the Act, and integration with other DPE policies and functions, and with the activities of other agencies. DPE should seek input from NSWALC and LALC representatives on relevant aspects of these procedures.</p> <p>...</p>	<p>Supported – the Department is making substantial progress on updating its Aboriginal land claim procedure manual to include new processes that have been incorporated in response to case law and to align it with the recent enhancement of IT and engagement systems.</p>
<p>6 By 1 July 2023, DPE should implement a resourced, ten-year plan for its land claim assessment functions that increases the rate of land claim processing, consistent with the Act.</p> <p>...</p> <p>This plan should be developed with the support of the DPC-led strategic governance group to ensure adequate resourcing and alignment with outcomes (see recommendation 1).</p>	<p>Supported in principle – the Department will be seeking further resourcing to develop and invest in a ten-year plan.</p> <p>The Department has established prioritisation projects, is finalising a prioritisation form for LALCs and other stakeholders, and is developing the tools to use Aboriginal Land Agreements flexibly to achieve multiple objectives including the settlement of multiple claims.</p>

Recommendations directed to the Department (DPE)		Response
7	By 1 July 2023, DPE should implement a five-year workforce development strategy for its land claim assessment function. ...	Supported in principle – the Department will be seeking further resourcing to invest in the five-year strategy.  The Department is commencing the review of its current resourcing profile as the first stage of addressing this recommendation.  The Department has been advised by DPC that the proposed strategic governance group in recommendation 1 will provide support and guidance on the delivery of this recommendation.
9	On an ongoing basis, DPE should maintain, enhance and formalise information-sharing arrangements with NSWALC and LALCs to inform their claim making and engagement in relevant processes.	Supported – the Department is establishing communications systems in consultation with NSWALC to address this recommendation. This work is being designed to be flexible in accordance with feedback from LALCs.  The Department continues to make information available to LALCs through the LALC20 claim prioritisation project and through data provided directly into NSWALC's Geographical Information System mapping tool. The Department will soon finalise updates to the NSW Planning Portal to make additional spatial claim data available to LALCs.  In implementing this recommendation, the Department will enhance NSWALC's ability to support LALCs through information-sharing (recommendation 10).

# Response from New South Wales Aboriginal Land Council

Margaret Crawford  
Auditor-General for New South Wales  
Audit Office of NSW



**New South Wales  
Aboriginal Land Council**  
ABN 82 726 507 500  
alc.org.au

Cc: Claudia Migotto, Assistant Auditor-General

Dear Ms Crawford,

## Re: Performance Audit – Aboriginal land claims processes

We thank the Audit Office for the work undertaken on the *'Performance Audit – Facilitating and administering Aboriginal land claims processes'* and appreciate the opportunity to respond.

The report's key findings and insights into Aboriginal land claim processes highlight the long-standing concerns NSWALC and the Land Rights network have consistently raised, as have multiple reviews over more than a decade. The failure of government to meet its statutory requirements to determine Aboriginal land claims is beyond unacceptable.

We agree with the Audit Office that further work is needed by governments to deliver on their obligations to administer Aboriginal land claim processes. However, we are concerned that the Audit Office recommendations fall short of the transformational approach needed. Given the report notes government has not progressed recommendations from previous reviews<sup>1</sup>, we are not convinced that the latest recommendations are sufficient, efficient or effective to address the scale of the problems government has created.

The lack of progress by Governments in delivering Aboriginal land rights outcomes to date emphasises the urgent need to do things differently, in partnership with us. Further work is needed, in line with the NSW Government's commitments to Closing the Gap, on how the issues identified in the report can be best addressed. Unless this occurs, Aboriginal Land Councils will continue to wait decades for the compensation and intended outcomes promised by the *Aboriginal Land Rights Act 1983*.

Brief responses to the Audit Office's recommendations are below.

We look forward to working in partnership to develop and implement actions to support genuine improvements to Aboriginal land claim processes and deliver Aboriginal land rights outcomes.

Thank you for your work on these important matters. For further information please contact Stephen Hynd, Executive Director Land, Legal and Strategy on [Stephen.Hynd@alc.org.au](mailto:Stephen.Hynd@alc.org.au) and Jarrod Chapman, Manager, Land and Property on [Jarrod.Chapman@alc.org.au](mailto:Jarrod.Chapman@alc.org.au).

Sincerely,

**Yuseph Deen**  
Chief Executive Officer

Date: 22 April 2022

## ALWAYS WAS ALWAYS WILL BE ABORIGINAL LAND

Head office	Western Zone	Northern Zone	Northern Zone (Tamworth)	Eastern Zone	Southern Zone	Far Western Zone
Level 5, 33 Argyle Street Parramatta NSW 2150 PO Box 1125 Parramatta NSW 2124 Ph: 02 9689 4444 Fax: 02 9687 1234	2/36 Darling Street Dubbo NSW 2830 PO Box 1196 Dubbo NSW 2830 Ph: 02 6885 7000 Fax: 02 6881 6268	Suite 5, Level 1 66-90 Harbour Drive Coffs Harbour NSW 2450 PO Box 1912 Coffs Harbour NSW 2450 Ph: 02 6659 1200 Fax: 02 6650 0420	2/158 Marius Street Tamworth NSW 2340 PO Box 890 Tamworth NSW 2340 Ph: 02 6766 4468 Fax: 02 6766 4469	Suite 23, 207 Albany Street North Gosford NSW 2250 PO Box 670 Gosford NSW 2250 Ph: 02 4337 4700 Fax: 02 4337 4710	Unit 22, 2 Yallourn Street Fyshwick ACT 2609 PO Box 619 Queanbeyan NSW 2620 Ph: 02 6124 3555 Fax: 02 6280 5650	Ground Floor Suite 49 Oxide Street Broken Hill NSW 2880 Ph: 08 8087 7909 Fax: 08 8087 3851



# Audit Office Recommendations

By the end of 2022		
No.	Recommendation	Response
1.	<p><b>DPC should establish and lead strategic governance that oversees a resourced, coordinated interagency program that is accountable for delivering Aboriginal land claim processes.</b> These strategic governance arrangements should include the Registrar, senior executives from DPC (AANSW), DPE, and NSWALC as the relevant state-wide peak Aboriginal organisation.</p> <p>At a minimum, these arrangements should:</p> <ul style="list-style-type: none"> <li>express a whole-of-government commitment to achieving the intent of the <i>Aboriginal Land Rights Act 1983</i> (NSW) (the Act)</li> <li>reflect the relevance of the NSW Government's OCHRE Plan and Closing the Gap reform priorities</li> <li>define how DPC (ORALRA) and DPE's land claim processing activities should be aligned to outcomes and be consistent with obligations</li> <li>conduct strategic planning that results in sustained investment in facilitating land claim processes, and to increase the rate of land claim processing</li> <li>lead the strategic management of risks and opportunities (to Aboriginal Land Councils, state agencies and other parties) given the large number of undetermined claims and which may arise with an increased rate of claim processing</li> <li>establish a mechanism for regular reporting by DPC (ORALRA) and DPE on the coordinated program of land claim processing</li> </ul>	<ul style="list-style-type: none"> <li>NSWALC would welcome the opportunity to design and deliver a more efficient and targeted approach that: <ul style="list-style-type: none"> <li>Reflects equal and genuine partnership arrangements with NSWALC (in line with Closing the Gap commitments)</li> <li>Demarcates and clearly recognises strategic, operational &amp; accountability roles &amp; inputs</li> <li>Provides for state-wide strategic direction from NSWALC and a mechanism for LALCs to provide local level inputs</li> <li>Improves accountability</li> <li>Outcomes-focused and maximises delivery</li> <li>Provides appropriate resourcing to NSWALC and LALCs, recognising that NSWALC and LALCs lean organisations, with limited resources</li> <li>Considers alternative and more appropriate mechanisms to monitor progress of broader reforms</li> <li>Reduces duplication</li> <li>Is situated with a broader framework to accelerate the transfer to and activation of lands to Aboriginal Land Councils</li> </ul> </li> </ul> <p>We suggest the Audit Office consider requesting progress reports, and/or undertake subsequent reviews to ensure efficiency and effectiveness in implementing improvements to Aboriginal land claim processes.</p>
	<p>activities, including on outputs and outcomes against defined measures, and for annual reporting to the community</p> <ul style="list-style-type: none"> <li>monitor the progress of relevant reform priorities identified in the 2021 statutory review of the Act, including work on the interaction between the Act and native title legislation.</li> </ul>	
2.	<p><b>DPE and DPC (ORALRA) should jointly establish operational arrangements to deliver a coordinated interagency program for end-to-end Aboriginal land claim processes. These arrangements should be developed and regularly reviewed in collaboration with NSWALC and with input from LALC representatives.</b> These arrangements should be clearly documented and communicated to promote transparency, and at a minimum should:</p> <ul style="list-style-type: none"> <li>express key principles for operational 'ways of working' consistent with the Act</li> <li>define a culturally-informed service charter, reflecting relevant aspects of Closing the Gap priority reform 3 (transforming government organisations)</li> <li>clarify operational roles and responsibilities, particularly with respect to information sharing and capacity building activities with LALCs</li> <li>manage interagency operational risks to effective land claim processing, and contribute to the management of strategic risks by reporting on actions to manage risks and the delivery of the outputs and outcomes from land claim processes to the DPC-led strategic governance group (recommendation 1).</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> </ul>



3.	<b>DPC should implement, in partnership with NSWALC, an education program that enhances understanding of the Act and its operations.</b> The program should incorporate subject-matter expertise from the Registrar and DPE. At a minimum, it should include tailored education for key state agencies and the local government sector that clearly communicates how their activities can impact on land claim processes, land under claim, and the intent of the Act.	Support in principle NSWALC will seek to engage with the NSW Government regarding resourcing to support this work
4.	<b>DPC should complete planning for an interagency, Aboriginal land claim spatial information management system.</b> Planning should be done in partnership with the Registrar, DPE and NSWALC, and with input from LALC representatives. The plan should aim to have the information management system operational in 2023.	<ul style="list-style-type: none"> <li>Support in principle, however, suggest further work to define and clarify appropriate roles and responsibilities</li> <li>NSWALC will seek to engage with the NSW Government regarding resourcing for NSWALC and LALCs to support this work</li> <li>Improving the quality of information, including tenure information, and providing better access to information for NSWALC and LALCs would greatly assist in the land claims process.</li> </ul>
5.	<b>DPE should finalise updates to its land claim assessment procedures</b> to ensure their currency and consistency with the Act, and integration with other DPE policies and functions, and with the activities of other agencies. DPE should seek input from NSWALC and LALC representatives on relevant aspects of these procedures.  In particular, assessment procedures should be finalised to support: <ul style="list-style-type: none"> <li>transparent approaches to identifying and prioritising land claims for assessment</li> <li>timely and consistent approaches to evidence gathering and escalating related delays, informed by transparent evidentiary thresholds for determining claims</li> </ul>	Support in principle NSWALC will seek to engage with the NSW Government to ensure appropriate partnership arrangements with us, particularly relating to prioritising land claims assessments and developing engagement protocols.  NSWALC will seek to engage with the NSW Government to ensure any land claim assessment protocols, including those relating to escalation, are designed in partnership with us
	<ul style="list-style-type: none"> <li>clearer protocols for engaging with Aboriginal Land Councils in relation to claim assessments, amendments and withdrawals, and Aboriginal Land Agreements.</li> </ul>	

By 1 July 2022		
No.	Recommendation	Response
6.	<b>DPE should implement a resourced, ten-year plan for its land claim assessment functions that increases the rate of land claim processing, consistent with the Act.</b> DPE's processes for identifying and prioritising claims for assessment, and for identifying opportunities for Aboriginal Land Agreements, should be transparently aligned with this plan.  At a minimum, this plan should: <ul style="list-style-type: none"> <li>increase the annual rate of land claim processing to be above the five-year average number of claims lodged.</li> <li>set and monitor target timeframes for: <ul style="list-style-type: none"> <li>determining new claims (for example, those made after 30 June 2023)</li> <li>determining 'current' claims (for example, those made after 30 June 2021)</li> <li>determining 'aged' claims (for example, those made before 30 June 2021).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>As above, strategic inputs should be from NSWALC (State-wide) and LALCs (local-level), &amp; ensure alignment with Closing the Gap</li> <li>Appropriate success measures / KPIs need to be designed in partnership with NSWALC</li> <li>More ambitious targets need for determining Aboriginal Land Claims and returning land to Aboriginal Land Councils. Without more ambitious targets, the failure of government to determine Aboriginal land claims is likely to continue along the very slow and inefficient path described in your report, and Aboriginal Land Councils will continue to wait decades for the compensation promised in the ALRA to be delivered.</li> <li>Additional appropriate budgeting and resourcing measures are needed. We are concerned by the inadequate budgeting for land claim processing; this extends to budgetary limitations placed on the value of land that may be transferred in any given year. We welcome the transparency the draft report brings to this and other aspects of claims' processing.</li> </ul>

	<ul style="list-style-type: none"> <li>focus on determining claims that are likely to result in land grants, at least in the initial years of its implementation</li> <li>detail how DPE will transparently report on the outputs and outcomes of this plan to government and communities.</li> </ul> <p>This plan should be developed with the support of the DPC-led strategic governance group to ensure adequate resourcing and alignment with outcomes (see recommendation 1).</p>	
7.	<b>DPE should implement a five-year workforce development strategy for its land claim assessment function.</b> This strategy should involve a review of its current resourcing profile, consider options to expand specialist expertise, and ensures access to adequate training for staff. This strategy should be aligned to the NSW Government's Aboriginal Employment Strategy and reflect Closing the Gap priority reform 3 (transforming government organisations).	NSWALC will seek to engage with the NSW Government to ensure consideration of Closing the Gap Priority reform 2 and appropriate resourcing for NSWALC & LALCs to support land claims processes
8.	<b>DPC (ORALRA) should finalise the remediation and upgrade of the statutory Aboriginal Land Claims Register</b> to ensure its accuracy, enhance functionality, and enable its integration with an interagency land claim information system (recommendation 4).	Support, provided scoping and execution is shared with DPE and NSWALC to eliminate the threat of duplication, given NSWALC and DPE are working on inter-related systems.

On an ongoing basis		
No.	Recommendation	Response

9.	<b>DPE should maintain, enhance and formalise information-sharing arrangements</b> with NSWALC and LALCs to inform their claim making and engagement in relevant processes.	Support
10.	<b>NSWALC should maintain and enhance information-sharing</b> and other forms of support to LALCs to inform their claim making and continue to build LALC capacity to engage in relevant processes and decision-making about land claims.	<ul style="list-style-type: none"> <li>• NSWALC will continue to share information with, and support LALCs, and investigate opportunities for further enhancements</li> <li>• NSWALC will seek to engage with the NSW Government regarding resourcing for NSWALC and LALCs to support the implementation of this recommendation</li> <li>• We note the ability to improve information-sharing arrangements is contingent on the NSW Government's willingness to engage and share information. NSWALC will seek to engage with the NSW Government to develop and implement appropriate information sharing arrangements</li> </ul>

<sup>1</sup> Pages 2 & 4, Final report: *Facilitating and administering Aboriginal land claim processes*