



Hon. Jay Weatherill MP
Premier of South Australia
GPO Box 2343
Adelaide SA 5001

Dear Jay

Re: Government Boards and Committees Reform

I write in response to your correspondence of 8 July 2014 regarding the reform of South Australian Government boards and committees.

I note that exemptions are dependent on two criteria which I address on behalf of the Aboriginal Lands Trust as follows:

1. Efficiency

The Aboriginal Lands Trust ("the Trust") was established as a Statutory Authority by the *Aboriginal Lands Trust Act 1966* ("the Act") which was the first legislation of its kind in Australia. It established the Trust and provided for the transfer of land by the Crown to the Trust, to be held and managed for the ongoing benefit of Aboriginal South Australians.

Commencing in 2008 the *Aboriginal Lands Trust Act 1966* was the subject of an extensive and recently completed review. The review over 5 years attended to multiple draft Bills and included state-wide community consultations along with responses to Government issues, thinking and drafting. The review preceded the enactment of the *Aboriginal Lands Trust Act 2013* ("the Act 2013") which provides for an improvement to the Trust membership structure, along with new functions and increased autonomy for the Trust to exercise its powers. The Act 2013 also ushers in changes that better reflect the contemporary requirements of good governance and the effective and efficient administration of Trust lands and Trust affairs. The Trust's membership has been reduced from 13 to 8 members according to knowledge, skills and experience criteria specific to the Trust's functions.

The Act 2013 includes clear Objects at Section 5 that specify the new and expanded articles of the Trust and outlines the appointment of a Chief Executive. Of significant importance is that the Act prescribes entry of the Trust further into commercial development, including the implementation of a Commercial Development Advisory Committee, appointed by the Minister. In essence the Act 2013 is directing the Trust to change the culture of its business to be more commercially focussed, and to develop its human resources to accommodate this economic development imperative. The Act 2013 is the result of the application of efficiency testing through an extensive review process. Its careful construction has ensured it is outcome focussed and deliberately aimed for the Trust to better use its land holdings and become a more self-sustaining business operation.

2. Independence

Since the legislation of the ALT Act in 1966 the Trust has been a flag bearer and significant representative of the many Aboriginal South Australians dispossessed of their traditional lands. The Act 1966 acknowledged and recognised the right and need for Aboriginal South Australians to determine and manage their own destiny. The new Act strengthens this imperative and prescribes increased autonomy for the Trust to better control and grow the value of the Trust estate. As the Trust nears its fiftieth year of operation, now more than ever, there is a need to maintain its long fought for and more recently achieved, legislative autonomy.

On the basis outlined above, the view that has been reflected via widespread consultation is that there is no viable or practical alternative available to Government that can ensure the Trust estate is managed and maintained according to the wishes and needs of the Aboriginal communities. This objectivity can only be achieved through Aboriginal control of the structures, as originally intended in 1966, with clear functions and powers assigned to the Trust by way of the *Aboriginal Lands Trust Act 2013*.

In summary, the Trust is a Statutory Authority established by legislation 48 years ago and continued by new legislation enacted in 2013. Its membership, or board, has a range of statutory functions and powers of which it cannot be divested except by further legislation. I sincerely hope that the work over recent years to conclude the construction of a more strategic and contemporary Trust will not be unduly affected by this reform.

Please do not hesitate to contact me on 8169 1500 or john@alt.sa.gov.au if you have any queries.

Yours sincerely,



John Chester
General Manager
Aboriginal Lands Trust
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Ingle Farm SA 5098

21 July 2014

Cc Honourable Ian Hunter MLC, Minister for Aboriginal Affairs and Reconciliation
Nerida Saunders, Executive Director, Aboriginal Affairs and Reconciliation