

**STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975  
REPORT AND DETERMINATION PURSUANT TO SECTION 14 OF THE  
ACT**

**REPORT:**

1. In his letter of 28 May 2007 the Premier of New South Wales, the Hon Morris Iemma MP, requested the Tribunal make a special determination as to the remuneration payable to the Members of the New South Wales Aboriginal Land Council (NSWALC). The Premier provided the original request for the review received from the Minister for Aboriginal Affairs, the Hon Paul Lynch MP, together with a submission made on behalf of the NSWALC.
2. The NSWALC was established in 1983 in accordance with the *Aboriginal Land Rights Act 1983* (“ALR Act”). The NSWALC administers a land rights system that oversees the operation of 120 Local Aboriginal Land Councils (LALCs). The ALR Act outlines the functions and objectives of the NSWALC and the roles and responsibilities of Councillors. The NSWALC consists of nine full-time Aboriginal Councillors who are elected from each of the nine regional land council areas in the State. These office holders are not appointed by the Minister.
3. For remuneration purposes the office of Member of the NSWALC is listed in Schedule 2 of the *Statutory and Other Offices Remuneration Act 1975* (“SOOR Act”). Historically the Tribunal has determined an annual salary for the position of Member with an additional loading for the offices of Chairperson, Secretary and Treasurer.
4. The Premier’s direction to review the salary for this office is the first since 1992 and coincides with the recent NSWALC elections. The election was held on 18 May 2007 and followed a period of administration and legislative reform.

5. The *Aboriginal Land Rights Amendment Act 2001* and the *Aboriginal Land Rights Amendment Act 2006* introduced significant changes to the land council system which has impacted upon the responsibilities of Councillors. These amendments legislate new responsibilities relating to the oversight of Local Aboriginal Land Councils, policy and advice as follows:
- Membership of the NSWALC has decreased from 13 to 9.
  - Abolition of the 13 Regional Aboriginal Land Councils, the middle (third) tier of the land rights system and its replacement with a Regional Electoral Forum for each of the new nine ALC regions, consisting of the Chairpersons of the Boards of each LALC within the Region.
  - Financial stewardship functions including preparing and implementing CLB Plans (Community, land, business plans of LALC), managing investment of assets and facilitating business enterprises.
  - The provision of community benefit schemes either directly or indirectly and/or supervision of such schemes provided by LALCs. Councils may also form or participate in the formation of a trust for the purposes of providing a community benefits scheme.
  - Provision of social housing schemes by using services, or with the assistance, of another body and agency. (s.109)
  - Councils are to use best endeavours to increase the membership of LALCs by no less than 3% pa in the 5 years after the proposed section commences.
6. The amendments also include statutory training requirements. As outlined in the NSWALC submission

*“The highest levels of probity, fairness and accountability will now be required of incoming Councillors. They will be required upon gaining office, to undergo intensive training in good governance, which will include adopting model rules, a code of conduct and like provisions.”*

7. The need for Councillors to have a greater understanding of corporate governance was also highlighted in the Second Reading Speech of the Aboriginal Land Rights Amendment Bill 2006, by the Hon. Tony Kelly, MLC.

*“The bill amends the Act to improve Aboriginal Land Council governance and facilitates the better management of Aboriginal Land Council assets, investments and business enterprises. The bill will provide for the changing structures of the Local Aboriginal Land Councils (LALCs) from small-scale community organisations to reflect the million dollar corporate structures some have grown into over the past 23 years”*

8. The Tribunal has given careful consideration to the Minister’s correspondence and the submission made by the NSWALC. The Tribunal has also had regard to the increased scope of the statutory responsibilities and duties of Councillors.
9. Having regard to the above, including the increased role and responsibilities of Councillors arising from the new legislation and that these responsibilities will now be performed by 9 Councillors instead of 13, the Tribunal considers that a significant increase in remuneration is warranted on this occasion. On this basis the Tribunal has determined that Members receive an annual salary \$106,365.
10. The Tribunal has also considered the positions of Chairperson and Deputy Chairperson which were modified with the amendments provided by the *Aboriginal Land Rights Amendment Act 2006* and replace the previous roles of Chairperson, Secretary and Treasurer. The Tribunal finds that additional loadings of 10% for the Chairperson and 5% for the Deputy Chairperson are appropriate as these levels provide appropriate differentiation in recognition of the additional responsibilities.
11. The increase in remuneration reflects the additional responsibilities expected to be undertaken by Councillors following amendments to the *Aboriginal Land Rights Act 1983* and the additional workload associated with an overall reduction in Councillors from 13 to 9.

**DETERMINATION:**

Pursuant to section 14 of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the rate for the Member of the New South Wales Aboriginal Land Council shall be shall be \$106,365 pa with effect from 1 July 2007. The Chairperson shall receive an additional allowance of 10% (i.e. \$117,000 p.a). and the Deputy Chairperson shall receive an additional allowance of 5% (i.e. a total of \$111,685 per annum).

**Statutory and Other Offices  
Remuneration Tribunal**

Helen Wright  
3 August 2007