



## WORIMI LOCAL ABORIGINAL LAND COUNCIL

**Our vision is the day when our Aboriginal community once again proudly feels it belongs to its culture, its land and each other because it has regained its cultural identity, financial independence and self determination through the actions of the**

**Worimi Local Aboriginal Land Council**

*“The Aboriginal Land Rights Act 1983 (NSW) – Looking Ahead”*

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## **INTRODUCTION**

It is important to recognise that the opportunities and developments of the Worimi LALC highlighted throughout this paper came about by virtue of location and landscape and of course... the Aboriginal Land Rights Act (ALRA).

I ask readers to acknowledge that the NSW Local Aboriginal Land Council (LALC) network, although complex is full of richness and diversity and as such, we recognise LALC individualism, opportunities and threats, the struggle for sustainability, empowerment and predominantly...survival, in what we all know is an ever-changing world of legislation, politics and uncertainty!

## **THE BEGINNING**

The Worimi LALC was incorporated in 1984 under the New South Wales Aboriginal Land Rights Act 1983 ("ALRA"). Office administration commenced in Tanilba Bay and following the very first of many more to come successful Aboriginal Land Claim (ALC), relocated to land that was soon to be known as 'The Farm', rightly named due to the development of a 'Market Garden' (*significant in that it was the first business venture created as a result of the ALRA for the Worimi LALC*).

Unfortunately, having initially provided ample training and employment, it was deemed unsustainable and operations ceased in the 90's.

Following the acquisition of an amusement park with a vision of developing a Tourism Culture Park, the Worimi LALC relocated to Williamtown, renaming the park to 'Murrook' (*meaning good/happy in the traditional language of the Worimi*)... unfortunately, happy times were not to come! Worimi LALC effectively became insolvent and was, in accordance with the ALRA, placed under Administration in 2004.

Having spent some years in this position and suffering significant debt, the appointment of a General Manager in Feb 2006 and the election of interim Officers, saw the Worimi LALC soon become conversant with ALL Administrator dealings, while also employing good governance & financial management. The Minister of Aboriginal Affairs, having identified this, requested an exit strategy be developed and the Administration period ceased effective Thursday 12th October 2006.

## **A NEW BEGINNING / KEEP MOVING FORWARD**

Despite the internal and external hardships visited upon the Worimi LALC we have continued to look towards the future with optimism and determination to guide our destiny.

Our focus has always been on protecting and fostering the best interests of Aboriginal people with a clear knowledge and understanding that this is best achieved through the efficient use of land and the development of SUSTAINABLE ventures.

With this in mind let me share with you the creation of the Worimi Conservation Lands (WCL) and how the community, WORIMI LALC & Traditional Owners joined together to achieve something that has ultimately, exceeded our expectations!

*"For many thousands of years our Ancestors worked in harmony with Ngaya Barray (Mother Earth) to sustain their lifestyles. Incursion has seen the worst happen to our people and our lifestyles drastically altered. We are NOT victims, we are survivors and the Aboriginal Land Rights Act has reconnected us with Ngaya Barray and opened up an array of wonderful opportunities to re-ignite our culture and empower the lives of our people. Only this time... it's a whole new ball game!"*

## **WORIMI CONSERVATION LANDS (a.k.a Stockton Bight) / Aboriginal Land Claims**

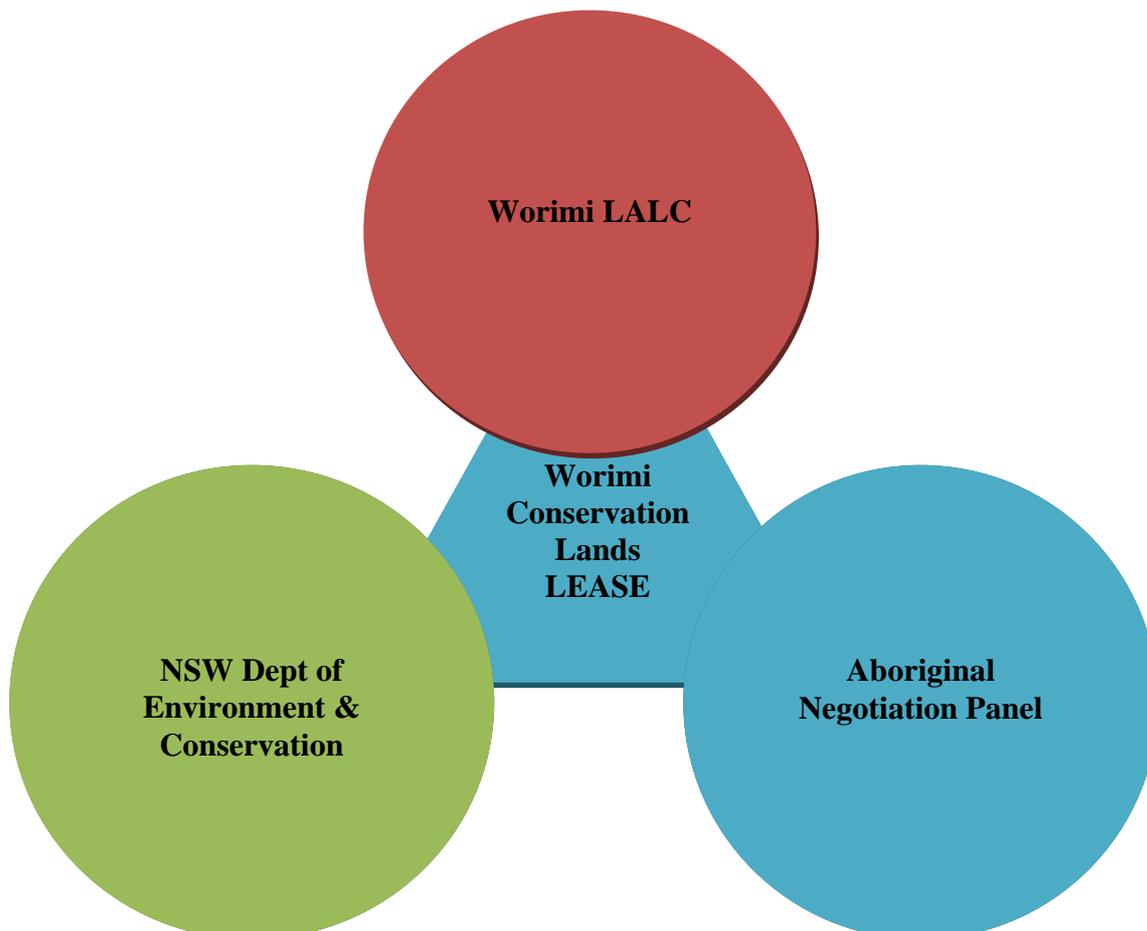
There has been a great deal of research into Aboriginal people across Australia and the Worimi people are no exception.

Worimi ancestors traditionally used the Stockton beach front area to travel between the northern and southern parts of the land known as Nelson Bay (north) and Stockton (south), giving the area a strong Aboriginal cultural connection and presence, containing hundreds of significant sites developed over thousands of years.

Utilising the ALRA, the Worimi LALC, as early as the 1990's, submitted numerous ALC's over the lands to secure them for a number of reasons including but not limited to conservation and commercial purposes.

In 1995 the NSW Government expressed a desire to add the lands to the National Park Reserve System. Recognising this, the Worimi LALC wrote to the NSW Environment Minister with a co-management proposal that would enable the land to be included in the national park reserve system, protect the broader community's interests and provide for recognition, title and other social and commercial benefits to the Aboriginal community.

In 2001 representatives of the NSW Government sat down with the Worimi LALC and the Worimi Traditional Elders Group Inc, to discuss the land claims which resulted in a Memorandum of Understanding (MoU) being signed. This was a significant agreement and highlighted that the land claims would be settled in accordance with section 36A of the ALRA and Part 4A of the NSW *NPW Act 1974* meaning that before granting title to some of the lands, the Worimi LALC would enter into negotiations with an Aboriginal Negotiating Panel (ANP) and the NSW Minister for the Environment to discuss and develop a lease to create National Park Reserve system of New South Wales



***Negotiated conservation and development outcomes for Stockton Bight***

Having recognised the significant economic opportunity that was on offer; following the Labor Government's commitment to allow extraction of sand and mineral resources as a precondition to establishing a National Park on the Stockton Bight, the Worimi LALC simultaneously lodged a series of Aboriginal Land Claims over the very same Crown Lands thus, triggering its inclusion into any future negotiations.

From commencement there was a clear understanding of the desired outcomes from each of the negotiating parties. In saying this, the Worimi LALC accepted that a "leaseback park" under the NPW Act would return a majority of ownership and management of the Crown lands to the Registered Aboriginal Traditional Owners however, also recognised that the successful granting of key land parcels provided a range of economic development opportunities on the lands including:

- the **inclusion** of the southern area of the Bight within a State Conservation Area tenure, which allowed for the continued operation of sand extraction;
- the **exclusion** of the significant western portion from any conservation reserve to allow for its extraction of sands; and
- the **exclusion** of an area known as "the tongue" from any conservation reserve proposal to allow for its use for sand extraction and tourism;
- the **exclusion** of the northern area dunes of the Bight from any conservation reserve to allow of its use for tourism (*Land Management Agreement under s.146 NPW Act*)

Other agreed outcomes negotiated included (but not limited to):

- Recognition of the Worimi Aboriginal "ownership" of the lands;
- Aboriginal employment and training opportunities;
- Ongoing public use and access to the beach.

## **SUSTAINABLE COMMERCIAL VENTURES & PARTNERSHIPS**

### **LAND MANAGEMENT AGREEMENT (Partnership & Passive Income)**

#### **Background**

During the lease negotiations, (then) DECC funded a 'Strategic Economic Development Plan for the Stockton Bight Area'. The report identified that a collection of adjoining land parcels (under separate ownership, tenure and management) formed part of one large integrated beach and sand dune landscape which, posed a number of park management and environmental conservation challenges i.e.

- Worimi LALC owned land to the west, which was granted under the ALRA and not subject to the Part 4A lease negotiations;
- A Local Government managed Reserve which included a car park, surf club and an Aboriginal place; and
- The inter-tidal zone (ITZ) to the east, which is reserved under Part 4 (not Part 4A) of the Act

The lack of delineation between the boundaries of these land parcels provided even greater difficulty when it was identified that a high volume of commercial tour operators licensed under the National Parks system, had historically (and in some instance continued their operations) used each of these areas cooperatively.

As a result; the parties to the negotiations agreed that it was extremely important for the lands to be managed in a way which ensured that this fragile and culturally significant landscape was protected in a holistic and culturally sensitive manner.

#### **Current Position**

The Section 146 Land Management Agreement is a landmark accord between the Worimi LALC, the Worimi Conservation Lands (WCL) Board of Management and NSW National Parks & Wildlife Service (NPWS).

The agreement allows NPWS to now represent both the WCL Board of Management and the Worimi LALC, to provide tourism operators with a 'one-stop shop' for commercial licensing over multiple land tenures at Stockton Bight, bringing a common sense approach to the management of commercial tourism on the Stockton Bight.

The Agreement is the first of its kind in NSW and recognises the strong commitment of all parties involved, to provide an integrated management model for one of the most environmentally and culturally significant landscapes in the State.

A total of 14 tour operators are currently licensed on behalf of the WCL Board of Management, to operate on the co-managed Worimi Conservation Land. By negotiating and entering into the new Agreement, NPWS can now extend this licensing to include the WLALC adjoining lands while also allowing NPWS to issue permits, install signage, carry out law enforcement, and manage the day to day commercial tourism operations on Worimi LALC owned land adjoining the WCL at Anna Bay.

While the primary focus of the agreement is the management of commercial tourism, the agreement greatly benefits the Worimi LALC by empowering NPWS to manage inappropriate behaviour occurring on their land.

It also means that the Worimi LALC receives a fair financial return from the commercial tourism activity now occurring (legally) on its land.

The agreement is an example of the Worimi LALC's commitment to community development and puts the WLALC in good stead to create positive outcomes for Members through the implementation of the Community Land & Business Plan goals and objectives.

This partnership continues to work hard to ensure the on-going commercial and recreational use continues in a sustainable way while also ensuring the protection of the cultural and natural heritage of the area. It also highlights the ability of Government and LALC's to work together for mutually beneficial outcomes that also benefit the broader community.

In quoting Gough Whitlam at the handing back ceremony, "**Ask not what you can do for your Country but what the Government has the power to do for you?**"

## ***TOURISM (Aboriginal Owned and Operated)***

The enormity and vastness of the coastal desert that is the Stockton Bight is unique and highly attractive to the Tourism market. In addition to the traditional landscape and evidence of Aboriginal occupation, to simply stand atop a 70– 100ft sand dune with 360' views continues to hypnotise people and create a stupendous awe of the area.

Tourism on these lands is abundant and the Worimi LALC, having had little success with a previous attempt to operate a sand touring company, now has a monopoly on the lands thanks to the successful Aboriginal Land Claims that handed these magnificent sand mountains back to the Aboriginal community via the Aboriginal Land Rights Act 1983.

Having successfully negotiated the Worimi Conservation Lease in late 2006/07, the Worimi LALC now turned its attention to the re-establishment of a sand touring venture with the understanding that, as a result of the newly acquired ownership, a point of difference and exclusivity could be offered.

Worimi LALC undertook a 'Business Feasibility Study' of the Murrook Aboriginal Culture Centre in mid 2008 (funded by DEEWR), which included the sand touring activities. Research and investigation clearly noted the profitability of sand tourism however; this would require a significant investment to commence.

Determined to implement a sand tourism operation, the Worimi LALC Board and community approved the investment required (from limited funds available) in mid 2009. With a 'green light' from the Board and Community the Worimi LALC workshopped and developed a business plan (including policy and procedures) and implemented the business in late Nov 2009.

Having only been operating all of fifteen (15) months, the venture has returned the initial capital investment to the Worimi LALC, created 9 full time and permanent part-time jobs and continues to make inroads in the tourism industry for Aboriginal people and Aboriginal Tourism for NSW.



**MISSION STATEMENT**  
Sand Dune Adventures WILL BE a leader of excellence in mainstream & Aboriginal Tourism, providing high quality service, equipment & customer experience, ultimately reaching National and International recognition.

**THE ADVENTURE STARTS HERE**

**SAND DUNE ADVENTURES**

## **SAND EXTRACTION**

It is no secret that the sand resources currently supplying the Sydney market (construction etc) are quickly approaching their 'use by' dates. Highlighting this, the Worimi LALC owns various parcels of land adjoining the Worimi Conservation Lands which (as noted previously) contain large reserves of sand highly suited to the building/construction & silica/glass industries.

Prior to the appointment of the Administrator, Worimi LALC entered into Licencing Agreements in relation to reserves ( namely Lot 218, 220 and 227) to allow third parties to extract sand and pay to the Worimi LALC an agreed Royalty. It was the Administrator's view that not only were these agreements and their commercial aspects not in the best interest of the Worimi LALC they were void under the ALRA. The Agreements were rescinded.

At a meeting of Members in 2006, members resolved to "change of use" for Lots 216, 218 and 220 to allow the extraction of sand and to obtain all the necessary consents to allow this use. The Worimi LALC undertook the process of obtaining Expressions of Interest from parties, with a view to selecting operators to enter into Sand Extraction Agreements with respect to three (3) parcels, Lot 216, 218 & 220.

Following a comprehensive review and assessment of tenders received, in late December 2006, members resolved to approve entering into a Sand Extraction Agreement in respect to Lot 220 & Lot 218. In accordance with the ALRA, New South Wales Aboriginal Land Council approvals were secured and both Leases were signed however; this was only the beginning.

Form the outset the Worimi LALC recognised that this development was colossal and although such a venture was set to catapult the Worimi LALC into the secure realm of sustainability, it was noted that approvals would not be forthcoming without constraints and legislative requirements. Having said that, we had no idea of the journey that lay ahead and although operations have commenced, this did not come without a fight for recognition and survival that ultimately (in many a meeting) resulted in blood, sweat and tears along the way!

All in all, from inception to approval, it took the best part of 10 years before the Worimi LALC even witnessed a shovel in the ground! Having said that, realising the capital injection into the Aboriginal community from this venture and the long-term (generational) benefits that this income will provide... if I had to, I would re-enter the ring on behalf of the Worimi Aboriginal community in the blink of an eye!

In addition to the approvals that were secured and exercising an abundance of caution, the Worimi LALC entered into good faith negotiations with the NSW Aboriginal Land Council to determine if the operations were Mining or Extraction?... but this is a story for another day!



## **CONCLUSION**

I have been active in the ALRA system now for some 10 years and even I am ignorant of the FULL history behind its creation and ongoing fight for survival?

While I plan on filling these missing gaps in my knowledge, what I do know right now is that Land Rights and the Aboriginal Land Rights Act in the 21<sup>st</sup> Century is an exciting and energetic life form. LALC's are achieving great entrepreneurial outcomes throughout NSW with good governance, policy & procedures and financial management which in my opinion, should be adopted and standardised across the Network, assisting LALC's in those areas where resources are not readily available. We owe it to our Ancestors and more closely linked, our Elders to make it work. It is they who bore the brunt of the atrocities and racial discrimination so that we might have a better future. The footprints have been laid; all we need to do now is walk in them!