



# **ANINDILYAKWA LAND COUNCIL**

## **2020/21 CORPORATE PLAN**

Covering the period 2020/21-2023/24

### **FOREWORD**

This document is designed to outline the priorities of Anindilyakwa Land Council (ALC) in pursuit of our Vision during the period 2020/21-2023/24. We are conscious that our priorities will evolve, and require periodic adjustment to coincide with social, political, and economic changes as they arise.

This plan focuses on medium and long-term priorities, which it is hoped will make a genuine difference to securing a sustainable future for our people. To do so, we must be innovative and proactive. The vision of ALC is to ensure that Traditional Aboriginal Owners people benefit socially, culturally, and economically from the secure possession of our land, waters, and seas.

We hope to assist Indigenous people in the Groote Archipelago by:

- Enhancing their inherent rights and interests, including their rights to land, territories, and resources deriving from their culture, traditions, and customary laws
- Empowering their control over developments affecting their land, territories, resources, and culture
- Providing greater unity by the provision of equitable representation and an unbiased focus for political, social, economic, and cultural action and research

The ALC is unique when compared to the other Northern Territory Land Councils constituted under the *Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*. The ALC is subjected to high volume and highly complex payments flowing to it, arising out of the *ALRA* environment following the extraction of manganese by Groote Eylandt Mining Company (GEMCO). GEMCO, a BHP Billiton/South32 subsidiary, operates the mine near the community of Angurugu. In operation since the early 1960s, the mine produces around 4 million tonnes of high-grade ore annually – about a quarter of the world’s total. In many years, around 80% of the substantial income of the Aboriginals Benefit Account established by the *ALRA* for the use and benefit of

TOs across the entire Northern Territory was generated from the extractive mining occurring on Groote Eylandt.

Our corporate mission is to have an effective and capable organisation that effectively serves Aboriginal peoples' interests in and across the Groote Archipelago – one that is fully focused, and committed to achieving our strategic goals over the next four years.

Our focus is targeting development on Groote Archipelago, including the introduction of the Royalty Development Unit (RDU), the reform of the 64(3) Royalty payment system, and the preparation of priority plans for the region.

We will provide increased governance support to the ALC. We will increase community engagement and deliver more accessible and efficient services to Aboriginal people of the ALC region.

We recognise the fundamental importance of working with the government and other key stakeholders in all sectors of the community. This Corporate Plan sets out our strategic framework, and outlines the critical success factors driving our organisation.

We are confident that by successfully delivering on our Corporate Plan, we will deliver effective and efficient corporate management and good governance, and we will take positive and meaningful steps to realise our vision for the ALC.

This confidence is supported by the ALC's approved 15 YEAR STRATEGIC PLAN 2012- 2027, guiding the ALC as both an advocacy organisation and a Commonwealth corporate entity created by legislation, well prior to 4-year corporate planning becoming mandatory.

We, as the accountable authority of the Anindilyakwa Land Council, present the 2020/21 Anindilyakwa Council Corporate Plan.



Mark HEWITT  
CHIEF EXECUTIVE OFFICER



Tony WURRAMARRBA AO  
CHAIRMAN

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## 1. INTRODUCTION

This is the 2020/21 Anindilyakwa Council's Corporate Plan, which covers the financial years 2020/21 to 2023/24 (a period of four years), as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

## 2 PURPOSE

Our purpose is to enable/assist Indigenous people of the Groot Eylandt Archipelago communities to acquire and manage land, and promote economic and community development.

The ALC is an independent statutory authority of the Commonwealth. In 1976, the Parliament of Australia passed the *ALRA*, which is our enabling legislation. The *ALRA* continues to be a strong foundation on which to build social, cultural, and economic growth for TOs.

The ALC officially commenced in 1991, replacing the role previously carried out by the Northern Land Council (NLC). The NLC, however, continues to function as the Native Title representative body for the Groote Archipelago.

The ALC, an Australian Corporate Commonwealth Entity (PGPA), was created to carry out the functions specified to it by the *ALRA*.

The ALC's main source of funding comprises allocations from the Aboriginals Benefit Account (ABA) under section 64(1) of *ALRA*. ALC also receives special purpose grants from various agencies.

The ALC does not have any subsidiaries.

### 2.1 ROLE

The role of the ALC is to assist Indigenous people in the Groote Archipelago by:

- Enhancing their inherent rights and interests, including their rights to land, territories, and resources deriving from their culture, traditions, and customary laws
- Empowering their control over developments affecting their land, territories, resources, and culture
- Providing greater unity by the provision of equitable representation and an unbiased focus for political, social, economic, and cultural action and research

Our corporate mission is to have an effective and capable organisation that effectively serves Aboriginal peoples' interests across the Groote Archipelago, which is guided by our broad strategic goals as follows:

- Protecting the land and sea
- Developing best practice service delivery
- Developing a living cultural economy
- Strengthening community capacity
- Working with all partners

These goals will inform how ALC directs its mining derived income, and how it partners with Indigenous organisations, governments at all levels, and industry to achieve the ALC's outcomes.

## 2.2 FUNCTIONS

ALC is subject to the *Public Governance, Performance and Accountability Act 2013* as a Corporate Commonwealth Entity. The powers and statutory functions of the ALC are detailed in sections 23(1) and 27 of the *Northern Territory Aboriginal Land Rights Act 1976 (ALRA)*.

The ALC is also required to determine the priorities it will give to performing its functions, in accordance with section 23AA of *ALRA*.

## 2.3 STRUCTURE OF THE ANINDILYAKWA LAND COUNCIL

The ALC board is currently made up of 22 representatives, 12 of whom are women. The elected members serve a term of 3 years.

*Public Governance, Performance and Accountability Act*, Rule 2014, Rule 7A, states that the Accountable Authority of the Anindilyakwa Land Council (ALC) is the "the group of persons made up of:

- (a) The Chair of the Land Council
- (b) The Chief Executive Officer of the Land Council

The Chief Executive Officer of Anindilyakwa Land Council (ALC) is the most senior manager appointed by the Council.

The Chair is elected by the Council, generally for a 3 year term, in accordance with *ALRA*.

The ALC Board comprises clan representatives from the Indigenous clans within the ALC area, and one community representative from each of the townships of Angurugu, Milyakburra and Umbakumba.

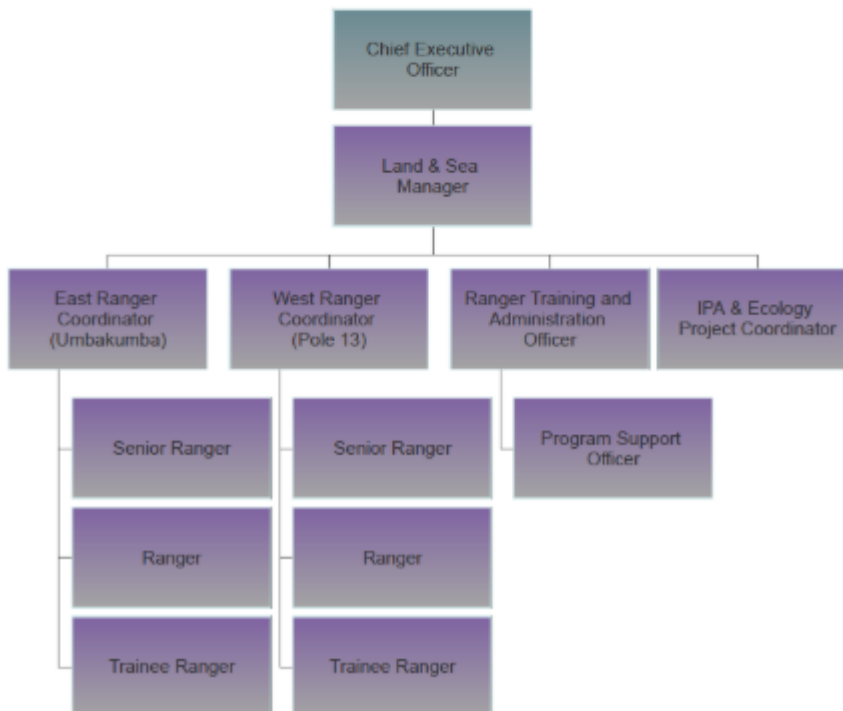
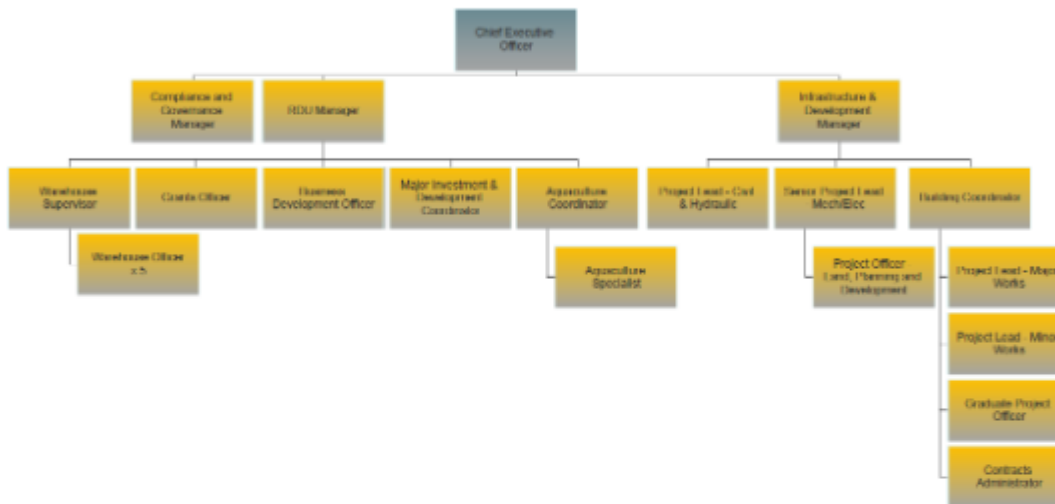
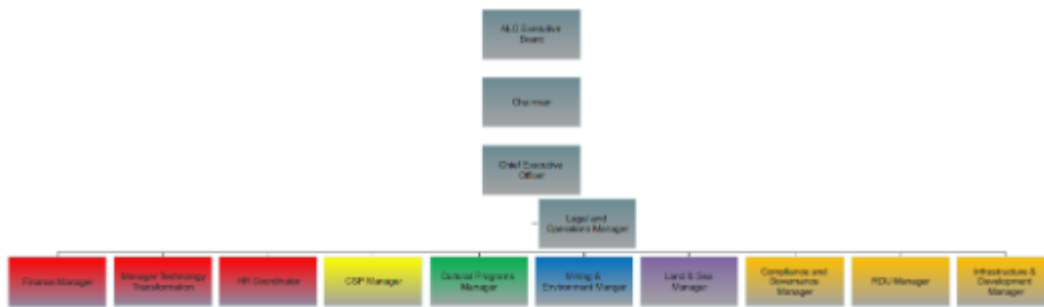
The ALC Board provides the strategic vision and oversight of the ALC. The Chairman and Deputy Chairman are appointed by the ALC Board, and are held accountable for their performance by the ALC Board.

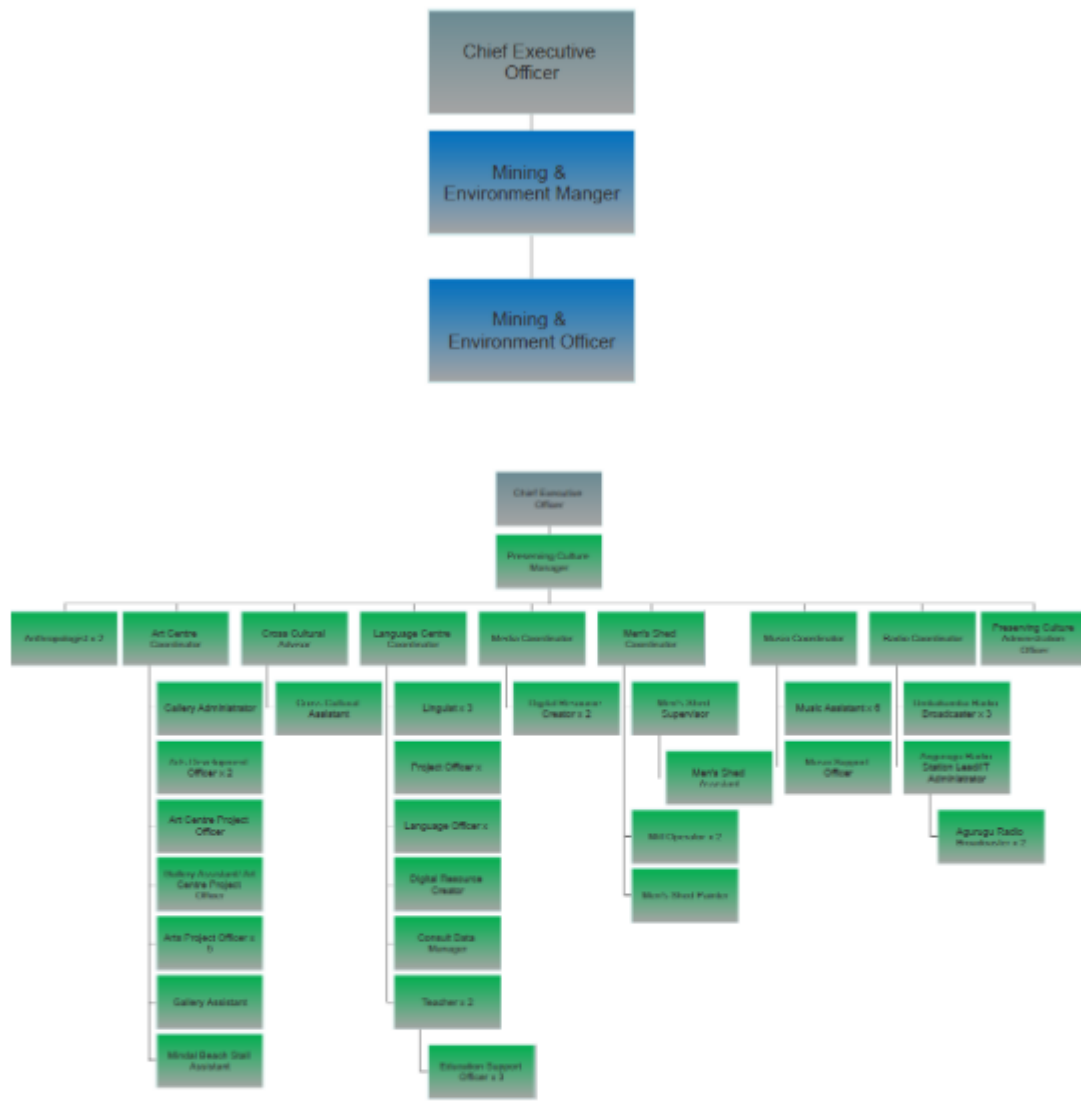
On 11 March 2015, the ALC Board resolved to create a Finance Committee under Section 29A of the *ALRA*, to assist the ALC board in making recommendations to the ALC concerning distribution of S35(2) funds. The Finance Committee is a 7-member Committee, which comprises the Chairman and Deputy Chairman, plus members elected from each of the regions.

The ALC has an Audit Committee with an independent Chair, a Mining Liaison Committee to discuss GEMCO specific matters, and a Land and Sea Management Plan Advisory Committee to support the work of the Land and Sea Ranger Program. Ad hoc working groups meet from time to time to discuss issues of mining, tradition, culture, land management, education, and economic development.

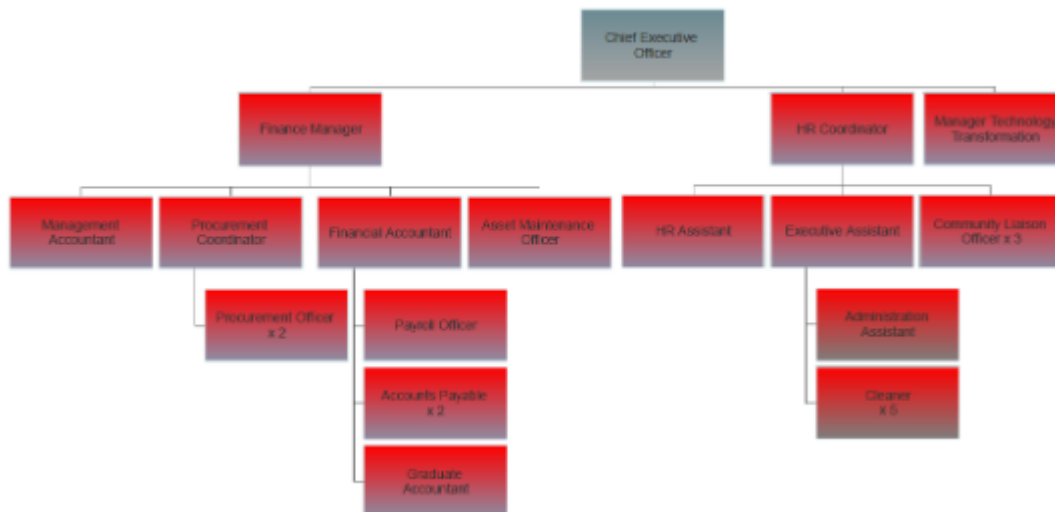
The ALC Board appoints the Chief Executive Officer, who has day-to-day responsibility for administrative operations. The CEO works closely with the Chairman and the Board. The CEO is responsible for the leadership and management of the organisation, implementing Full Council decisions including policies, driving the ALC's strategic direction, setting priorities, and enforcing sound corporate governance.

The ALC operations are primarily located on Groote Eylandt. The main office is at the township of Alyangula, with the Finance team and some RDU officers located in Cairns.









### 3 ENVIRONMENT

Groote Archipelago has approximately 2,000 Aboriginal residents, in communities ranging in size from small family outstations and satellite settlements to 3 substantial communities.

The ALC’s key constituents are the TOs within its region. The Anindilyakwa people primarily reside in the 3 townships of Angurugu, Umbakumba on Groote Eylandt, and Milyakburra, located on Bickerton Island. There are also a number of homeland centres, or outstations, associated with the townships.

- There are Satellite communities of Bartalumba Bay, Malkala, Little Paradise, and 4 Mile
- There are also homeland centres, or outstations, of Thompsons Bay, Ananja, Emerald River, Leske Pools, Yenbakwa, Salt Lake, and Six Mile.

The majority of Aboriginal peoples in the ALC region speak an Aboriginal language as their first language. Many are multi-lingual, and English is often a secondary language.

As the peak representative body for the Traditional Aboriginal Owners across the Groote Archipelago, ALC seeks to take a leading role in improving the lives of our people, through sound stewardship, advocacy, and economic empowerment in accordance with our corporate priorities and our values. Further detail on impotent environmental factors that affect the ALC’s pursuit of its purposes is provided in the opening narrative under 11. Performance Measures.

The ALC is fostering cooperation with Aboriginal Corporations and other non-Government organisations in receipt of Statutory Royalty Equivalents or funds under Mining Agreements via its “Future Groote Strategy” and works with GEMCO on the effective use of mining agreement funds. It links with PM&C under which portfolio the ALC sits, NIAA and with the Department of Finance as a Corporate Commonwealth entity within the meaning of section 11 (b) of the PGPA. Recent stronger links with a suite Northern Territory Government Agencies have been established under a Local Decision Making Agreement (LDMA) between the ALC and the Northern Territory Government. The LDMA contains commitments to local control

over economic development, housing, education, law and justice, health and local government. The LDMA provides a pathway to self-determination and economic independence for the Anindilyakwa people. The ALC has negotiated implementation plans with the NT Government in respect of economic development, housing, law and justice and education. It is due to negotiate an implementation plan with respect to local government by the end of the year, providing for a return to an Anindilyakwa-controlled local government council.

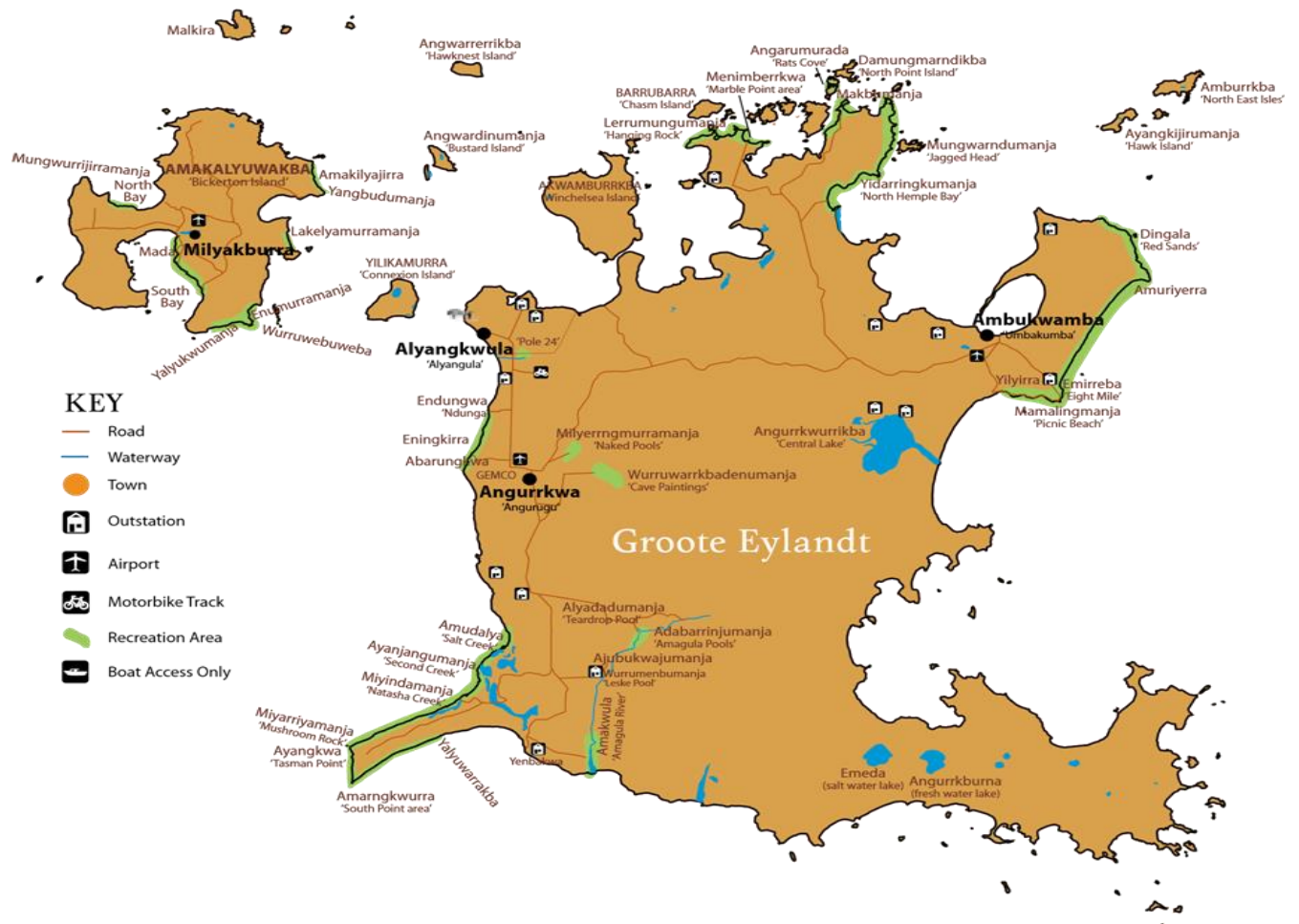
The ALC engages with other Northern Territory Land Councils, particularly the Central Land Council, on related issues.

Other environmental issues are discussed at the preamble to the Performance Measures.

### 3.1 ENVIRONMENT GEOGRAPHIC

- The GROOTE ARCHIPELAGO is situated in the Northern Territory (NT), on the western side of the Gulf of Carpentaria, approximately 640km east southeast of Darwin, and some 50km off the Arnhem Land coast
- Substantial parts of the ARCHIPELAGO are not well-serviced in terms of roads and communications
- The ARCHIPELAGO is within the wet-dry tropics of Australia, and in the wet season (November to April), 93% of the annual rainfall occurs

The ALC, unlike the other *ALRA* land Councils, is remotely located. The Central Land Council is based in the substantial Alice Springs Township, and the Northern Land Council is based in Darwin city, as is the Tiwi Land Council, whose operations are more easily accessed on the Tiwi Islands. This has a substantial impact on the work of the ALC. This includes access to and cost of provision of services based only in these larger (or road accessible) towns, in particular affecting travel and communications access and the costs of providing core services, especially accessing those services based in mainland Northern Territory.



## 4 ROYALTIES

### 4.1 ALC MINING RENTS & ROYALTY DISTRIBUTION FRAMEWORK

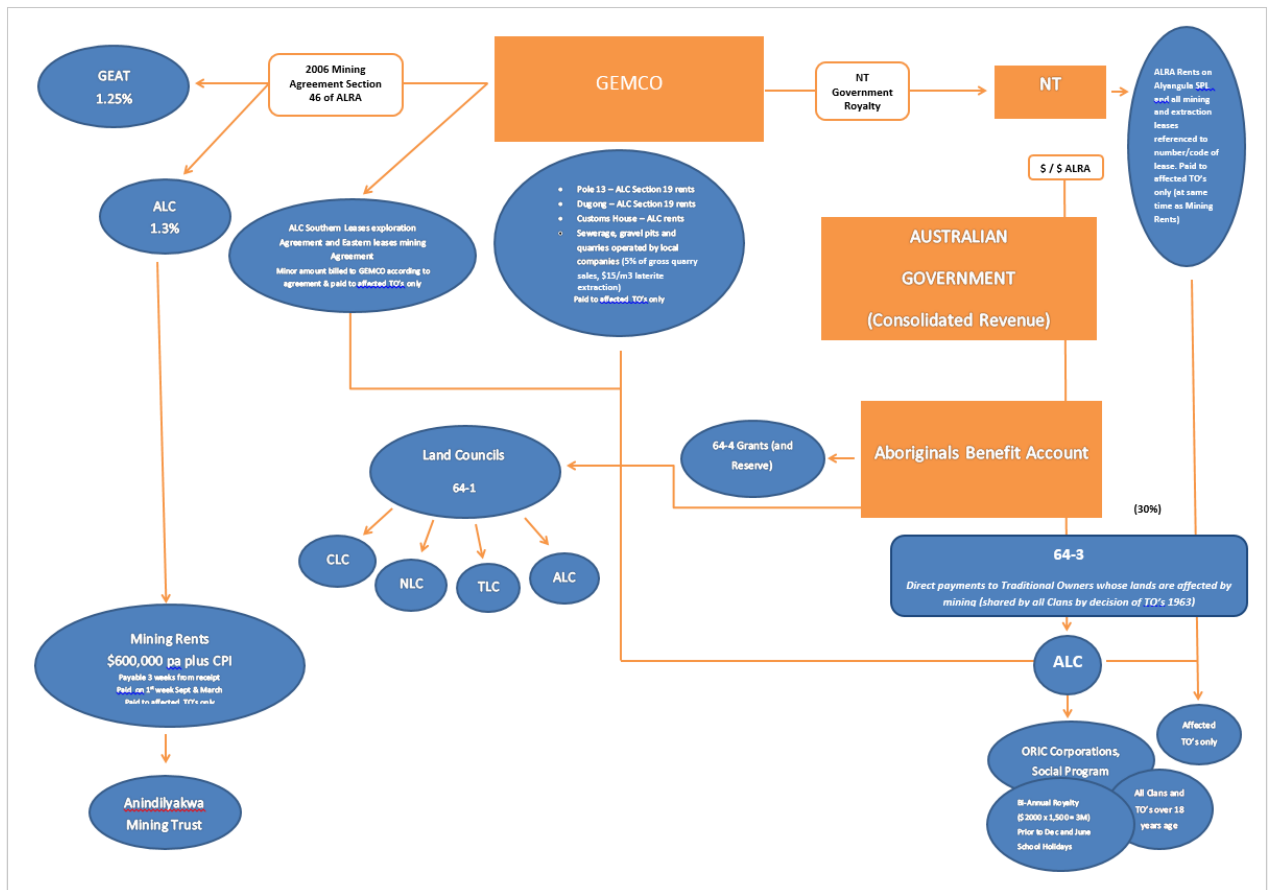
The ALRA contains an ongoing special appropriation, whereby from time to time, certain funds are placed into the Aboriginals Benefit Account (ABA) from Commonwealth consolidated revenue (see: s 63(1) of the Land Rights Act).

These Commonwealth payments are 'equivalent' in amount or value to the royalties paid to the Northern Territory from mining on Aboriginal land - which the Territory keeps and uses to benefit the general public by paying for hospitals, schools, roads etc. These are known as 'statutory royalty equivalents'.

'Statutory royalty equivalents', however, are allocated to the ABA so as to benefit Aboriginal people in the Northern Territory – not the general public.

A significant amount of the statutory royalty equivalents is used for the administrative costs of NT Land Councils S 64(1) - historically around 40%. A total of 30% is allocated under S 35(2) to TOs and Aboriginal persons affected by mining on Aboriginal land S 64(3). The remainder is allocated "to or for the benefit of [any or all] Aboriginals living in the Northern Territory" s 64(4) under a period grant program, or to accumulate the ABA's reserves.

It is now the current challenge of the ALC, working together with ORIC Corporations, the Australian Government Minister for Indigenous Australians, and the NT Government, to ensure that the underpinnings of a local economy are created through the strategic investment of rent and royalties.



## 4.2 OVERVIEW OF RENTS AND ROYALTIES FLOWING INTO THE ALC.

The following description summarises the treatment of each of the rents and royalty payments processed through the Land Council. *(For the sake of completeness, not just rents and royalties are listed, but rather all sources of ALRA derived incomes)*

NT Government ALRA Rents:

These are payments received directly from the NT Government for the township of Alyangula Special Purpose Lease held by GEMCO, and for all mining and extraction leases referenced to the number/code of the lease. These payments arrive in the ALC account at all times of the year according to the anniversary of the lease itself. For simplicity, the ALC pay these monies to the TO's of those lease areas at the same time as Mining Rents (first week of September and March each year)

ALRA 64-3 Mining Derived Royalties:

These are the most significant incomes into the ALC, received twice a year (February and July). These are royalties that are shared with all 14 clans, consistent with the wishes of Clan Elders of the mining affected areas at the inception of mining operations on Groote in 1966.

- 1) 64(3) royalties under the *ALRA*. All Capital and Interest earned in these accounts is distributed to ORIC Corporations WITHIN 6 months. The current practice of the ALC Board is to consider ORIC bids during the 6-month period, and release funds for accepted projects during the 6-month term.
- 2) The ALC as required under the *ALRA* to maintain a list of TOs over the age of 18 years of age, which is regularly updated. Twice a year, an amount is held back from the 64(3) accounts, and distributed to individuals on that list. The amount is usually \$2000 per Traditional Owner (at writing, this list has approximately 1471 people on it). Therefore, this payment represents \$3 million twice a year being paid out from 64(3) monies in direct payments to nominated bank accounts. These funds are distributed at the beginning of school holidays to avoid disruptions to school attendance. Earlier access to the funds is made available for certain purposes linked to responsible use, such as food purchases and household goods.
- 3) A significant effort to have Royalty payments used for productive and responsible purposes has succeeded to the extent that from the most recent tranche of Royalty equivalents, only 10% will be paid as a distribution. 25% of the funds from the previous distribution was used in pre-distribution purchases rather than cash, as per the process and graph below.

- 64(3) funds are received by the Anindilyakwa Land Council
- An element of these is approved to be used as a distribution to individual TOs - most recently, 10%
- These Funds are offered to the Anindilyakwa Royalties Aboriginal Corporation under section 35(2) *ALRA*, which requests the ALC to hold the money in trust for it under section 35(9) *ALRA* (if necessary), but also to manage the distribution under S 27(1A) *ALRA*
- Normally, the distribution takes the form of deposits into the individuals' bank accounts at the commencement of the next set of School Holidays, in order to avoid disruptions to school attendance
- Access is made available prior to the holidays if the funds are for purposes determined as non-disruptive, such as for access to food, household items, white goods, and vehicle maintenance and repairs. Certain types of expenditure regarded by the board as not responsible use are not facilitated via this early access process
- This system has already been accepted by qualified TOs, particularly women householders, who otherwise find that their capacity to utilise their payments effectively was compromised under the earlier system
- The ALC has arranged for a stock of household and other items for the initial stocking of a warehouse, with items determined as needed by Groote Eylandt households, that are generally not easily accessible due to access or cost
- Royalty Shoppa receipts via this pre-distribution process will restock the warehouse cyclically. Pricing will be on a total cost recovery basis, and will be significantly less than is currently paid for items and services of this sort when available, if at all
- At present, the process is administratively taxing, but will be replaced by an automated card system, which is currently under development. Once fully established, the system

will enable purchases from the warehouse, and other outlets operated by Aboriginal Corporations on Groote Eylandt, as well as mainstream outlets off island for responsible purchases. The balance of the individuals' funds unspent in the early access period will be paid into the bank account of the individual Traditional Owner

- In the first trial of this, early access \$9,000 was accessed prior to distribution. The access for these purposes was \$1,500,000 at the second distribution
- The second stage is the introduction of Indue card, a cashless debit card of the type sometimes used for Social Security payments which will be credited with that element of Royalty entitlements normally not schedule for release into individuals bank accounts at the beginning of upcoming school holidays. These funds can then be accessed earlier than normal by using the card at a range of outlets for a range of purposes.
- Other initiatives where TOs can access pre vetted vehicles where they elect to contribute what would have been their cash distribution this is matched by an up to 4:1 contribution from the royalty pool. Trials in 2018-19 have had a positive effect on mobility and independence and a reduction in the amount of royalties that might have been used for far less responsible purposes.

#### ALRA Section 19

Occupancy rents and negotiated extraction tolls exist for quarry operations. Currently, these are as follows:

- Pole 13 light industrial area rents (GEBIE)
- Dugong Beach Resort rent (GEBIE)
- Customs House (NT Dept. Corrections)
- Septage disposal permit, gravel pits, and quarries operated by local companies (calculated at 5% of gross quarry sales, \$15/m<sup>3</sup> laterite extraction)

These amounts are paid to affected TO's at the same time as Mining Rents (1<sup>st</sup> week of September and March)

#### ALRA Section 48AA:

ALC Eastern Leases 2000 Exploration Agreement. These are very minor amounts linked to the amount of exploration drilling taking place on new prospective mining areas. They are paid to affected TO's only

#### ALC ALRA Section 46

##### Negotiated Royalties and Rents: 2006 ALC/GEMCO Mining Agreement

Under this agreement, the ALC shares a split of royalties that dates back to the original mining agreement between GEAT and the GEMCO operation. When the leases were renewed in 2006, GEMCO under ALRA were required to renegotiate this agreement with the ALC. It was agreed to split 2.55% of gross proceeds of sale, minus deductions for shipping and transportation.

Under this arrangement, GEAT receives 1.25% and ALC receives 1.3%.

From the amount that the ALC receives, it is required to pay 3 weeks from receipt (usually 1st week of September and March) to TOs of affected lands \$300,000, plus CPI each 6-month period. The balance of the amount is paid by the ALC into the Anindilyakwa Mining Trust (AMT).

### 4.3 ANINDILYAKWA MINING TRUST (AMT).

The AMT (see balloon at the lower left-hand corner of the flowchart above) was incorporated after the 2006 Mining Agreement was signed, and acts essentially as a superannuation fund for the TOs. This trust holds funds for the post mining environment, but also funds major capital projects providing Housing and other infrastructure not likely to be provided for by Commonwealth, State, or Municipal authorities.

It is comprised of a Board of 6 TO's and 3 expert advisors, and is managed by financial services provider, Mutual Trust. It is chaired by the Chair of the ALC, Tony Wurramarrba.

## 5. STAKEHOLDERS

- Australian Government
- Northern Territory Government
- Industries - Mining (GEMCO), Tourism and Fishing
- Businesses
- Non-Government Organisations
- Aboriginal Corporations
- Other Land Councils.

## 6. CAPABILITY

### 6.1 CAPABILITY

The ALC currently has sufficient staffing and other capability it needs to undertake its key activities principally due to recent improvements in funding approvals under S64 (1) ALRA. This capability was tested in 2019-20 as the ALC had and continues to have a key role in management of COVID-19 threat to the archipelago communities especially as the mining Company SOUTH 32's fly-in fly-out arrangements continue during the pandemic. The Land Council powers over issuing of permits to enter Aboriginal lands have been key to the safeguards implemented. As of midnight, Thursday 26 March 2020, the Groote Archipelago has been declared a 'Designated Area' under the Biosecurity Act 2015 (Cth) (Biosecurity Determination). The ALC has formulated the "ALC Adaptive Management Plan COVID-19 Coronavirus" to address ongoing initiatives to secure the communities. While the COVID-19 pandemic is a threat to the health and well-being of all people in Australia, it poses a particular danger to Aboriginal people in remote communities where vulnerability is heightened by inadequate and over-crowded housing; higher levels of chronic disease and ill-health; lack of capacity of local health services; and distances to hospitals.



There are now restrictions on entry to the Groote Archipelago. This includes all Aboriginal Communities (including Satellite Communities) and Alyangula.

Currently capacity to undertake non-key activity especially under S27 (1A) ALRA is limited by an absence of suitable staff accommodation on the Island. The Mining Company's fly-in fly-out arrangements for much of its activity leaving a significant stock of housing vacant in the Alyangula Township (the mining town). Approaches to the company to lease/rent some of this accommodation has been unsuccessful to date but the matter is likely to be readdressed in subsequent negotiations with the Company.

The ALC has staff employed in its Cairns operation where certain activity is not necessarily performed onsite.

## 6.2 CURRENT STAFFING

The current staffing profile of the ALC administration consists of 91 staff, 24 of which (19 full time, 1 part time, 4 casual) are funded from the PM&C PBS (S64-1 ALRA), with 67 staff (40 full-time, 20 casual, 7 part-time) engaged in activities and functions funded from non-government sources or Government grants. 4 specialist committees are included in the organisational structure, as follows:

- The FINANCE SUB-COMMITTEE deals with the priorities and issues relevant to applications for funding under 64 (3)
- The AUDIT COMMITTEE places a corporate lens on the delivery of good governance within the organisation
- The LAND SEA MANAGEMENT PLAN ADVISORY COMMITTEE
- The MINING LIASION COMMITTEE

### **BUSINESS UNITS**

The following business units support the CEO, Chairman and ALC Board

- ANTHROPOLOGY identifies and consults with TOs in order to secure and protect their rights in land
- LAND AND SEA hosts and provides support for land and sea Ranger Groups.
- MINING AND ENVIRONMENT provides advice to enable Aboriginal people to understand and consent to (or refuse) proposals to develop, explore, and mine for minerals or petroleum products on their land.
- GOVERNANCE/COMPLIANCE provides policy and strategic support to the CEO and Chairman and all branches
- FINANCE delivers financial support and management to the CEO, Chairman and all branches.
- ROYALTY DEVELOPMENT UNIT facilitates the effective use of monies by recipient Aboriginal Corporations
- Royalty funded Activity Language, Art culture, Housing and Community Support Programs, administered at the request of Aboriginal Corporations under S 27(1A) ALRA



- ADMINISTRATION delivers IT, human resource and administrative support, including property and fleet asset management to all branches

### 6.3 ADMINISTRATION AND SUPPORT SERVICES

#### Objectives

- Maintaining an efficient and effective system of corporate governance
- Enhancing the capacity of Indigenous people to direct and manage the activities of the Land Council
- Administering and distributing statutory, negotiated, and other payments.
- Administering Land Trusts
- Legislative obligations, compliance issues, and statutory reporting requirements.

#### STRATEGY/ACTIVITY:

- To support and improve service delivery of ALC business
- To support and improve the structure and functions of the ALC to leverage organisation efficiency.
- To provide and operate within a safe working environment, in accordance with the *Work Health & Safety Act (Cwlth) 2011*
- To strictly comply with *ALRA*, the *Native Title Act (1993) (NTA)*, and the *Public Governance, Performance and Accountability Act (Cwlth) 2013 (PGPA)*
- To ensure consultations with TOs adopt best practice
- To facilitate and provide relevant information at all ALC meetings and ensure that Traditional Owner decisions are made in accordance with local traditional decision-making processes.
- To assist Aboriginal people to achieve greater community development by facilitating access to leadership and governance programs, resources, infrastructure and government services, and economic and social development
- To encourage and support ALC Board members to attend, facilitate, and if requested, chair forums and meetings

## 7 RISK OVERSIGHT

### 7.1 ENTERPRISE RISK

Over the last several years, various government initiatives have led to an increase in the activity of core functions for the ALC

The increasing attention of governments arising from the call of Aboriginal interests to find meaningful employment for Traditional Aboriginal Owners, as well as the need for economic

development in the communities, is leading to a greater focus on sustainable economic development.

A significant focus for the ALC over the period of the plan is facilitating the responsible and sustainable use of Statutory Royalty Equivalents, detailed at 4.1 – 4.3. These flows are dependent on the extent of mining activity, ore prices, and currency exchange, all of which vary widely. Mine operators consider such information where known as “Commercial in Confidence”, and tend not to provide predictions to this level. Performance measures are therefore unpredictable. Those performance measures in the table at 11 are dependent on Statutory Royalty Equivalent fund flows, which are designed to reflect and cater for this variability. Section 35(2) Determinations {section 64(3) Statutory Royalty Equivalents and interest} were \$38M in 2013/14, \$31M in 2014/15, \$27.1M in 2015/16, \$15.2M in 2016/17, \$65.4M in 2017/18, \$86.4M in 2018/19 and \$73.1M in 2019-20.

Under S27 (1A) ALRA the ALC is currently managing a number of large projects at the request and on behalf of Aboriginal Corporations all funded by Statutory Royalty equivalents. These include major initiatives such as aquaculture development, proposed boarding school, community support projects and a proposed diversionary centre. These are all managed using ALC delegations and procedure policies.

## 7.2 RISK OVERSIGHT AND MANAGEMENT

In 2020 the ALC engaged an experienced risk and assurance professional to rejuvenate governance, risk, compliance and assurance. New policies covering these areas have been approved and are in the process of being implemented. Efforts are first directed toward a broad policy and process review, documenting and identifying improvements in ALC processes across all key functions. At the same time, risk registers are being rebuilt from the department level to the enterprise level, and a new Obligations Register is being created to provide visibility to the ALC’s most significant regulatory risks. Ultimately these governance, risk and compliance activities will be embedded at the ALC, and finally and internal assurance capability will be created that will develop and implement a rolling internal audit program. Commonwealth Authorities such as the ALC are not subject to the Australian Government Fraud Control Guidelines. ALC acknowledges that the Guidelines do provide good practice approaches for fraud control in the public sector, and adopts practices from the Guidelines.

## 8 STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS AFFECTING PERFORMANCE

Strengths and weaknesses are often internal, while opportunities and threats generally relate to external factors affecting the performance and operation of the ALC.

The following tables represent the major strengths, weaknesses, opportunities, and threats of the ALC, the RDU and Economic Development by Aboriginal Corporations.

### SWOT FOR ALC

Strengths	Weaknesses	Opportunities	Threats
<p>Strong, iconic, ancient culture</p> <ul style="list-style-type: none"> <li>- Strong Anindilyakwa language</li> <li>- Impressive local knowledge</li> <li>- Stable entities</li> <li>- Ongoing GEMCO royalty stream</li> <li>- GEBIE Job Shop as job network provider</li> <li>- Existing organisation an management focused on planning ahead</li> <li>- Significant community wealth</li> <li>- Intent / support of key stakeholders</li> <li>- RPA in place</li> <li>- Land tenure of township leasing</li> <li>- Shire established</li> <li>- Economic base for the island through GEMCO mine</li> <li>- Pristine natural resource base – land and sea</li> <li>- Indigenous Protected Area status</li> <li>- Strong links with senior levels of Government</li> </ul>	<ul style="list-style-type: none"> <li>- Young generation losing culture &amp; disengaged</li> <li>- Workforce not job ready</li> <li>- Low literacy and numeracy skills of working age cohort.</li> <li>- Lack of experience in operating enterprises</li> <li>- Mobility and motivation of workforce</li> <li>- Substance-abuse</li> <li>- Poor health</li> <li>- Low levels of private wealth accumulation</li> <li>- Land tenure restrictions</li> <li>- Sunset of current GEMCO lease</li> <li>- Inconsistency of GEMCO royalty</li> <li>- Housing maintenance response times</li> <li>- Overcrowding in Angurugu</li> <li>- Reliance upon Centrelink</li> <li>- Low education attendance</li> <li>- Poor education outcomes</li> <li>- Angurugu School infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>- Unexplored tourism</li> <li>- Linkages with other operators</li> <li>- Local organisations seeking to engage with Indigenous Communities</li> <li>- Numerous business opportunities</li> <li>- Numerous employment opportunities</li> <li>- GEMCO – further expansion of mine beyond current lease</li> <li>- Township leasing creates opportunity for business investment, home ownership and private enterprise</li> <li>- Renewable energy opportunities</li> <li>- Sea-based economic activities</li> <li>- Opportunities to reduce expenses</li> <li>- Space for horticulture/food production.</li> </ul>	<ul style="list-style-type: none"> <li>- Further land losses and interruptions to song lines due to mining</li> <li>- Loss of key staff</li> <li>- Competition between stakeholders</li> <li>- Diminishing royalties</li> <li>- Lack of shared vision</li> <li>- Increase of Machado Joseph Disease</li> <li>- Increasing numbers of elderly requiring care</li> <li>- Loss of royalty and lease payments if mining stops</li> <li>- Work overload organisationally and amongst local leaders</li> </ul>

SWOT FOR RDU	
Strengths	Weaknesses
(64-3) Funding available	Complex Royalty structures
Strong representation and Council structure	Technology not meeting needs
Strong leadership and culture	Staff resources – not enough staff with required skill sets
Strong consultation processes	Training and mentoring programs needed
Strong governance	Low literacy and numeracy levels

<b>Opportunities</b>	<b>Threats</b>
Royalties for TOs to use in their economic development	Opposition to change
Projects will improve health of communities	Environmental constraints
Projects increase opportunities for partnerships	Time
	Non-viability of some Projects

<b>SWOT FOR ECONOMIC DEVELOPMENT BY ORIC CORPORATIONS</b>	
<b>Strengths</b>	<b>Weaknesses</b>
political environment	Projects too complex
Funding available	Projects too costly
Strong leadership	Environmental impacts
	Staff resources
<b>Opportunities</b>	<b>Threats</b>
Project will improve local economy	Opposition to change
Projects will improve health of communities	Environmental constraints
Projects will boost ALC/Eylandt's image	Time
Royalties for TOs to use in their economic development	Non-viability of some Projects

## 9 PLANING AND PERFORMANCE

The Performance of the ALC strategies/activities to be pursued over the next four years, and their measurement, are laid out below.

Those measures associated with Statutory Royalty Equivalents {Sect 64 (3)} ALRA will be reported on as actuals. However, Royalty levels and flows are unpredictable, and are outside the control of the ALC and its Royalty Development Unit, and therefore, not reliably forecastable. As stated above, these monies are not part of the ALC's financial statements, but the effective use of the monies by recipient ORIC corporations is a principal ALC priority. The ALC's priority and purpose here is to use mechanisms established by it to influence the use of outcomes from these flows. The effectiveness of these mechanisms will be significantly dependant on Ministerial engagement and collaboration, which has been a feature in the initiatives to date.

A proportion of ALC funding comes from Grants/Funding agreements from the National Indigenous Australians Agency (NIAA), via Working on Country and Indigenous Protected Areas funding. This activity is captured in the Performance Measures tables. It is likely that Performance Reporting to NIAA against these funding agreements is also aggregated into the NIAA annual performance statements.

## 9.1 PRIORITIES

Our Corporate Priorities have been developed using the planning framework above, and over the next four years will be:

- Land, Sea and Natural Resource Management Support Services
- Land Claims and Acquisitions Support Services
- Economic Development and Commercial Services
- Advocacy Services
- Strong Leadership and Governance
- Administration and Support Services
- Royalty Funded Community Development
- Mining Expansion

## 10 ACTIVITIES

### 10.1 MANAGE LAND

**Objectives:** Indigenous people have cultural responsibilities to care for each other, as well as their land and sea country. TOs are the major cultural and natural resource managers of the region, which remains one of the most pristine and biologically diverse areas in Australia. The ALC Land and Sea Management Unit works to protect and manage the biodiversity, cultural, and recreational values of the Anindilyakwa Indigenous Protected Area (IPA) and surrounding sea country. Funding is provided by the NIAA through the Working on Country (WoC) and IPA Programs to undertake this work.

#### **STRATEGY/ACTIVITIES:**

- Indigenous Ranger Employment Program
- Strategic Planning and Governance of the Anindilyakwa IPA

- Working on Country Program
- Learning on Country Program
- Administer and Issue Permits for Access to Areas in the Anindilyakwa IPA
- Raising community awareness of the ALC Rangers and Threats to the Anindilyakwa IPA
- Mining expansion

## 10.2 ACQUIRE LAND

### Objectives

- Pursue all appropriate avenues to achieve the acquisition of land for the benefit of Indigenous people

### STRATEGY/ACTIVITY:

The ALC has been seeking protection for sea country surrounding Groote Eylandt since 2009. The NLC and ALC are working co-operatively to assert the Native Title of the TOs over their sea country, including the waters around Groote Eylandt, and the waters between the mainland and Groote Eylandt. The ALC continues to assist TOs to process claims under *ALRA* in relation to acquiring and protecting Aboriginal property rights.

## 10.3 ECONOMIC AND COMMUNITY DEVELOPMENT

ALC aims to contribute to improving the lives and futures of its TOs by achieving sustainable change

ALC has created the RDU to assist and facilitate TOs in gaining access to resources to economically and socially develop their own groups, and to support sustainable development across Aboriginal Corporations. Significant work is being done by this new business unit.

Economic development outcomes have historically been pursued through a small number of Aboriginal Corporations, on behalf of TOs. Enterprise development by a wider range of small and large island based Aboriginal Corporations is being supported through the unit, which will see 64(3) monies invested in wide range of ventures.

In order to contribute to economic development, ALC believes that social and cultural outcomes must be a priority, including improving health, education, and employment.

### Objectives

- Processing applications and assisting in making land use agreements on Indigenous lands
- Assisting in the economic advancement of Aboriginal people through education, training, and employment
- Processing applications for consent to explore and mine on Indigenous land
- Providing research and assistance, and identifying infrastructure requirements to enable Indigenous landowners and other Indigenous people to undertake commercial activity.

### STRATEGY/ACTIVITY:

Continuing to empower the RDU to assist and facilitate TOs to gain access to resources in order to economically and socially develop their own groups, and to support sustainable development across Aboriginal Corporations.

**STRATEGY/ACTIVITY:**

Developing and implementing policies and procedures to improve leadership and governance, skill, and gender representation of Aboriginal Corporations.

**STRATEGY/ACTIVITY:**

Attending Mining Liaison Committee meetings, and providing accurate advice on potential environmental impacts, and benefits of potential exploration and mining licence applications

**STRATEGY/ACTIVITY:**

Continuing to improve systems and resources to increase efficiency in these processes year by year.

**STRATEGY/ACTIVITY**

Utilising funds received from GEMCO as a result of recent mining and exploration lease approvals to make major investments in economic and commercial activities on the Groote Archipelago, consistent with the conditions agreed by GEMCO and the ALC over the use of these negotiated royalties. These proposals are currently commercial-in-confidence, and will be reportable when developed further.

**STRATEGY/ACTIVITY**

Future Groote Strategy – A Plan for the long term social and economic development of Groote Eylandt, October 2018. The Future Groote Strategy explores the two-stream economy discussed within the 15 Year Strategic Plan. This covers six areas under services ecosystems and five areas under cultural enterprises.

Future Groote Accord – The Accord, an initiative of the ALC and was agreement proposal with non-government organisations, Aboriginal Corporations whose members and beneficiaries live in the Groote Archipelago of the Northern Territory and will *inter alia* assist to direct Royalty flows towards more precisely to appropriate uses in a legislative environment that does not provide for conditions to be put of payments from S64(3) receipts. The Aboriginal Corporation were not prepared so sign up to the accord but were prepared to meet regularly with the ALC to discuss the Future Groote Strategy.

**STRATEGY/ACTIVITY**

The signing of a Local Decision Making Agreement (LDMA) between the Anindilyakwa Land Council and the Northern Territory Government in 2018 which provides a platform to over time transition to community control service delivery areas that are the responsibility of the Northern Territory

Government including setting out agreed timeframes and processes to settle Implementation Plans.

Groote Eylandt LDMA) sets out the plan to transfer decision making power and service delivery from the Northern Territory Government (NTG) to the ALC or other Community agencies over a nine-year period. Areas of service delivery covered under the LDMA include housing, education, health services and a sustainable long-term power solution. The LDMA was signed June 2018.

## 10.4 ADVOCACY SERVICES

To advocate on behalf of the TOs of the Groote Archipelago and to express TOs' views

### Objectives

- Promote public awareness on issues affecting Indigenous people, their land rights and other rights.
- Provide advocacy and representation as appropriate to the TOs and other clients of the Land Council.
- Assist in the resolution of disputes with respect to land.
- Provide cultural and heritage support as appropriate to the TOs and other clients of the ALC.
- Facilitate targeted Indigenous community development initiatives as appropriate with the TOs and other clients of the ALC.

### STRATEGY/ACTIVITY:

To assist Aboriginal Corporations to secure economic, social and cultural benefits for TOs from developments taking place on the Groote Archipelago.

### STRATEGY/ACTIVITY:

- To empower TOs to carry out commercial activities and build sustainable enterprises
- To actively support the establishment of Aboriginal Corporations, businesses, and commercial entities

### STRATEGY/ACTIVITY:

- To provide up to date information on issues affecting TOs through various Social and other Media.
- To raise public awareness of the ALC's statutory role.

### STRATEGY/ACTIVITY:

Use the RDU to:

- Strengthen the ALC's commercial advocacy and negotiating capabilities
- Negotiate agreements that provide economic and business opportunities to TOs
- Enter into partnership arrangements with, and to support, Aboriginal Corporations within the ALC region
- Assist Aboriginal Corporations to act in accordance with ORIC, and other relevant legislation.



- To assist Aboriginal people to achieve greater community development, by facilitating access to leadership and governance programs, resources, infrastructure and government services, and economic and social development

## 11 PERFORMANCE MEASURES

The ALC is cognisant of the updated PGPA Rule for performance measures and is committed to further develop performance measures as part of ongoing reform to fully meet this requirement.

A significant element of the ALC's activity revolves around the effective use of funds related to Mining Royalties. The appetite for the responsible use of Royalty flows is keenly felt by the individual members of ALC board, as noted by the high percentage of funds diverted into these projects, and away from what otherwise would be cash distributions to the TOs. Accordingly the ALC's principal measure of its performance with respect to Royalty and Royalty equivalents is the percentage of overall receipts that are not ultimately distributed as cash deposits in the TO's accounts.

It needs to be recognised that there is a community expectation that thus funded activities and projects have to have a more noticeable positive impact on the lives of the community residents than cash distributions. No small challenge.

The Board rely on measures in:

1. Their personal experiences as residents of the community being serviced
2. The measure of support in community feedback to them as individuals
3. The voting patterns at triennial Council elections.

To board members, these measures are the important, real, and relevant indicators. Conversely, there is little appetite to divert Royalty funds into formal evaluation, measurement, or assessment exercises, when such funds are felt to be better used elsewhere in actual service delivery. Projects thus funded are managed via payments to Aboriginal Corporations, whose performance is daily assessed by their target constituents and members, with negative feedback never restrained where performance is considered to be unsatisfactory. Understandably, attempts to obtain the Corporations' engagement with external assessors generally results in expressions of frustration. Performance measures, indicators or targets for Royalty supported activity are generally not forecast/planned as the quantum of the receipts is unpredictable and outside the capacity of the ALC to influence or produce.

Monitoring and Evaluation of Royalty funded activity has therefore always been an issue, with the inability to attach reporting conditions on funded projects outside those imposed under 35(C) ALRA and has always required the ALC to reassert the fact that Royalty Equivalent projects are funded via unconditional Payments to Aboriginal Corporations that are "Private Monies" as determined by the Australian Government Solicitor. While it was expected that using Social Ventures Australia under the voluntary "FUTURE GROOTE ACCORD" to provide Monitoring and Evaluation of Royalty funded activity, the unwillingness of the Aboriginal Corporations to which

the monies are paid to enter in to the accord obfuscated the capacity to measure outcomes. Setting Performance measures against these activities is also problematic due to the highly variable and unpredictable nature of royalty tied inflows.

All Royalty equivalent funding history and details are maintained in a “Traffic Light Report” which records, categorises and tracks all determinations and projects funded across all years through those Aboriginal Corporations whose members live in or are the traditional Aboriginal owners of the area affected by the mining operations resulting in those Royalty equivalents, as only these Corporations may receive such funds. This is used as the principal source of information on the use of the funds. This is referred to regularly in the Performance Measures

Activities performed by the ALC under Funding from Grant programs under S64(4) or via S64(1) *ALRA* are subject to their own performance measures, and are incorporated into the performance statements.

In addition to ALC performance plan detailed below, the ALC will also report on how its activities contributed to the key government priorities to overcome Aboriginal and Torres Strait Islander disadvantage by direction of Statutory Royalty equivalents away from cash distributions and into Aboriginal Corporations delivering services that support:

- 1. Ensuring that children go to school.**
- 2. Increasing Aboriginal and Torres Strait Islander employment and economic and social participation.**
- 3. Making communities healthy and safe.**

## Program 10.1 Manage Land

The Land and Sea Management unit works to protect and manage the biodiversity, cultural, and recreational values of the Anindilyakwa Indigenous Protected Area (IPA) and surrounding sea country.

Activity title and description	Activity performance measure	2020-21	2021-22	2022-23	2023-24
Ranger Program Funded under S 64(4) by NIAA.	Number of paid ranger days. As per funding agreement with NIAA. Narrative on impact of ranger activity on environment and community.	✓	✓	✓	✓
Strategic Planning and Governance of the Anindilyakwa IPA	Number of IPA Management Committee Meetings and IPA Advisory Committee Meetings	✓	✓	✓	✓
Learning on Country Program	Number of students engaged in program and number and nature of activities	✓	✓	✓	✓
Working On Country	As per Performance indicators in NIAA funding agreements	✓	✓	✓	✓
Administer and Issue Permits for Access to Areas in the Anindilyakwa IPA	Number of Recreation Permits sold. Number of Recreation Permits checked and proportion of individuals (of those checked)	✓	✓	✓	✓

	holding a current Recreation Permit.				
Raising community awareness of the ALC Rangers and Threats to the Anindilyakwa IPA	Number of media products produced (e.g. picture booklets, videos, media announcements, digital noticeboard stories, and use of social media)	✓ Dependant on reportable activity	✓	✓	✓
Mining Expansion	Initiatives are currently being managed under strict Commercial-in-Confidence arrangements. Details on progress will be reported once confidentiality requirements provide for reporting.	✓	✓	✓	✓
<b>Program 10.2 Acquire Land</b>					
Pursue all appropriate avenues to achieve the acquisition of land for the benefit of Indigenous people.					
<b>Activity title and description</b>	<b>Activity performance measure</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
Report on Native Title Claim Progress	Progress of Sea rights claim	✓ This claim is managed by the Northern Land Council	✓	✓	✓
<b>Program 10.3 ECONOMIC AND COMMUNITY DEVELOPMENT</b>					

The ALC aims to contribute to improving the lives and futures of its TOs through achieving sustainable change					
Activity title and description	Activity performance measure	2019-20	2020-21	2021-22	2022-23
Direct Statutory Royalty Equivalents to Commercial, Economic or Social projects or responsible forms of expenditure	Reducing percentage of Royalties paid as direct deposits into TO's accounts.  Effectiveness and acceptance of INDUE card access	✓  Under 10%	✓	✓	✓
Process applications and assist in making land use agreements on Indigenous lands.	Number of Section 19a agreements issued	✓  Demand driven	✓	✓	✓
Process applications for consent to explore and mine on Indigenous land.	Monitor existing agreements	✓  Demand driven	✓	✓	✓
Provide research and assistance and identify infrastructure requirements to enable Indigenous landowners and other Indigenous people to undertake commercial activity.	Narrative of activity undertaken extracted from ALC Traffic light report on RDU outputs	✓	✓	✓	✓
Establish and operate the RDU	Narrative of activity undertaken extracted from ALC Traffic light report on RDU outputs. Monitoring	✓	✓	✓	✓

	and Evaluation of Royalty funded activity under the Future Groote Accord by Social Ventures Australia				
Develop and implement policies and procedures to improve leadership and governance, skill and gender representation of Aboriginal Corporations		✓	✓	✓	✓
Continue to work in partnership with industry and government stakeholders to increase training opportunities that lead to long-term employment opportunities.	Monitor and implement agreed strategies in collaboration with Government.	✓	✓	✓	✓
Attend Mining Liaison Committee meetings, and provide accurate advice on potential environmental impacts and benefits of potential exploration and mining licence applications	Meetings attended and narrative on outcomes.	✓	✓	✓	✓
Continue to improve systems and resources to increase efficiency in these processes year by year.	Narrative on increasing efficiency and reduction in red tape across royalty recipient corporations	✓	✓	✓	✓
Utilise funds received from GEMCO as a result of recent mining and exploration lease approvals to make major investments in economic and commercial activities on the Groote Archipelago consistent with the conditions agreed by	Description of the activities for which the funds have been utilised	✓ In accordance with Mining agreements and as	✓	✓	✓

GEMCO and the ALC over the use of these negotiated royalties.		opportunities are identified			
<b>STRATEGY/ACTIVITY</b>  Groote Eylandt Local Decision making Agreement	Details on the extent of transfer of decision making powers and service delivery. Monitoring and Evaluation of the agreement's progress by Social Ventures Australia	✓  Dependent on NT Govt. agencies appetite and cooperation	✓	✓	✓
<b>Program 10.4 Advocacy Services.</b>					
To advocate on behalf of the TOs of the Groote Archipelago and to express TOs' views					
<b>Activity title and description</b>	<b>Activity performance measure</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
Assist Aboriginal Corporations to secure economic, social and cultural benefits for TOs from developments taking place on the Groote Archipelago	RDU reportable outcomes extracted from "Traffic Light Report".	✓	✓	✓	✓
Empower TOs to carry out commercial activities and build sustainable enterprises	RDU reportable outcomes extracted from "Traffic Light Report"	✓	✓	✓	✓
Actively support the establishment of Aboriginal Corporations, businesses and commercial entities	RDU reportable outcomes extracted from "Traffic Light Report"	✓	✓	✓	✓

Provide up to date information on issues affecting TOs through various Social and other Media.	Number of publications and visual media productions.	✓	✓	✓	✓
Raise public awareness of the ALC's statutory role	Engagements with ORIC bodies and media announcements	✓	✓	✓	✓
<b>Use the RDU to</b>					
Strengthen the ALC's commercial advocacy and negotiating capabilities	RDU reportable outcomes extracted from "Traffic Light Report"	✓	✓	✓	✓
Negotiate agreements that provide economic and business opportunities to TOs	RDU reportable outcomes extracted from "Traffic Light Report"	✓	✓	✓	✓
Enter into partnership arrangements with, and to support Aboriginal Corporations within the ALC region	RDU reportable outcomes extracted from "Traffic Light Report"	✓	✓	✓	✓
Assist Aboriginal Corporations to act in accordance with ORIC and other relevant legislation.	RDU reportable outcomes extracted from "Traffic Light Report"	✓	✓	✓	✓
Assist Aboriginal people to achieve greater community development by facilitating access to leadership and governance programs, resources, infrastructure and	RDU reportable outcomes extracted from "Traffic Light Report"	✓	✓	✓	✓



government services, and economic and social development					
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## 12 GLOSSARY OF TERMS

AAC	Angabunumanja Aboriginal Corporation
AAPA	Aboriginal Areas Protection Authority
ABA	Aboriginals Benefit Account
AEB	Anindilyakwa Education Board
ALC	Anindilyakwa Land Council
ALNF	Australian Literacy and Numeracy Foundation
ALRA	Aboriginal Land Rights (Northern Territory) Act 1976
ALT	Anindilyakwa Land Trust
CCP	Cultural Centres Program
CMS	Church Missionary Society
DBR	Dugong Beach Resort
PM&C	Department of the Prime Minister and Cabinet
EARC	East Arnhem Regional Council
GCC	GEBIE Civil and Construction
GEAT	Groote Eylandt Aboriginal Trust
GEBIE	Groote Eylandt and Bickerton Island Enterprises (Aboriginal Corporation)
GEMCO	Groote Eylandt Mining Company
IPA	Indigenous Protected Area
LDMA	Local Decision Making Agreement
LoC	Learning on Country
NIAA	National Indigenous Australians Agency
NLC	Northern Land Council
NT	Northern Territory
NTA	Native Title Act (1993)
ORIC	Office of the Registrar of Indigenous Corporations
PGPA	Public Governance, Performance and Accountability Act 2013
RDU	Royalty Development Unit
TO	Aboriginal Traditional Owner
WHS	Work Health and Safety

WoC

Working on Country