



GANDANGARA

Local Aboriginal Land Council

COMMUNITY, LAND
& BUSINESS PLAN
2020-2024

Connect. Belong. Thrive.



COMMUNITY, LAND & BUSINESS PLAN 2020-2024



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Table of Contents	PAGE NUMBERS
Acknowledgement to Country	3 – 4
Legislative Frameworks	5
Historical Context	6 – 8
Chairperson's Message	9 – 10
CEO's Message	11 – 14
About this Community, Land and Business Plan	15
About Our Land Council	16
GLALC Structure Chart	16
Location, Boundaries & Map	17 – 18
Market Analysis	19
Member Analysis	20 – 22
Closing the Gap: Progress against the Targets 2020	23
How Gandangara is helping to Close the Gap	24
Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis	25 – 26
Methodology in developing the CLBP	28
Information about the process of Plan Approval	29 – 30
Our Purpose	31
Our Vision	32
Our Mission	32
Connect	33 – 34
Belong	35 – 36
Thrive	37 – 38

Table of Contents Cont'	PAGE NUMBERS
Community, Land and Business Plan 2020-2024: Objectives and Strategies	39
Key Result Area 1: Engaging with Our Members & community	40
Key Result Area 2: The acquisition, management, & development of land & other assets	41
Key Result Area 3: The provision & management of Community Benefit Schemes (CBS)	42
Key Result Area 4: Business enterprises & investments	43 – 44
Key Result Area 5: Aboriginal culture & heritage	45
CLBP Consultations Sessions: Members & Community, Board & Staff	46 – 56
Our Values	57 – 58
UN Declaration of the Rights of First Peoples	59 – 60
Gandangara Partnership Principles	60
Governance Charter	61 – 62
Turning violence into kindness	63
Kindness raises us all up	64
Members Code of Conduct	65 – 66
Board Code of Conduct	67 – 68
Staff Code of Conduct	69 – 70
Connection to Country—Important to co-create to preserve our Culture & Heritage	72
Gandangara, Entities Location & Contact Details	73
Endnotes	78
References	78

Please note:
Aboriginal and Torres Strait Islander peoples should be aware that this document may contain names, photographs and images of deceased persons.
Some material may contain terms that reflect authors' views, or those of the period in which the items were written.

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Acknowledgement to Country

Gandangara Local Aboriginal Land Council (GLALC) acknowledges the families within the Cabrogal Clan of the Darug Nation as the Traditional Custodians of the land we span. We pay our respects to the Elders, past, present, and emerging and to all First Peoples within our community.

The objectives of the Gandangara Local Aboriginal Land Council are to improve, foster and protect the best interests of all Aboriginal persons within the Council's area and all other persons who are Members of the Council (s 51 ALRA 1983) (NSW).

Gandangara Local Aboriginal Land Council is constituted by the *Aboriginal Land Rights Act ALRA 1983* (NSW). We are an autonomous statutory entity representing Our Aboriginal Members.

In this Act (Preliminary definitions section), Aboriginal Land Council means the New South Wales Aboriginal Land Council or a Local Aboriginal Land Council. Aboriginal Owners of land means the Aboriginal persons whose names are entered on the Register of Aboriginal Owners because of the persons' cultural association with particular land. An Aboriginal person's name and other relevant information are entered in the Register of Aboriginal Owners. Aboriginal person means a person who:

- (a) is a Member of the Aboriginal race of Australia, &**
- (b) identifies as an Aboriginal person, &**
- (c) is accepted by the Aboriginal community as an Aboriginal person.**

Each Local Aboriginal Land Council must represent and protect the interests of the Aboriginal Owners in its jurisdiction. A Register of Aboriginal Owners is held

by the Office of the Registrar *ALRA 1983* (NSW), wherein the names of Aboriginal persons are entered who have identified upon the basis of their cultural association with particular land.

This concept is a kin to that of the Traditional Owners under the *Native Title Act 1993* (Cth) but not the same. Under the *ALRA 1983* (NSW), any Aboriginal person can be a Member of the Land Council in the area that they reside but are usually voting Members of the Land Council within the area with which they identify their bloodlines and lineage as an Aboriginal person. Being entered on the Register of Aboriginal Owners does not mean that a person is a Traditional Owner, as such status can only be granted under the *Native Title Act 1993*.

The Gandangara Local Aboriginal Land Council jurisdiction is not covered by a successfully determined Native Title claim as of 30 June 2020. The Office of the Registrar of the *ALRA 1983* (NSW) does not contain any persons entered as Aboriginal Owners of the Gandangara Local Aboriginal Land Council jurisdiction.

Legislative Frameworks

These statutory Acts impact, guide and/or determine Gandangara Local Aboriginal Land Councils Operations

Act	Impact
Aboriginal Lands Right Act 1983 (NSW)	Constitutes Gandangara Local Aboriginal Land Council as an autonomous statutory entity with the objective “to improve, protect and foster the best interests of all Aboriginal persons within the Council’s area. And other persons who are Members of the Council”.
Anti Discrimination Act 1977 (NSW)	Requires equality of opportunity, particularly in employment, irrespective of race, religion, sex, marital status, etc. Under the GLALC Aboriginal Employment Strategy, certain positions may be designated as Identified Aboriginal positions. Designated development programs which include vocational and professional development opportunities are available for Identified Aboriginal people to assist in increasing the participation of Aboriginal at all levels of the organisation in accordance with the Anti-Discrimination Act 1977 (NSW) and the Racial Discrimination Act 1975 (Cth). Where a position provides a service specifically for Aboriginal and/ or Torres Strait Islander peoples, the organisation will identify such positions and include the following wording: “This position requires an applicant to be an Aboriginal and/ or Torres Strait Islander as a genuine occupational qualification as authorised by section 14 of the Anti-Discrimination Act 1977 (NSW).”
Biodiversity Conservation Act 2016 (NSW)	Biodiversity Conservation Act 2016 (NSW) - introduces new mandatory requirements for biodiversity assessment and reporting and requires proponents to offset biodiversity impacts by retiring biodiversity credits through the Biodiversity Offset Scheme.
Commonwealth and State Taxation Legislation	Gandangara Local Aboriginal Land Council is exempt from a range of State and Commonwealth taxes, rates and charges, including: <ul style="list-style-type: none"> ● Stamp duty and vendors duty on property transaction ● Land tax ● Income tax (endorsed by the ATO); and ● Fringe benefits tax (endorsed by ATO up to threshold limits).
Environmental Planning and Assessment Act 1973 (NSW)	Establishes the framework under which land is managed and used in NSW. Sets out the framework of planning instruments used by the State/Local Government’s including: <ul style="list-style-type: none"> ● State Environmental Planning Policies ● Regional Environmental Plans ● Local Environment Plans; and ● Development Control Plans. Each of these items (plus rules established by Government agencies) must be complied with if GLALC wants to use land granted or acquired. This could be establishing a business, developing or selling land or reserving land for cultural purposes.
Forestry Act 2012 (NSW)	Forestry Act 2012 (NSW) – Restricts lands that can be claimed by the Land Council if dedicated or reserved as State forest, timber reserve or flora.
Local Government Act 1993 (NSW)	Establishes role, functions and constraints on local government in NSW. Impacted upon GLALC in terms of payment of rates, provision of services (parks, library, childcare facilities) and approving applications for land development.
National Parks and Wildlife Act 1974 (NSW)	Establishment, preservation and management of national parks, historic sites and certain other areas to assist in the protection of specific fauna, native plants and Aboriginal objects. Key impact for Gandangara Local Aboriginal Land Council is the provisions relating to the identification, assessment and management of areas of Aboriginal cultural heritage. This Act sets rules under which Gandangara Local Aboriginal Land Council undertakes site inspections and prepares reports recommending preservation or consent to destroy.
Residential Tenancies Act 2010 (NSW)	Establishes rights and obligations of landlords and tenants. Governs in conjunction with the ALRA 1983 (NSW) the Gandangara Local Aboriginal Land Council rental housing operations.

Historical Context

Boundaries:

The jurisdictional boundaries of Gandangara Local Aboriginal Land Council (GLALC) span (in whole or in part), six Local Government Areas in the South Western Sydney region. These include Liverpool, Fairfield, Canterbury-Bankstown, Parramatta, Cumberland, and the Sutherland Shire. As a Local Aboriginal Land Council, Gandangara was established in 1984 after the passing of the *Aboriginal Land Rights Act 1983* (NSW), when Minister Walker apportioned land for the Aboriginal peoples in the South Western Sydney region.

Traditional Custodians:

The name ‘Gandangara’ does not refer to the traditional custodians of the area within this jurisdiction.

Definitively identifying the traditional owners’ custodians of the land of our region is fraught with difficulty, from the perspective of historical sources and the contemporary perspective of identity politics and language revivalism.

Previous GLALC company documents and external publications assert:

‘The original owners of the land of our region are the Darug Nation and particularly the Cabrogal Clan, whom we acknowledge and to whose Elders and ancestors we pay deep respect.’ (Board tenure 2011-2015).

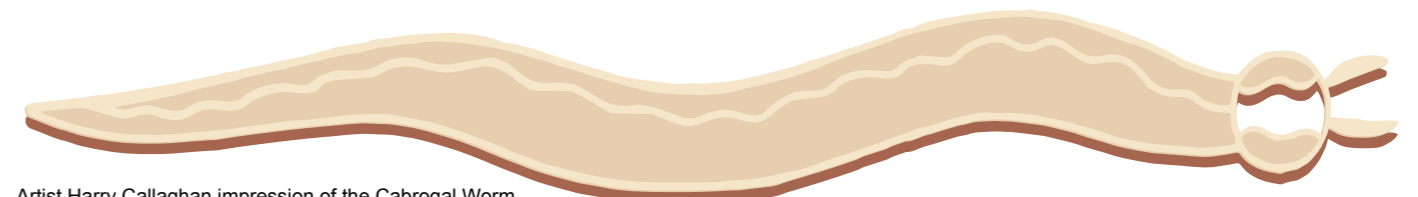
Information and historical records about the Traditional Owners have come from early colonists and ethnographers observing Aboriginal people. Historical records are based on the lens of settler colonialism as found in the records of the early colonists (especially Watkin Tench, William Dawes and David Collins). The difficulty is compounded by the devastation and disenfranchisement inflicted upon the First Peoples of the Sydney area.

Academic scholarship on the topic of traditional owners in the South Western Sydney area is scant; frequently cited sources include Kohen (1993 – although his work is controversial and not based on consensus), Attenbrow (2003), Dreher (2006) and Gapps (2010).

Most of these acknowledge the traditional Country and language as being ‘Darug’ and the clan of the Cabramatta region as being ‘Cabrogal’ (or Gabrogal). Because of contemporary politics of representation around the history (and the current revivalism) of the Darug language, we tend to focus on recognising the families within the Cabrogal clan as the traditional custodians of the land.

Research postulates that the historical connection of the Cabrogal clan as original to the South Western Sydney area can be seen in the ‘Cabra-’prefixes in place names such as Cabramatta, and in the Cabrogal grub, a woodworm whose provenance is the Cumberland plains. Historians note that a ‘clan’ of Aboriginal people was an extended family of up to around 60 persons and that the Cabrogal (also recorded as Ga-bro-gal or Cobrakall between the 1790s and 1800s) were the clan group original to the Cabramatta creek areas.

No descendants of this historical clan are recorded on the Register of Aboriginal Owners for the Gandangara Local Aboriginal Land Council area and its membership under the Office of the Registrar, *ALRA 1983* (NSW). As such, Gandangara Local Aboriginal Land Council community today is a multicultural collection of Aboriginal persons from many different families, clans, tribal and nation groups from many different countries. We acknowledge the Cabrogal clan as the Traditional Custodians of this land. We act as the statutory custodians of the Aboriginal persons living in this land. We honour our Elders past, present and emerging. More research needs to be conducted incorporating the Local Aboriginal perspectives in the construction of this history.



Artist Harry Callaghan impression of the Cabrogal Worm