

## PROPERTY ACQUISITION

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The appointment of an in-house Property Acquisition Officer (PAO) in June 2003 coincided with the expiry of the previous arrangement of outsourcing property acquisition services to Knight Frank Price Waterhouse (KFPW). Seventeen properties, including those approved for acquisition by the Board in the current year and properties that were the subject of earlier approval and attempted acquisition, were referred to the PAO for attention.

A breakdown of the outcome of referrals to the PAO is as follows:

- six properties were successfully acquired
- three properties are awaiting settlement
- three properties remain under negotiation
- negotiations on five properties were concluded either as a result of the ILC's withdrawal, the property being sold above valuation, the vendors' reluctance to negotiate on asking prices which were substantially above market value, or the property being withdrawn from sale.

Another four properties were acquired under the arrangement with KFPW, taking the acquisition tally for the year to ten. The value of properties purchased and the expected outlays associated with those awaiting settlement totals \$12.5m.

## LEGAL

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It has been a productive year for Legal as it continues to provide a broad range of legal services to the ILC. A total of 191 contracts and agreements were recorded on the ILC contracts register as being prepared throughout the year, including contracts for the purchase of land, deeds of grant of land, grants for land management activities and land holding agreements. Also in demand were Consultancy Agreements, Grants of Chattels, Works Contracts, Leases and Access Agreements.

Legal is continually updating its procedures and precedents to incorporate the latest best practice. The grant of money agreements (for the carrying on of land management activities) now take into account the Commonwealth standardised funding agreements developed under the More Accessible Government initiative administered by the Department of Transport and Regional Services.

The ILC's exemption from the payment of rates was once again an issue. A number of Councils questioned the exemption from the payment of rates for the ILC and tenants of ILC land. However, the ILC is not subject to the general rates component of a rating notice, being a form of taxation on the land and the property of the ILC, and that exemption applies regardless of whether the land is leased.

Matters handled during the year include:

- A caveat was lodged over an interest in land granted by the ILC to a body corporate on the grounds that the caveator had a native title interest in the land. ILC acted on advice that native title is not capable of amounting to a caveatable interest and informed the caveator that ILC would take action to require the upholding of the caveat if it was not removed to allow the registration of ILC's interest in the land. The caveator agreed to remove the caveat as a result.
- The ILC intervened in a dispute between Metropolitan Local Aboriginal Land Council (MLALC) and Metropolitan Aboriginal Association Inc (MAAI) in the Supreme Court of New South Wales in March 1993. The dispute involved the rights of management over the ILC-granted property known as Cyprus Helene, Elizabeth Street, Sydney. As a result of its intervention, the ILC obtained court orders that it be allowed to appoint an accountant or auditor to investigate the MAAI's administration of the Trust and that the ILC have a right to appoint an independent property manager to report on the refurbishment and management of the property.



### FREEDOM OF INFORMATION REQUESTS

The ILC is subject to the *Freedom of Information Act 1982* (Cth). The ILC has an appointed Freedom of Information (FOI) Contact Officer, a FOI decision-maker and an Appeals Officer. The ILC received four FOI requests within the reporting period which were as follows:

- A request for documents relating to a proposal by the ILC to purchase a property in Northern New South Wales. A number of the documents requested were released; some could not be located. The applicant requested an internal review of the decision; the result was the same as the initial response. The \$40.00 internal review fee was waived by the ILC.
- A national newspaper requested information relating to any audits or stocktakes conducted by the ILC. This request was received by the ILC (via ATSIIC) on 21 May 2003 and was being processed at 30 June 2003.

- ILC staff member requested information relating to an internal ILC staff review. The documentation was unavailable and the applicant's \$30.00 application fee was refunded.
- A request for a report into Roebuck Station was initially refused on the ground that the document had been destroyed and then on appeal it was refused on the ground that the report was confidential. The applicant lodged a complaint with the Commonwealth Ombudsman that the ILC response to the request for documents was not handled within the required period and that the documents had been refused release because they were not in possession of the ILC. The Commonwealth Ombudsman ceased its enquiries into the complaint after being informed by the ILC of the remedial action it had taken to ensure FOI requests were referred to the appropriate officers within the ILC without delay.

## CORPORATE SUPPORT UNIT

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The Corporate Support Unit (CSU) was established during the 2001-2002 financial year. The CSU reports through the Chief Financial Officer to the General Manager.

The CSU is responsible for:

- *Policy and Procedures Manual* finalisation and ongoing monitoring and review
- management of risk management program
- monitoring of corporate and operational plans
- management of internal audit
- liaison with Australian National Audit Office and Office of Evaluation and Audit
- compliance monitoring and reporting
- review and maintenance of consultants register
- Customer Service System (including complaints handling)
- other duties as determined by the Audit and Risk Management Committee.