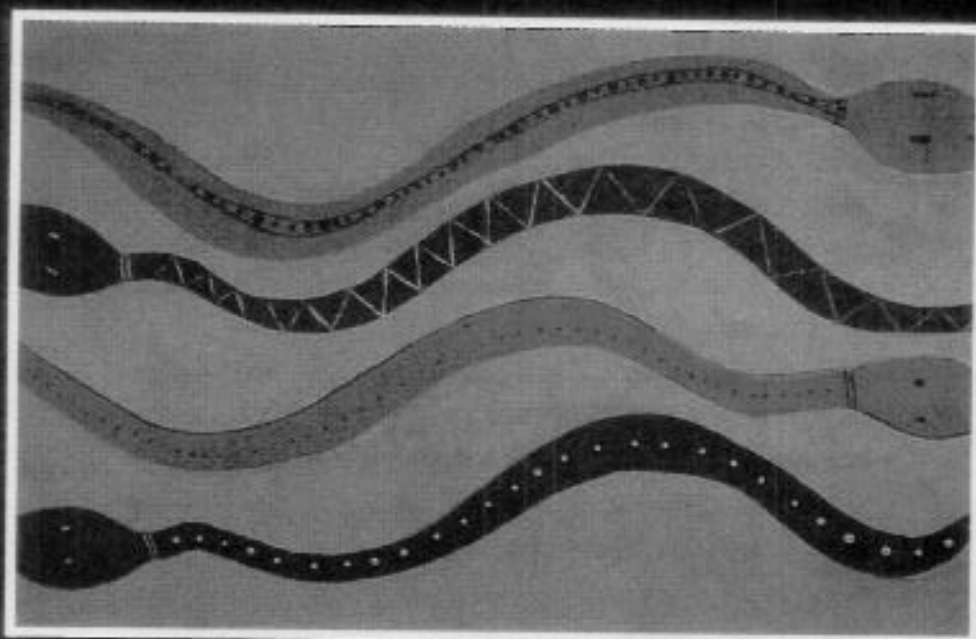


NEW SOUTH WALES



ABORIGINAL LAND COUNCIL

**Annual Report**  
1996-97





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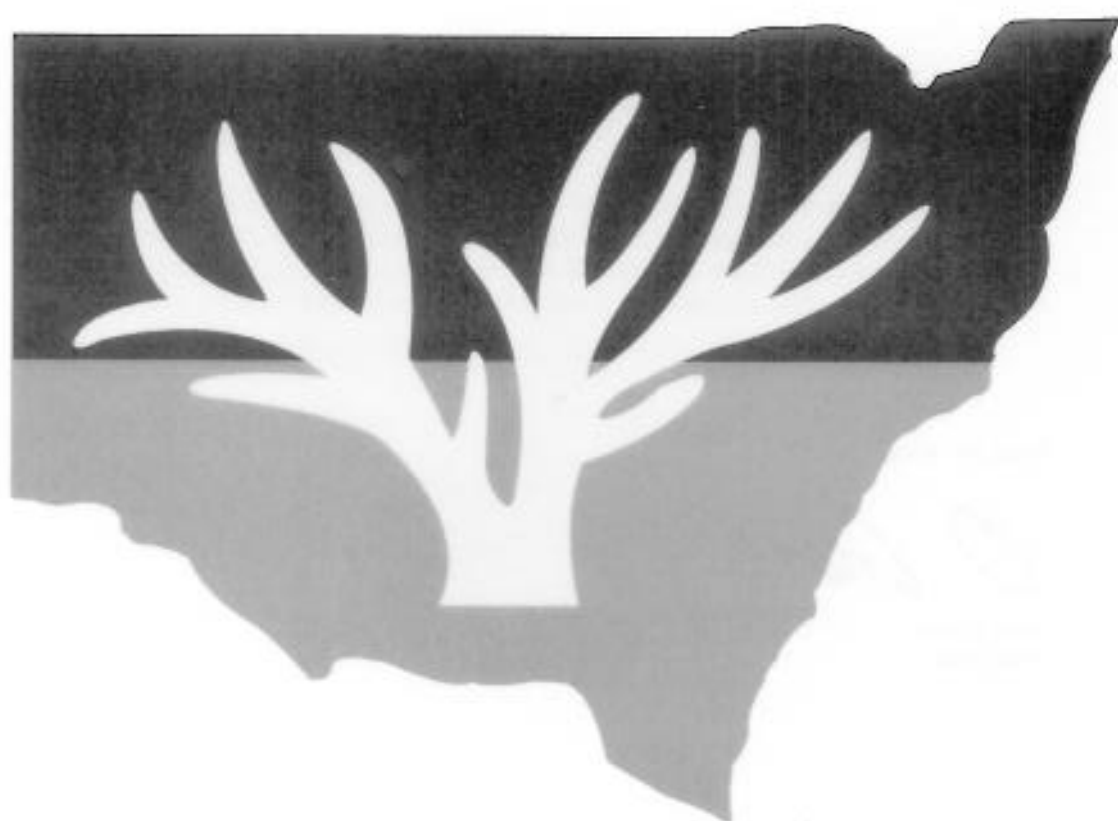
### **Map of NSWALC Regions**

# Vision Statement

“To Liberate and Empower  
Aboriginal people  
in New South Wales  
through economic  
and social independence.”

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**NEW SOUTH WALES ABORIGINAL LAND COUNCIL**

13 April 1998

The Hon. Bob Carr  
Premier of New South Wales  
Governor Macquarie Tower  
Level 40  
1 Farrer Place  
SYDNEY NSW 2000

Dear Premier,

It is with great pleasure that I present to you the New South Wales Aboriginal Land Council's Annual Report for the year ended 30 September 1997, in accordance with the provisions of the NSW Aboriginal Land Rights Act, 1993, the Public Finance and Audit Act 1983, the Annual Reports (Statutory Bodies) Act 1984 and the directions from the NSW Treasury.

Yours Sincerely,

Ossie Cruse  
Chairperson



## CHAIRPERSON'S INTRODUCTION

I think we would all agree the 1996/97 financial period has been a year of challenges for all involved with NSWALC and particularly members of the current Council. I would like to officially acknowledge the efforts of all staff and those associated with NSWALC, and recognise the commitment, vision and hard work of the elected Councillors.

It has been a particularly important time for determining the directions NSWALC will take up to and beyond the Sunset Clause which becomes effective in 1998. This has required a team effort by Council to identify the priority issues, resource needs and general direction of NSWALC as we move to a new level of both independence and competitiveness, and strive to provide the best service possible to our communities across the state. It has also been a time to consolidate the ideas and strategies we have devised as a group – something we must continue to work towards as we move into 1998.

One of the biggest challenges of the period came in the form of the recent investigation by the Independent Commission Against Corruption. While this has signalled a challenge for us to maintain both community and staff confidence in our organisation, it has given us a chance to identify the problem areas and rectify those areas concerning financial mismanagement. The series of hearings during the year will culminate in a report which will be handed down in the first half of 1998.

Native Title again proved to be an important issue for Aboriginal people, with NSWALC playing a key role in negotiations with governments about legislative changes. It is a situation that is unfortunately yet to be resolved but one we will continue to keep informing our staff and community about. We also continued in our ongoing dealings with various aspects of land rights legislation, which I regard as one of the most important pieces of legislation in this state because of its potential to be conducive to all Aboriginal people. NSWALC took part in and contributed to an important international forum with representation on a United Nations Working Group on Indigenous People, through which indigenous people of the world are negotiating a declaration of human rights. NSWALC has made representation by way of a submission to the United Nations for this organisation to be registered as a Non Government Organisation. We are making positive inroads in this area which will have important implications for our organisation in the near future.

Our performance in the business sector has been recognised through our involvement in a number of new and expanded business dealings, establishing NSWALC as a competitive player on the business and corporate front. This area will only continue to improve with the release of our Corporate Plan which is currently being finalised. Other major achievements included the drafting of a Code of Conduct for all NSWALC Councillors and the creation of three new important positions; Peter Lalor as head of Human Resources, Norma Ingram as Manager Corporate Planning and Trudy Glasgow as Public Relations Officer, signalling new opportunities for NSWALC to continue to improve as a professional organisation.

To conclude, I would like to take this chance to recognise the effort made by Councillors and the staff of NSWALC. We have worked as a team to meet the growing and diverse range of needs of our constituents and we managed to achieve some important inroads that will path the way for success in 1998. I look forward to taking on the challenges the new year promises to present to NSWALC.

Ossie Cruse  
Chairperson







## EXECUTIVE DIRECTOR'S REPORT

If last year was one of change, then the 1996/97 financial year proved to be one of challenge for the New South Wales Aboriginal Land Council (NSWALC). Challenges were encountered and managed in both the public arena, as we participated in the ongoing public debate surrounding Native Title legislation, and within the organisation, as staff at state, branch and local level continued to strive to meet the diverse needs of our customers, the Aboriginal people of New South Wales.



I believe these challenges were well met in a majority of cases, largely due to the committed efforts by our team of professional staff. This year saw more important changes in this area, with the creation of several new management positions which will play a key role in establishing NSWALC's identity as a corporate organisation. This new direction, together with the efforts of our elected council, will help us prepare for future challenges our organisation will face as we move closer to the Sunset Clause in 1998.

Training remained a key priority for staff at every level, with the overall aim being to equip NSWALC employees with the skills to perform to the best of their ability, therefore providing better quality services to our members. The completion of the training needs analysis Pathways to Self Sufficiency proved a vital tool in the planning process for the NSWALC and Local Aboriginal Land Councils. Relationships with major education bodies such as TAFE were further strengthened, enabling us to offer a more diverse range of training courses than ever before.

Land rights remained our key focus with much activity in the areas of land acquisition and management, complemented by our ongoing efforts to have vital Aboriginal cultural heritage issues addressed by governments and other peak bodies. The NSWALC made significant contributions to the Native Title debate, which continues to be battled on both a state and national level. The question of the rights of Aboriginal people to achieve recognition of Native Title is one we are determined to ensure the government addresses in an appropriate and fair manner through any changes to current legislation.

Important gains were made in establishing the NSWALC's reputation at state, national and even international level as a professional representative organisation of Aboriginal people. The recognition of NSWALC staff's ability to represent Aboriginal interests was reflected in the number of requests for representation on government reference groups.

Finally, the fact that our performance as an organisation came under close public scrutiny through the ICAC investigation, only served to strengthen our resolve to perform better, improve accountability to our members and achieve the kind of service delivery the wider community should expect from the peak Aboriginal organisation in this state. I believe we are better placed to fulfil this role now than ever before. I attribute this to the committed efforts of the NSWALC team during this past year, and look forward to meeting the new challenges that lie before us with our elected council and staff.

Yours Sincerely,

Aden Ridgeway  
Executive Director



NEW SOUTH WALES  
ABORIGINAL LAND COUNCIL



An Overview

## NEW SOUTH WALES ABORIGINAL LAND COUNCIL – ORGANISATIONAL STRUCTURE



### EXECUTIVE SECTION

- Council policy support
- Corporate planning
- Public relations

### FINANCIAL CONTROL

- Accounting
- Finance Investments
- Evaluation
- Funeral Fund
- Evaluation

### ADMINISTRATION

- Information Systems
- Fleet Management
- Records Building

### LAND RIGHTS

- Land Claims
- Housing
- Cultural Heritage

### NATIVE TITLE

### FIELD LIAISON

### RURAL PROPERTIES

### HUMAN RESOURCES

- Personnel
- Staff Development
- Training

### BRANCHES

## **NSWALC: AN OVERVIEW**

### **The NSW Aboriginal Land Rights Act**

Aboriginal land councils were established under the Act to acquire, manage and develop land to meet the social, spiritual and economic needs of Aboriginal people in NSW. The legislation was passed in 1983 in recognition of the importance of land to Aborigines and that "as a result of past government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation".

Aboriginal people have been able to make land claims since the commencement of the Act. They do this through land councils who lodge land claims over NSW Crown land, which is defined as follows:

- a. Land able to be lawfully sold or leased, or are reserved or dedicated for any purpose under the Crown Lands Act 1989 (NSW).
- b. Land that is not lawfully used or occupied.
- c. Lands, which are not, in the opinion of the Minister administering the Crown Lands Act, needed or likely to be needed as residential lands.
- d. Lands which are not needed or likely to be needed for an essential public purpose.

The Minister administering the Crown Lands Act determines land claims. If land satisfies the above test it is granted to the claimant land council. Land Councils have a right of appeal from the Minister's decision if a claim is refused. That appeal is heard by the NSW Land and Environment Court.

The Act also established the NSWALC Account into which is paid an amount of monies equivalent to 7.5 per cent of the NSW Land Tax annually. Fifty per cent of this money is invested while the remaining funds are used to meet the expenditure costs of running all Aboriginal land councils in NSW.

In 1993, NSWALC was nominated by the NSW Government to act as NSW's representative body on Native Title issues, under section 202 of the Commonwealth Native Title Act.

Included in the Act is a clause which states that this government funding for the NSWALC will cease at the end of 1998. This is known as the Sunset Clause. After the Sunset Clause takes effect the NSWALC will be expected to be self sufficient in terms of funding, using a combination of interest accrued from the investment fund and other accumulated assets.

### **Defining the NSW Aboriginal Land Council**

The New South Wales Aboriginal Land Council was established under the NSW Aboriginal Land Rights Act 1983 (hereafter known as "the Act"). It was set up as a non-Government statutory corporation under the NSW Minister for Aboriginal Affairs.

The scheme under the Act is designed to provide a three-tier system of councils consisting of: the New South Wales Aboriginal Land Council, 13 Regional Aboriginal Land Councils and 120 Local Aboriginal Land Councils.

The general function of Aboriginal land councils involves the following:

- a. land acquisition, either by claim or purchase
- b. establishment of commercial enterprises to create an economic base for Aboriginal communities in NSW
- c. to address Aboriginal culture and cultural issues including the management of sites in NSW
- d. to advise and negotiate with government at all levels to ensure the preservation of Aboriginal rights.

## 1. NSW Aboriginal Land Council (NSWALC):

The NSWALC was established to act as the head office for the organisation, based in Parramatta, Sydney. It has the primary function of overseeing and supporting the operation of all Aboriginal land councils in NSW.

The Council consists of democratically elected members who represent the 13 Aboriginal land council regions in NSW.

The Executive Director is responsible for the NSWALC administration which is made up of the following units: executive section, financial control, administration, human resources, land rights, native title, field liaison and internal audit. Staff are employed in these sections to assist the Councillors administer the functions outlined in Section 23 of the Act.

There are 10 branch offices located in the various land council regions across NSW. NSWALC staff operate from these branch offices and assist in providing administration support to regional and local land councils. A complete list of branch office locations is located at appendix 3 of this report.

Under the Act the functions of the NSW Aboriginal Land Council are as follows:

- a. To administer the NSWALC Account and Mining Royalties Account;
- b. To grant funds for payment of the administrative costs and expenses of Regional and Local Aboriginal Land Councils;
- c. To acquire land on its own behalf or on behalf of or to be vested in a Local Aboriginal Land Council, and to transfer land acquired on behalf of all Local Aboriginal Land Councils, on behalf of that land council;
- d. To determine and approve the terms and conditions of agreement proposed by Local Aboriginal Land Councils to allow mining or mineral exploration on Aboriginal land;



FRONT L-R: ROBERT LESTER, TOMBO WINTERS, OSSIE CHASE, MILLIE INGRAM, KEN FOSTER. BACK L-R: ROD TOWNEY, WILLIAM MURRAY, DAVID BROWN, TOM BRIGGS, DAVID CLARK, IVERN ARDLER, WAYNE GRIFFITHS. (ABSENT: MANUEL RITCHIE).

- e. To make claims on Crown lands on behalf of Local Aboriginal Land Councils;
- f. With the agreement of a Local Aboriginal Land Council, to manage any of the affairs of the council;
- g. To conciliate disputes between other Aboriginal land councils or between those councils and individuals or between individual members of those councils;
- h. To make or lend money to or invest money on behalf of Aborigines;
- i. To hold, dispose of, or otherwise deal with land vested in or acquired by it;
- j. To ensure that Regional and Local Aboriginal Land Councils comply with the Act in respect of the establishment and keeping of accounts and the preparation and submission of budgets and financial reports;
- k. To ensure that elections for chairpersons and other officers of regional and Local Aboriginal Land Councils are conducted in accordance with the Act;
- l. To advise the Minister on matters relating to Aboriginal land rights;
- m. To exercise such other functions as conferred or imposed on it by, or under this, or any other Act.

## **2. Regional Aboriginal Land Councils (RALCs):**

There are 13 RALCs located across New South Wales. Each regional land council is made up of representatives elected by the Local Aboriginal Land Council. RALCs are designed to play an advisory role in the management of the land council network and do not have authority over any Local Aboriginal Land Council (although a RALC can make recommendations for consideration by a LALC or the NSWALC).

The RALC is a statutory authority with the following responsibilities:

- a. To compile and maintain a register of all Local Aboriginal Land Councils within its area,
- b. To provide assistance to Local Aboriginal Land Councils in the preparation of claims on Crown land or the negotiation of the purchase or sale of land,
- c. Assist Local Aboriginal Councils in the establishment and keeping of accounts and submission of budgets and financial reports,
- d. Provide advice and further assistance as required by Local Aboriginal Land Councils in its area,
- e. Assist the NSWALC to conciliate disputes between Local Aboriginal Land Councils or between those councils and individuals or between individual members of councils,
- f. Other functions as are conferred or imposed on it by or under this or any other Act



**In 1996/97 Regional Aboriginal Land Councils operated  
from the following locations:**

Armidale – Northern Tablelands region	Kempsey – Central Coast region
Gosford – Sydney/Newcastle region	Liverpool – Western Metropolitan region
Lismore – North Coast Region	Batemans Bay – Far South Coast region
Moama – Murray River Region	Quirindi – Northern Region
Nowra – South Coast Region	Merindoo – Western Region
Wagga Wagga – Wiradjuri region	Dubbo – Central Region
Coonamble – North West Region	

*A complete list of Regional Aboriginal Land Councils is at Appendix 3 of this report.  
A map showing the regional land council boundaries within NSW is located at the end  
of this report.*

### **3. Local Aboriginal Land Councils (LALCs)**

Local Aboriginal Land Councils (LALCs) are located within each of the 13 Aboriginal land council regions. The number within each region varies depending on the size of the regional area and ranges from three to 15. The current total number of LALCs is 117. Each LALC elects the office bearers of chairperson, secretary and treasurer and also elects regional representatives to attend meetings at their RALC. Staff and members are encouraged to access advice and information from the NSWALC branch offices or head office.

LALCs work for their members and the wider Aboriginal community living in their local area. They assist in matters relating to the areas of housing, legal, employment and other day-to-day matters involving Aboriginal people in accordance with functions detailed under the Act.

The Act established the land council structure in a way that will help achieve a high degree of participation and involvement by every Aboriginal person in the affairs of their local community.

A complete list of Local Aboriginal Land Councils is located at Appendix 3.

## NSWALC - The Council

The New South Wales Aboriginal Land Council's elected arm consists of 13 Councillors. These positions are democratically elected by Local Aboriginal Land Council members and represent the 13 land council regions. Each Councillor serves a four-year term. The current council was elected on Saturday, 10 February (NB A bi-election was also held in the Metropolitan region on April 19, 1997).

The Council elects the following office bearers: chairperson, secretary, treasurer.

In 1996/97 the following representatives held office:

Chairperson - Ossie Cruse, Far South Coast Region

Secretary - Ivern Ardler, South Coast Region

Treasurer - David Clark, Murray River Region

Manul Ritchie - Central Coast Region

Rod Towney - Central Region

Wayne Griffiths - Northern Region

David Brown - Far North Coast

Ken Foster - Sydney/Newcastle Region

Tom Briggs - Northern Tablelands

Robert Lester - Western Metropolitan Region

William Murray - Western Region

Millie Ingram - Wiradjuri Region

Tombo Winters - North West Region

NB: Theresa Ellis held the position of Councillor, Western Metropolitan Region, until the bi-election held on April 19, 1997, when Robert Lester was elected to the position.

## Council Profiles



### Chairman, Councillor Ossie Cruse, MBE, (South East Coast Region)

Cr Cruse was born in 1933 and is of the Monaro people. He has spent the last 26 years in the Eden district with his wife Beryl, with whom he has three children and numerous grandchildren and great grandchildren. Cr Cruse has spent the past 12 years working in NSW land councils, carrying out numerous elected roles including coordinator of the Eden Local Aboriginal Land Council and his current position as chairman, NSW Aboriginal Land Council (NSWALC).

He has been involved in various organisations including the Police Aboriginal Council, Twofold Aboriginal Corporation (Director), Eden's Aboriginal Church (Pastor) and a Multi Purpose Youth Camp (Coordinator). Highlights of Cr Cruse's history of involvement in NSW Aboriginal affairs include his receipt of an MBE in 1975, ACT Aborigine of the Year award in 1994 and Merimbula's Citizen of the Year award in 1997. He has represented Aboriginal people on an international level by participating in United Nations delegations for nine years and is a member of the World Council of Indigenous People. He is also involved with the NSW Heritage Program.

Cr Cruse has involved himself with a wide variety of Aboriginal and government organisations to enable him to achieve his personal goals of striving for Aboriginal reconciliation and improvements in cultural, social and economic circumstances for Aborigines. Cr Cruse has actively advocated the integration of Aboriginal cultural beliefs into policies and guidelines for services to Aborigines.



## Council Profiles



### **Treasurer, Councillor David Clark (Murray River Region)**

Born in Wilcannia in 1947, Cr Clark has been involved in Aboriginal affairs since the age of 18. He has represented Aboriginal people in a variety of roles, both within his local community and at a state level as an elected member of the state land council. Having previously worked as a district officer with the Department of Youth Community Services, Cr Clark joined the NSWALC in 1988 when he played an important part in the push to improve Aboriginal home ownership opportunities. He served on the first council to be elected after the 1990 land rights amendments and was then elected as Treasurer in August 1997.

Cr Clark, who is married and has five children, has lived in Albury since 1994. He believes land rights play a vital part in helping better opportunities for Aboriginal people in the areas of health, education, employment and housing. Cr Clark has always strived to help Aboriginal families achieve home ownership within the wider framework of land rights legislation, which he believes can help eliminate some of the other disadvantages experienced by Aborigines. His community involvement includes providing Nelson and support to numerous land councils, housing organisations and sporting bodies.



### **Secretary, Councillor Ivern Ardler (South Coast Region)**

Born in Berry, Cr Ivern spent his childhood in the Wreck Bay Aboriginal community. Prior to joining the NSWALC in 1982, Cr Ardler worked with the South Coast Aboriginal Legal Service. He has had a long time involvement in Aboriginal affairs on both a local and state basis. Cr Ardler is currently a member of the South Coast Medical Service Aboriginal Corporation as well as fulfilling his duties as Secretary of the current elected council.

There have been a number of significant events in Cr Ardler's region since his election as a councillor which he believes reflects his commitment to his local people. The South Coast RALC is now on full funding for the first time, along with Illawarra LALC, and recently received a satisfactory audit report. Coomeditchie Reserve, in the Illawarra LALC area, is set to receive funding for housing repairs. Jerrinja LALC is currently funded under a management agreement with the branch office, with Cr Ardler confident it will be fully funded in the near future. Ongoing efforts are being made to manage its involvement with the Jervis Bay Marine Park. Nowra LALC is currently receiving financial assistance from the NSWALC.

Cr Ardler's portfolio areas include Native Title, Internal Audit Committee and Indigenous Land Corporation (ILC) issues.



### **Councillor Rod Towney (Central Region)**

Cr Towney is a proud descendant of the Wiradjuri people and has been involved with Aboriginal land councils since 1985. A qualified primary teacher, Cr Towney also has a teaching certificate, Bachelor of Education, a Graduate Certificate in Adult Education and is currently studying a Masters in Adult Education.

He has had extensive experience with a range of Aboriginal organisations including Dubbo LALC (chairperson), Wirawongam Regional Council (chairperson two terms), and Binala Billa Regional Council. Cr Towney currently remains a member of a number of community organisations in the Dubbo area. His other interests include soccer and swimming and he plays an active part in both sports at both junior and adult level along with his four children.

As a former employee of various Commonwealth Departments including the Commonwealth Employment Service, Social Security and Aboriginal Development Commission, Cr Towney has had extensive management involvement at senior level. Cr Towney's NSWALC portfolios include international issues, Native Title, indigenous culture, education and training, and rural properties.

## Council Profiles



### Councillor Robert Lester (Western Metropolitan Region)

Cr Lester is a Wonepoo man who has lived and worked in the Western Metropolitan area all his life. He has four children and three grandchildren. He is a member of three local land councils within the region and has been involved in the land council network since 1984.

Cr Lester's experience with the Department of Education, Employment and Training as an Aboriginal Community Development Officer enables him to gain important insight into the working of government bodies and develop a position of respect within the NSW Aboriginal community. He has held various representative roles in Aboriginal organisations including the Campbelltown & District Aboriginal Co-operative, National Parks and Wildlife Aboriginal Cultural and Heritage Advisory Council, NSW Police Aboriginal Council and Australian Aboriginal Affairs Council (establishing principles for reburial of ancestral remains).

Cr Lester is currently the chairperson of the NSWALC's Native Title sub-committee, included in his portfolios are culture and heritage, parliamentary relationships, Aboriginal keeping places and federal and state agreements. He strives to bring about change to improve the cultural, social and economic situation of Aboriginal people. Cr Lester's priorities include advocating the integration of Aboriginal cultural values and beliefs into policies, systems and guidelines for services to Aboriginals.



### Councillor Tom Briggs (Northern Tablelands Region)

Cr Briggs is a member of the Gumbaynggirr people and was born and raised in the Armidale district. He spent 20 years working with the Department of Employment, Education and Training in Sydney, enabling him to gain extensive experience in human resources and training issues. Cr Briggs also has a degree in administration and leadership.

Cr Briggs has been involved in Aboriginal land councils at a local level for much of his life. His involvement in Aboriginal affairs includes roles with ATSIC's regional council and the Armidale Community Development Employment Program (CDEF), one of the largest and most successful of its kind in NSW. He was also an Alderman with Armidale City Council.

Elected to the NSWALC as a Councillor for his first term in 1996, Cr Briggs' main portfolios are training and staff development, and youth. He works closely with the NSWALC's Human Resources section to help ensure staff at every level within the land council network are given training and career development opportunities, and helping LALC's achieve full funding. He believes training plays a vital part in improving the access Aboriginal people have to improved social and employment opportunities. Programs such as Aboriginal traineeships, land council management and community planning will play a key part in the future for the NSWALC, according to Cr Briggs.



### Councillor David Brown (Far North Coast Region)

Cr Brown is a firm believer in the need to foster relationships between local Aboriginal land councils and industry groups on a regional level. The fostering of these relationships on both a commercial and resource sharing basis is one of the personal goals Cr Brown has identified since being elected to the NSWALC in 1996. A member of the Bundjalung (father) and Gumbaynggirr (mother) tribes, Cr Brown has spent his life working in the Grafton area. His understanding of his local region, combined with 10 years experience in various local government departments (including the Aboriginal Development Commission and Social Security), stands him in good stead to represent the interests of Aboriginal people in regional NSW. Cr Brown believes his work experience and ongoing tertiary study has also equipped him with valuable insight into government attitudes to Aboriginal issues.

Cr Brown has been involved with land councils since 1989 and has spent much of his life working to develop land councils in his home region. His priorities include striving to secure better resources for land councils in his region and maintaining regular contact with members of those councils. His portfolios as councillor are land rights and Native Title. His main goal is to see land councils develop a higher degree of independence in decision making and the creation of community plans, and to form agreements between Native Title holders and other parties.

## Council Profiles



### Councillor Millie Ingram (Wiradjuri Region)

Cr Ingram was born in Cowra as one of 11 children. She spent her childhood on an Aboriginal reserve and worked as a servant to the mission managers and on various local farms before moving to Sydney with her older sisters in an effort to obtain work and help get the rest of her family off the mission. Cr Ingram worked for the Murawina Aboriginal Childcare Centre in Redfern and the Department of Aboriginal Affairs, going on in 1988, the Bicentennial year, to lead the "A Team", an independent Aboriginal group that stood for a seat in the Upper House of the NSW Parliament.

Now a mother of two children and grandmother of two, Cr Ingram divides her time between her Cowra home and Sydney as she strives to meet a growing number of commitments through her role as the NSWALC's sole female Councillor. She has been involved in a wide range of Aboriginal issues and has played an active role at all levels of government. Her portfolio interests include International issues, Ethnic Community Council, women's issues, ICAC policy and local government. Cr Ingram strives to gain the respect of both the Aboriginal people she represents and the non Aboriginal community by seriously regarding her role as an important Aboriginal community representative.



### Councillor Wayne Griffiths (Northern Region)

Born at Gunnedah in 1959, the son of coalminer and shearer George Griffiths and Marie Griffiths, Cr Griffiths has worked in his home region all his life. He married his sweetheart Michelle and has three children; Chantae, Dale and Lavi. Cr Griffiths has been involved in the fight to improve conditions for Aboriginal people for most of his life. He took an active role as a regional representative working to secure the 1990 amendments to the NSW Aboriginal Land Rights Act, which gave Aboriginal people the freedom to lease, mortgage or sell their land freehold. He takes great pride in representing both his local community and the Aboriginal people of NSW through the NSWALC.

Cr Griffiths has a great respect for his fellow Aboriginal community members who have been responsible for some of the nation's most symbolic historical moments: Charles Perkins' freedom rides, Mark Ella's captaining of Australia's rugby union team and Lionel Rose's famous Melbourne ticker tape parade. As an Aboriginal person he strives to bring about what is necessary to improve the social and economic situation of Aboriginal people in NSW, therefore enhancing opportunities for greater recognition of Aboriginal culture.



### Councillor Manul Ritchie (Central Coast Region)

Cr Ritchie was born in Coffs Harbour and grew up in the Taree area as a member of the Goori people, descendent of the Gumbaynggirr and Dunghutti nations. Cr Ritchie brings to the current council a wealth of experience in Aboriginal affairs on both a state and national basis. He first became involved in Aboriginal politics in 1965 and took an active role in lobbying Australian governments for recognition of indigenous rights throughout the 1960s. Cr Ritchie's involvement also included membership with the Federal Council of Aborigines and Torres Strait Islanders and participation in the Aboriginal Tent Embassy movement at Canberra during 1972. He was elected junior vice president of the Trades and Labor Council (in an honorary capacity) in 1975, was an ATSIC councillor for two terms, has been a member of the NSW Police Community Council since its inception and the NSWALC's representative on the tripartite committee looking at Aboriginal housing infrastructure.

Cr Ritchie was elected to the NSWALC in February 1984, an achievement which followed a life long interest in the state's land council system. He believes ongoing efforts and commitment by the NSWALC staff and council is vital to ensure the survival of the land council network in NSW.

## Council Profiles



### Councillor William Murray (Western Region)

Currently serving his second term as an elected Councillor, Cr Murray was born in Balranald as a member of the Nari Nari people and spent much of his life in the Wilcannia area.

Cr Murray has worked with stock on various properties in the Wilcannia district and also worked with the Department of Main Roads for about 18 years. His sporting involvement included football stints with the Wilcannia Tigers and the Wilcannia Boomerangs.

He has enjoyed a long involvement with various Aboriginal organisations including the Western Aboriginal Legal Service, of which he was a board member for 10 years, and the ATSIC Regional Council (currently serving the third of his three year terms). He has had a long involvement with the Wilcannia Local Aboriginal Land Council. He was chairman of the Western Region Land Council since its formation in 1985 until the amendments were made to the Aboriginal Land Rights Act in 1990. Cr Murray has always strived to achieve better standards of living and employment for Aboriginal people in western NSW.



### Councillor Tombo Winters (North West Region)

Born a member of the Gamilaroi people, Cr Winters is regarded as one of the most experienced members of the current council having spent much of his life fighting for recognition of Aboriginal rights. Cr Winters, who turns 60 this year, has spent his entire life in the Brewarrina area. He and his wife Beryl (now deceased) reared two sons and two daughters. A shearer by trade, Cr Winters became involved in Aboriginal affairs as a community representative when the interim council was set up in 1962. He played a key role in the setting up of land councils across NSW and is the sole councillor to have been involved in the NSWALC since its inception in 1983. Cr Winters worked with the Western Aboriginal Legal Service for eight years as a senior field officer before becoming a councillor in 1990.

His main interests include striving to help Aboriginal people in the state's legal system and in generally working to best represent the interests of Aboriginal people as a community representative.



### Councillor Kenny Foster (Sydney/Newcastle Region)

Currently serving his third consecutive term as an elected Councillor, Cr Foster has been involved in Aboriginal affairs since he was a young man. Born in La Perouse as a member of the Eora people, Cr Foster regards his position as an important opportunity to work to help his fellow Aboriginal community members. He has been inspired by the efforts of Aboriginal leaders before him who have strived to achieve recognition of Aboriginal rights from various governments and organisations. Cr Foster's portfolios include sport and recreation, culture and heritage and issues associated with the Olympic Games.

Cr Foster will strive to continue the fight for recognition of the needs and abilities of Aboriginal people both in the communities he represents and beyond. He believes sport, housing, health and education are all key areas of interest for Aboriginal families and also regards employment as a priority in assisting Aboriginal people throughout the land council network.

Cr Foster would also like to acknowledge the support he has received from the following people: the late George Griffiths, Henry Bolt, Tom Williams and Clara Mason; Rick Griffith and the members of Mindaribba LALC; Jim Wright, Ron Gordon and the members of Awakabal LALC; Bill Smith, Gloria Smith, Robbie Briggs and members of Koombatoo LALC; Mick Green and members of Bahtah Bah LALC; Lenny Anderson, Val Merrick, Graham Russell and members of Worimi LALC.

## Corporate Plan

To assist in meeting the aims and objectives represented by the vision statement, council elected to establish a corporate plan in this financial year. The aim of the corporate plan is to provide council and staff with a framework to work towards fulfilling NSWALC's responsibilities under the NSW Aboriginal Land Rights Act. The plan will also play a key role in future directions of the organisation as it moves towards financial independence in 1996 when the Sunset Clause will take effect.

Norma Ingram was employed to manage the corporate planning process, with the key objective being to establish and assist in the implementation of the NSWALC Corporate Plan. Once adopted by council, the plan will form the ongoing basis for current and future business plans within each section of the NSWALC. The plan will also be used as an important marketing tool to inform the general community about the future directions of the NSWALC and its role as the peak Aboriginal organisation in NSW.

## NSWALC Staff

The state representatives are supported by staff at NSWALC's head office in Parramatta and at the various branches throughout NSW. Under the administration leadership of Executive Director, Aden Ridgeway, the NSWALC staff is divided into a number of sections. Each section has a manager and a number of specific roles and responsibilities.



NSWALC MANAGERS, L-R: PETER LALOR (FRONT LEFT), DAVID DOBERER, TALAAT SHANAWANY, ADEN RIDGEWAY, STEVE WRIGHT, CLIVE MOULSTONE, JIM GLEESON (RIGHT FRONT). ABSENT: SIMON BLACKFIELD.

### 1. EXECUTIVE SECTION:

Executive Director – Aden Ridgeway  
Executive Assistant  
Executive Officer  
Public Relations Officer

#### Role:

- Senior management unit of NSWALC
- Responsible for management of staff at NSWALC
- Council support and policy
- Public Relations
- Corporate Planning
- Field Operations
- Information systems management

### 2. FINANCIAL CONTROL:

Financial Controller – Talaat Shanawany  
Budget and accounts staff  
Evaluation unit  
Investment unit  
Funeral Fund

#### Role:

- Manage NSWALC budget
- Evaluation of LALC budgets and financial reports
- Manage investment fund and investigate investment projects
- Maintain register of land council membership



### **3. ADMINISTRATION:**

**Manager – Clive Moulstone**

Purchasing  
Fleet section  
Building maintenance  
Administration

**Role:**

- General purchasing
- Purchase and maintenance of NSWALC vehicles
- Communication systems
- Building maintenance and security
- Insurance

### **4. HUMAN RESOURCES:**

**Manager – Peter Lalor**

Personnel officer  
Training officers  
Clerical officers

**Role:**

- Recruitment of staff
- Performance appraisal
- Workers compensation and conditions of employment
- Provide training to NSWALC and LALC employees

### **5. LAND RIGHTS:**

**Manager – Steve Wright**

Land rights officers  
Housing Officer  
Project officers

**Role:**

- Research and lodge land claims
- Disposal and management of land
- Negotiations with governments and relevant bodies
- Legal advice on land matters
- Housing issues
- Cultural heritage

### **6. NATIVE TITLE:**

**Manager – Simon Blackshield**

Legal Officers  
Research Officers  
Administration staff

**Role:** Funded by ATSIC to claim land under the Commonwealth Native Title Act (1993) on behalf of Aboriginal people in NSW, NSWALC's Native Title unit staff research and assist in the application of native title on behalf of Aboriginal people. NSWALC is the sole representative organisation nominated by the government to represent Aboriginal interests in relation to Native Title matters in NSW.

### **7. FIELD LIAISON:**

**Senior Field Liaison Manager – Les Bunda**

**Role:** Provides assistance to LALC members relating to their obligations under the NSW Aboriginal Land Rights Act (includes issues such as membership, meetings, roles of office bearers, LALC functions and the appointment of administrators).

### **8. RURAL PROPERTIES:**

**Role:** Located at the North West branch office, manages rural properties owned by NSWALC.

### **9. INTERNAL AUDIT:**

**Manager – David Doberer**

**Role:** Provides advice to NSWALC and LALCs on the effectiveness of financial systems.

### Statistics on Aboriginal People

- Estimated number of Aboriginal and Torres Strait Islander Australians as at 30 June 1996 was 386,000 (an increase of 40,700 since 30 June 1991)
- The indigenous population represents 2.1 per cent of the total Australian population
- NSW has the largest indigenous population with 109,900 or 28.5 per cent of the total indigenous population, followed by Queensland with 27.2 per cent.
- In NSW Aboriginal people make up 1.8 per cent of the total population.
- The nation's Aboriginal community is much younger than the total population, with the indigenous population having a median age of 20.1 years (about 14 years less than the total Australian population).
- The life expectancy of indigenous males is 57 years, 18 years less than for all Australian males. Indigenous women have a life expectancy of 62 years – 19 years less than for all Australian women. (Source: Australian Bureau of Statistics)



SOME OF NSWALC'S SENIOR STAFF DURING ONE OF THE REGULAR MANAGEMENT WORKSHOPS. BACK (L-R) PETER LALOR, JIM GLEESON, PAUL NEWMAN (CONSULTANT), TALAAT SHANAWANY, ADEN RIDGWAY, LORENZ HENFT, JOHN CARTER. FRONT (L-R) TRUDY GLASGOW, LES BUNDA, NORMA INGRAM, CLIVE MOULSTONE.



NEW SOUTH WALES  
ABORIGINAL LAND COUNCIL



1996-97

in Review

## Land Rights

### Preamble – Aboriginal Land Rights Act (NSW) 1983

Whereas:

- (a) Land in the state of New South Wales was traditionally owned and occupied by Aborigines;
- (b) Land is of spiritual, social, cultural and economic importance to Aborigines;
- (c) It is fitting to acknowledge the importance which land has for Aborigines and the need for Aborigines of land;
- (d) It is accepted that as a result of past government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation.

### Defining the Land Rights Act

The right to claim land under the Aboriginal Land Rights Act (NSW) is based on one of the most fundamental rights of the Aboriginal community, that is the right to land in Australia. Aborigines have been able to make land claims since the commencement of the Act in 1983. Land councils lodge land claims over NSW Crown land.

Under the Act, claimable Crown land is defined as:

- a. Land able to be lawfully sold or leased, or reserved or dedicated for any purpose under the Crown Land Act 1989 (NSW).
- b. Land that is not lawfully used or occupied.
- c. Lands which are not, in the opinion of the Minister administering the Crown Lands Act, needed or likely to be needed as residential lands.
- d. Lands which are not needed or likely to be needed for an essential public purpose.

The Minister administering the Crown Lands Act determines land claims. If land satisfies the above tests it is granted to the claimant land council. Land councils have a right of appeal from the Minister's decision if a claim is refused. The appeal is heard by the NSW Land and Environment Court.

### The Function and Purpose of Land Claims

The making of a claim and the granting of land is one of the two forms of compensation for dispossession of land available under the Act. The other is monetary compensation in the form of the equivalent of 7.5% of land tax levied in NSW annually for a period of 15 years, concluding in 1998. The total number of land claims granted to land councils since the commencement of the Act is 1,451. This represents approximately 0.06 percent of the total land area of NSW. The intention of the NSW Government in introducing the Act, and specifically land claim provisions, was to provide Aboriginal communities an opportunity to obtain land for economic, social and cultural uses. As an explanatory memorandum to the Bill in 1983 it was stated:

*"Vast tracts of Crown land will be available for claim and will go some way to redress the injustices of dispossession."*

Unfortunately the land claims process has been undeniably frustrating and disappointing to Aborigines. The low number of successful land claims, the excessive and unacceptable delay in the processing of land claims and the highly restrictive interpretations given to the tests of claimable Crown land by administrative departments have caused great concern to land councils throughout the years.

## Overview of Land Rights Activities 1996/97

It was stated in the 1995/96 Annual Report that the NSW Labor government elected in March 1995 resulted in significant changes being made to the administration of land claims. Three broad areas of policy reform were identified as initiatives of the newly elected government:

1. Focusing on clearing the backlog of undetermined land claims which had accumulated during previous years.
2. Developing processes for the negotiated settlement of land claims which had been accumulating during previous years.
3. Developing processes to include the New South Wales Aboriginal Land Council, (NSWALC) in government policy formulation, particularly in relation to land, resource and environmental issues.

### Land Claim Backlog

The Minister for Land and Water Conservation (Kim Yeadon MP) made a strong commitment to increasing the number of land claims he determined to clear the backlog of undetermined claims that had accumulated under the previous government.

In the 1996/97 year the Minister determined 417 land claims, which while down from the 481 claims determined in 1995/96, remained a significant improvement on previous years.

The Minister's resolve to improve the determination rate of land claims and the Department of Land and Water Conservation's good response to this initiative was welcomed by the NSWALC. The difficulty with a poor rate of land claim determinations is that it raises questions about the reasons for delay and can lead to a perception that political considerations are interfering with an administrative process.

ABORIGINAL LAND CLAIMS - STATE WIDE									
Annual Statistics Breakdown									
Financial Year	Claims Lodged	Granted (+ part)	Area (ha)	Value (CPI Adj)	Refused (+ part)	Oth. Final (+ part)	Tot. Final (+ part)	Appealed	Still Incomplete
82/83									
83/84	170	4	4	\$485,387			4		2
84/85	2,060	103	524	\$3,446,097	397	167	567	3	42
85/86	834	92	754	\$8,900,766	490	210	705	1	23
86/87	195	105	2,266	\$6,974,302	108	101	312		27
87/88	191	262	8,509	\$57,157,377	259	175	695	1	34
88/89	266	18	24,809	\$4,161,922	47	37	100	8	45
89/90	173	19	90	\$549,271	189	57	295	20	46
90/91	374	10	128	\$2,495,636	150	12	172	2	71
91/92	404	44	357	\$2,065,363	215	36	289	20	78
92/93	460	108	11,447	\$23,018,843	118	6	232	14	124
93/94	591	18	1,342	\$21,435,915	198	13	229	11	269
94/95	129	167	1,643	\$24,245,347	222	11	400	16	52
95/96	413	261	4,791	\$61,374,767	203	17	461	63	291
96/97	126	242	2,611	\$11,643,857	186	9	417	2	91
<b>TOTAL TO DATE</b>	<b>6,096</b>	<b>1,451</b>	<b>59,080</b>	<b>225,982,949</b>	<b>2,760</b>	<b>948</b>	<b>5,059</b>	<b>161</b>	<b>1,215</b>

### **Negotiating Land Claims**

NSWALC's continuing commitment to negotiated resolution of land claims rather than through litigation was again strongly argued to the NSW government in 1996/97. During the year the focus of negotiations was the specific matter of the Tweed Byron Local Aboriginal Land Council land claims at Fingal Head in far northern NSW. Intense negotiations were carried out between the Tweed Byron LALC, NSWALC and the Minister for Land and Water Conservation throughout the year resulting in the Land and Environment Court ordering the transfer of the land to the Tweed Byron LALC in July 1997.

These negotiations were conducted following the lodging of an appeal by the Tweed Byron LALC in relation to the land claims. The claims had been refused by a former Minister administering the Crown Land Act 1989 in 1993.

The NSWALC was committed to reaching a negotiated outcome and to avoid a lengthy and costly hearing of the matter in the Land and Environment Court. The Minister in turn demonstrated a willingness to negotiate and the outcome was welcomed by the Tweed Byron LALC and the NSWALC.

The Nature Conservation Land Claim Appeals remain a significant challenge for the NSWALC and the Minister in relation to negotiations.

The NSWALC was disappointed at the Minister's reluctance to negotiate in relation to another land claim the subject of appeal, the Dubbo Local Aboriginal Land Council (LALC) appeal over land at Dubbo referred to as Bourke Hill. The land claim had been the subject of a bitter public dispute between the Dubbo LALC, NSWALC and the Dubbo City Council, resulting in Dubbo City Council criticising the land claim in an unreasonable and inflammatory way. The Dubbo LALC and the NSWALC called on the Minister to negotiate a settlement of the land claim, however, he would not do so and the matter will be heard in October 1997 by the Land and Environment Court. The Dubbo LALC and the NSWALC are confident that the Court will order the transfer of the land to the Dubbo LALC and that this matter will represent a missed opportunity for the Minister to reach a negotiated resolution of a land claim.

### **NSWALC and Government Policy Formulation**

It was reported in the 1995/96 Annual Report that the NSW government was moving quickly to include the NSWALC and the wider Aboriginal community in the processes of government policy formulation. This was implemented by including NSWALC representatives on various government consultative committees, including:

1. The committee established to review the Catchment Management Act.
2. The Water Advisory Council.
3. The Biodiversity Advisory Council.
4. The Resource and Conservation Assessment Council.

Added to this list in the 1996/97 year were:

1. The State Assessment Panel for Natural Heritage Trust grants in NSW.
2. The Marine Parks Advisory Council.

A number of additional regional committees were proposed or established which involve Aboriginal representation, including:

- Marine Parks Advisory Committees
- River Management Committees
- Native Vegetation Advisory Committees
- Various regional Natural Heritage Trust committees

The committee to review the Catchment Management Act concluded its work and a report was submitted to the Minister for Land and Water Conservation. The Water Advisory Council continues to address water policy and attempt to include an Aboriginal perspective in this complex issue. The Biodiversity Advisory Council prepared a draft of the NSW Biodiversity Strategy with good input from the NSWALC.

The Resource and Conservation Assessment Council (RACAC) is a major initiative of the NSW government in response to the Commonwealth government's move to reform forest policy. The RACAC has a program of Regional Forest Assessment (RFA) and the NSWALC has been busy with the work of the RACAC in organising the assessments and conducting the consultation process with the first of the RFAs, the Eden Forestry Area. The NSWALC was selected to conduct the Aboriginal consultation processes for all RFAs and planning for the Eden process is under way.

While the NSWALC has welcomed its role in the RACAC the process has been complex and demanding. It is yet to be seen if the NSW government can meet the challenge of including the Aboriginal community's views on forest management in a way that offers more than mere consultation.

The State Assessment Panel (SAP) for Natural Heritage Trust grants is a stakeholder committee established by the Minister for Land and Water Conservation. The main function of the SAP is to advise the State Catchment Management Coordinating Committee on priorities for the granting of funds for projects within or related to the Natural Heritage Trust.

The NSWALC identified a need for the establishment of an Aboriginal Assessment Panel which would report to the SAP. This has been proposed to the SAP and the NSWALC is awaiting a response.

The Marine Parks Advisory Council is a stakeholder committee established pursuant to the Marine Parks Act 1997, proclaimed in July 1997. NSWALC has one representative on the committee. NSWALC is considering its nomination for the council and formulating policy on its involvement in the Marine Parks Act.

In relation to other regional and local committees the NSWALC is focusing on reaching an agreement with the NSW government for the process of both providing Aboriginal representatives and ensuring they have sufficient resources and are properly briefed so that they can effectively carry out their responsibilities.

### **Significant Land Claim Matters**

#### **The Fingal Head Land Claims**

The land claims over Fingal Head on the far north coast of NSW were lodged by the Tweed Byron LALC in the late 1980's. The NSW Court of Appeal had ruled in September 1996 that the Tweed Shire Council had no standing to intervene in the land claim appeal proceedings between the Tweed Byron LALC and the Minister administering the Crown Lands Act.

Following that decision the Minister for Land and Water Conservation (administering the Crown Lands Act) instructed the Department of Land and Water Conservation to explore the possibility of finding terms on which the land claims could be settled between the parties to the satisfaction of the Land and Environment Court. The NSWALC assisted the Tweed Byron LALC with the negotiations that followed and a successful outcome was achieved, the Land and Environment Court making orders in July 1997 for the transfer of the whole of the land under claim to the Tweed Byron LALC.

In reaching this agreement the Tweed Byron LALC had agreed to significant concessions in relation to their rights over the land, including the creation of easements for public access over certain areas, the exclusion of beaches from the land claim, easements to allow access for maintenance of the Tweed River training wall and access to certain land for the construction of a sand by-pass facility being developed to return sand to Gold Coast beaches.



The Fingal Head land claims presented the most complex and politically sensitive land claim issue to confront the NSWALC in the history of land rights. The successful outcome was a triumph for the model of land claims negotiation that the NSWALC had been advocating. At the time of writing the Tweed Byron LALC is awaiting the completion of a survey of the land prior to transfer of title to the Aboriginal Land Council.

The land the subject of the land claims is of extreme cultural and historical significance to the Fingal Head and the wider north coast Aboriginal community. They are elated by the decision of the court and look forward to the privilege and challenge of caring for the land for future generations.

### **The Nature Conservation Land Claim Appeals**

During the 1995/96 financial year the Minister for Land and Water Conservation refused 50 land claims all with the principal reason for refusal being the need or likely need for the lands for nature conservation. The land claims were lodged by nine LALCs and the NSWALC. All decisions to refuse the land claims were appealed to the Land and Environment Court in May 1996.

Just prior to the refusal of these land claims another land claim lodged by the Deerubbin LALC (formerly known as Daruk LALC) was refused by the Minister for Land and Water Conservation for the principal reason of nature conservation and appealed in the Land and Environment Court. The land claim was for a parcel of land adjacent to the Castlereagh Nature Reserve in western Sydney. It was considered by the NSWALC to be a good test case for the issue of nature conservation and land claims. NSWALC, representing the claimant Aboriginal land councils in all nature conservation appeals, and the Minister for Land and Water Conservation, agreed this appeal be heard by the court so that all parties would have a precedent upon which to take any further action.

Accordingly the 50 nature conservation land claim appeals have been stood down in the court list of the Land and Environment Court awaiting the hearing and determination of the Deerubbin LALC case. This case is due to be heard by the court in October 1997. Whatever the outcome of the Deerubbin LALC matter, the NSWALC and the other claimant Aboriginal land councils will advocate that the land claims should wherever possible be resolved by negotiation.

### **The Nowra Brickworks Case**

This has been an ongoing land claim matter stemming across the three past financial years. The land is an area of approximately 20 ha located at South Nowra. The land was adjacent to a clay/shale quarry and was the subject of a mining lease. The land claim had been refused by the Minister administering the Crown Land Acts for the reason of the essential public purpose of clay/shale extraction.

The 1996 determination refusing the land claim was appealed to the Land and Environment Court and was the subject of: a trial in that court, appeals to the NSW Court of Appeal and for leave to appeal to the High Court and a re-hearing in the Land and Environment Court. This resulted in that court making an order to transfer the land to the NSWALC.

The Minister administering the Crown Lands Act again appealed this decision of the Land and Environment Court to the NSW Court of Appeal on a different question of law. The matter was heard in the court on 5 September, 1997, and NSWALC is awaiting the judgement of the court.

### **The West Menai Land Claims**

A large area of land at West Menai, south west of Sydney, has been the subject of land claims for a number of years. A large area of the land under claim had not been determined by the Minister administering the Crown Lands Act and a smaller area made up of a number of land claims had been refused by the Minister. The claimant LALC, Gandangara LALC, had appealed the Minister's decision to the Land and Environment Court. The court determined that the land was not claimable Crown land and ordered that the land claims be correctly refused. Gandangara LALC appealed this decision in the NSW Court of Appeal. That court determined by a judgement on 24 April, 1997, that the decision of the Land and Environment Court had been correct and the land claims had been validly refused.

The remaining land at West Menai under land claim remains undetermined by the Minister at the time of writing and negotiations have not recommenced in relation to the land claims. The NSWALC remains critical of the NSW government's previous efforts to negotiate these matters and looks forward to more constructive negotiations in the future.

### **The National Parks and Wildlife Amendment (Aboriginal Ownership) Act 1996**

In December 1996 the NSW Parliament passed a government bill referred to as the National Parks and Wildlife Amendment (Aboriginal Ownership) Act 1996 (the AO Act). The AO Act amended the National Parks and Wildlife Act 1974 and the Aboriginal Land Rights Act 1983 to provide a statutory scheme for the Aboriginal ownership and management of certain NSW National Parks and other nature conservation reserve lands.

The structure of the AO Act was to provide for the transfer of the title of five current areas of national park reserve lands, (Mutawinji, Mungo, Mt Grenfell, Mt Yarrowyck and Jervis Bay) to LALCs in whose boundary the national park was situated. The LALC is then required to lease the national park to the National Parks and Wildlife Service for a period of 30 years for a rent to be determined by the parties. The national park is then managed by a board of management which has a majority of Aboriginal owners on the board.

Together with the five designated national park areas other national parks may come under Aboriginal ownership by Act of Parliament; or areas of Crown land the subject of land claim for which it has been proven the land is needed or likely to be needed for the essential public purpose of nature conservation. If this is proven the Minister determining the land claim can recommend the land claim become an Aboriginal owned national park instead of refusing the land claim.

Legislation providing for Aboriginal owned national parks in NSW was first proposed by the Liberal National Party government in 1991. The then Minister for the Environment, Tim Moore MP had carriage of the legislation. The legislation did not proceed and was taken up as a private members bill by Member for Keira, Colin Markham MP. When the Labor Party won government in 1995, Mr Markham's efforts were picked up by the Minister for the Environment, Pam Allen MP, and the legislation was presented to the Parliament in December 1996.

The NSWALC played an active role in negotiating with the government in relation to the bill when it was introduced into the Parliament and with members of the NSW Legislative Council who were concerned with certain aspects of the bill.

The NSWALC was satisfied it had achieved the best legislation possible from its negotiations with the government and the NSWALC advocated support for the bill in the Legislative Council. It was gratifying to the NSWALC that the Legislative Council passed the bill in the form acceptable to the NSWALC by a unanimous vote of all members. Since the bill became law, work has commenced on its implementation. The NSWALC will play an active role in this process. The implementation process will operate on two levels; the overall operation of the AO Act and two specific negotiations on national parks which are to be Aboriginal owned.



## **Aboriginal Land Councils and Rates**

It has been consistently reported in NSWALC Annual Reports that requests have been made to successive Ministers administering the Aboriginal Land Rights Act for action pursuant to their powers in section 43 of the Aboriginal Land Rights Act.

Section 43 states:

Exemption of Aboriginal lands from the payment of rates

(1) Where the Minister is of the opinion that special circumstances exist which warrant so doing, the Minister may, by notification published in the Gazette, declare that any land vested in an Aboriginal Land Council and specified in the notification shall be exempt from the payment of rates under:

- (a) the Local Government Act 1993,
- (b) the Water Board (Corporatisation) Act 1994, the Hunter Water Board (Corporatisation) Act 1991, and
- (d) the Broken Hill Water and Sewerage Act 1999.

or shall be exempt from the payment of such of those rates as is specified in the notification.

(2) A declaration made under subsection (1):

- (a) shall operate for a limited period of time if such a period is specified in the declaration, and
- (b) may, by notification published in the Gazette, be revoked by the Minister at any time.

Following extensive consultation with the Minister administering the Aboriginal Land Rights Act in 1995 and 1996, (Dr Andrew Refshauge MP, Minister for Aboriginal Affairs), on 17 October, 1996 published an Interim Schedule of Guidelines for Exemptions from the Payment of Rates. Those guidelines stated matters the Minister believed were critical in making out a case that "special circumstances" existed which warranted a declaration of exemption from the payment of rates pursuant to section 43.

The guidelines were as follows:

1. Special circumstances justifying a total exemption may generally be regarded to exist where the land is former Crown land claimed under the Aboriginal Land Rights Act which was unrated prior to vesting in the Land Council, and:
  - (i) the Land Council is unable to pay rates or the payment of the rates would impose financial hardship on the Land Council; or
  - (ii) the land is of spiritual or cultural significance.

In these circumstances an exemption may be granted for a period of five years. However, if during that five year period, the land is used to produce an income, or provide community services, the declaration of the exemption will be revoked.

2. In all cases, the views of the affected Local Government Authority may be sought prior to any decision by the Minister.
3. Any exemption may be reviewed or revoked at any time by the Minister. Applications may be requested to agree to advise the Minister of any change of land use.
4. The Minister will determine each case on its merits before publishing a notice under Section 43 of the Act.

The NSWALC had stated to the Minister that such guidelines did not restrict his power pursuant to Section 43 to make declarations for the exemption from rates, he simply had to be satisfied there were some form of "special circumstances" for which exemption should be granted. The NSWALC welcomed the Minister's decision to implement guidelines and begin to take a proactive role in relation to Section 43.

The NSWALC in turn made a commitment to provide resources to assist LALCs to prepare applications for exemption from rates in accordance with the Minister's guidelines. Work has commenced on this project and it is hoped that at least 30 to 40 applications can be lodged with the Minister by early 1998.

The onus will then be on the Minister to determine those applications. The NSWALC hopes rate exemption for LALC land, which was acquired by land claim, is vacant and is not income producing, does not present the Minister with a difficult decision. It would seem offensive to the purpose of the Aboriginal Land Rights Act as a whole if such land could not, in accordance with the guidelines, be granted exemption from rates.

## **Property**

NSWALC continued to manage its property holdings in 1996/97 by focusing on transferring land assets to LALCs wherever possible and holding properties that could not be transferred in the most cost effective way. Four properties were transferred to LALCs during the year, one to Karuah LALC, one to Tweed Byron LALC and two to Forster LALC, with the combined value of this land being \$1,000,116. These parcels were acquired by the NSWALC by land claim pursuant to Section 36 of the Aboriginal Land Rights Act.

Work continued on the divestment by NSWALC of a number of properties formally owned by Regional Aboriginal Land Councils (RALCs), including the Leeton Gardens Motel, the Pelican Club at Blacksmith's (south of Newcastle) and the former Dubbo Rugby Club. It is proposed to have these properties transferred to the relevant LALCs in the first quarter of 1998. NSWALC also made three significant acquisitions during the year; a multi-purpose centre at Glen Innes, a heritage listed house for office use at Moama and a residence and office at Wilcannia. The total value of these acquisitions was \$539,200.

NSWALC is also negotiating with the Minister administering the Aboriginal Land Rights Act for the transfer of the former Aboriginal Lands Trust office complex at Penshurst in Sydney. The Minister has agreed to the transfer and the conveyance is underway. The NSWALC proposes to have the property vested by direction in the Metropolitan LALC. This property has some contemporary significance as the former home of the Aboriginal Lands Trust, the Aboriginal land body which preceded the Aboriginal Land Rights Act and the NSWALC.

## **Culture and Heritage**

### **Boobera Lagoon**

"If reconciliation is to have a meaningful content in the immediate future, it will be in a thousand local accommodations in local communities, as non-Aboriginals show their respect for their Aboriginal neighbours and their willingness to sacrifice some of their own preferences to make room for Aboriginals to realise things that are important to them."

(From Hal Wootten AC QC, Aboriginal and Torres Strait Islander Heritage Protection Act, Application under Section 10 by the Toomelah Local Aboriginal Land Council, re Boobera Lagoon, report to the Minister for Aboriginal and Torres Strait Islander Affairs, April 1996, para 1.4)

The Boobera Lagoon matter has been extensively reported in the last three NSWALC Annual Reports. Boobera Lagoon is a small body of water in north western NSW, approximately 15 kms west of Boggabilla. The lagoon is said to be the resting place of the "Garrya" a mythological being closely associated with the rainbow serpent dreaming. The lagoon is recognised as a place of extreme cultural significance to Aboriginal people and as a cultural site of national significance.

The political struggle to protect the lagoon has been actively pursued by Aboriginal people for the last 35 years. The NSWALC became involved in this struggle in 1992 and assisted the Toomelah LALC to lodge applications for protection of the lagoon, pursuant to the Aboriginal and Torres Strait Islander Heritage Protection Act (the Heritage Act), of most importance an application pursuant to Section 10 of that Act for permanent protection of the lagoon. The main requirements for protection being a prohibition on use of the lagoon for boating activities, stock watering and camping.

The above mentioned quote from Hal Wootten AC QC is from his report to the Minister for Aboriginal and Torres Strait Islander Affairs pursuant to Section 10 of the Heritage Act. In that report Mr Wootten recommended inter alia the use of the lagoon for power-boating and use of the lagoon for stock watering be prohibited for a period of 10 years.

Mr Wootten's report was presented to Senator John Herron, the Federal Aboriginal Affairs Minister appointed following the election of the Coalition government in March 1996. It was reported in the last Annual Report that at the end of that year the Minister had failed to act on the Wootten Report and that the Toomelah Local Aboriginal Land Council and the NSWALC were increasingly frustrated by the Minister's lack of response. It was also reported that the Toomelah LALC was considering the legal remedies they may have against the Minister.

Because of the lack of constructive action by the Minister the Toomelah Local Aboriginal Land Council instructed the NSWALC in October 1996 to commence proceedings in the Federal Court seeking an order to compel the Minister to make an order to protect Boobera Lagoon from further injury and desecration. The court proceedings were commenced in the first instance on the basis of an application that was made pursuant to section nine of the Heritage Act seeking declarations for emergency protection of the lagoon from a water-skiing carnival that was scheduled to take place on the October long weekend.

The Federal Court decided that no order could be made compelling the Minister to make an emergency declaration pursuant to section nine of the Heritage Act because the court had no jurisdiction to make a final order pursuant to Section 10 of the Act. The decisions in both sections being characterised as decisions of Ministerial discretion, not decisions within the power of the court. The court does, however, have the power to compel a Minister to make a decision, (writ of mandamus) or to review any decision in accordance with the Administrative Decisions (Judicial Review) Act.

The Minister then declined to make emergency orders for the protection of the lagoon and appointed a consultant to continue mediation in relation to the original application for permanent protection made pursuant to section 10 of the Heritage Act (notwithstanding that he had received Hal Wootten's comprehensive report recommending protection seven months earlier).

The mediation process continued during the remainder of the 1996/97 year without reaching a conclusion. The Toomelah LALC and the NSWALC continued to express their position that the recommendations in the Wootten report should be implemented. It is NSWALC's view that the Minister requires no further time to consider the application for permanent protection of Boobera Lagoon and should deal with the matter immediately. The continuing damage and desecration of the lagoon is unacceptable and the Minister has an obligation to discharge his duty under the Heritage Act.

During 1997 the Minister released through ATSIC a discussion paper on a review of the Heritage Act. NSWALC was critical of the discussion paper because of its removal of significant authority from the Commonwealth government for Aboriginal cultural heritage protection. This apparent stepping back from a responsibility for Aboriginal cultural protection together with the lack of a decision in relation to Boobera Lagoon invites the NSWALC to speculate that the current Commonwealth government lacks the will or the commitment to assist Aboriginal people with the preservation and protection of their cultural heritage.

### **Lake Victoria**

Lake Victoria is a small dry land lake in the far southwestern corner of NSW. The lake is a regulated water storage within the Murray Darling river system. It came to public attention during the prolonged drought in NSW earlier this decade when in 1994 water levels in the lake fell and the lake was maintained at a low level to allow work to be carried out on the regulators. At that time very high numbers of skeletal remains and artefacts were identified around the lake.

Archaeologists speculated that from their field research at the lake it was possible that between 3,000 and 40,000 Aboriginal people may have been buried there. The Murray Darling Basin Commission (MDBC) has management responsibility for Lake Victoria. The identification of large amounts of Aboriginal cultural material at the lake posed significant questions for the MDBC in relation to the future operation of the lake. In 1995 the NSWALC was successful, following the commencement of legal action in the Land and Environment Court, in having the Director-General of the National Parks and Wildlife Service (NPWS) agree that the MDBC would require an order for consent to destroy Aboriginal artifacts pursuant to section 90 of the National Parks and Wildlife Act 1974 if it intended to raise the water level in the lake and continue to operate the lake as a water storage. The NPWS also informed the MDBC that it would be required to prepare an Environmental Impact Statement (EIS) to accompany any application for an order for consent to destroy pursuant to section 90.

The NSWALC's role has been to advise the Dareton LALC, (the LALC in whose area the lake is situated) in relation to this process and to participate in negotiations with the MDBC and the NPWS in relation to the section 90 matter and the EIS. The NSWALC took the view at the commencement of this matter that it had an obligation to advise the local Aboriginal community in relation to Lake Victoria and also to advise government because the matter is clearly of national significance. The number of people whose remains have been identified at the lake and the intensity of the archeological material located at the lake make it an important site of Aboriginal cultural significance.

During 1996/97 the MDBC has been preparing the EIS as required by the NPWS and the NSWALC has been participating in that process. The MDBC also established an Aboriginal consultation process with people from the local community with help from the NSWALC. The NSWALC remains sceptical about the effectiveness of the consultation process because the MDBC does not seem as open to consider all possible alternatives to operating the lake as they have in the past.

At the end of 1997 the NSWALC was awaiting a draft EIS from the MDBC for comment. The NSWALC intends to review the EIS and its conclusions carefully and to provide submissions to the Director-General of the NPWS in response to the EIS. The Lake Victoria matter is a major Aboriginal cultural heritage and environmental issue. It raises fundamental questions about water use and river regulation in the Murray Darling Basin and the impacts of such activity on Aboriginal cultural heritage. Because of this the NSWALC believes it is a matter of great importance and will be pursued vigorously by the NSWALC on behalf of Aboriginal people in NSW.



## NATIVE TITLE

### What is Native Title?

In June 1992 the High Court delivered its historic judgement in the Mabo case, declaring that the common law of Australia recognised Native Title. The judgement altered some of the basic premises of our legal system – namely that the concept of terra nullius (a land belonging to no one) was no longer valid.

The judgement also recognised that indigenous property rights pre-exist and survive the establishment of sovereignty in colonised lands. It recognised that in Australia, like other British colonies such as New Zealand and Canada, two land tenure systems existed:

1. The system introduced on colonisation from which freehold and leasehold titles arise.
2. A pre-existing indigenous system from which indigenous property rights derive.

The Mabo decision recognised for the first time that these indigenous property rights existed, and that indigenous peoples' rights to Native Title had survived. It stated that in accordance with the Racial Discrimination Act 1975, their Native Title must be treated equally before the law with other titles. It said that Native Title could no longer be denied or removed for unjust reasons – such as on the basis of race.

### Native Title – The Act

Native Title is defined in the Native Title Act 1993 as the "communal, group or individual rights and interests of Aboriginal people or Torres Strait Islanders in relation to land or waters where:

- a. the rights and interests are possessed under the traditional laws acknowledged and the traditional customs observed, by the Aboriginal people or Torres Strait Islanders; and
- b. the Aboriginal people or Torres Strait Islanders, by those laws and customs, have a connection with the land and waters; and
- c. the rights and interests are recognised by the common law of Australia."

In 1994 NSWALC was confirmed as the "representative Aboriginal/Torres Strait Islander body" gazetted under the Native Title Act for New South Wales.

The role of this position under Section 202 (4) of the Commonwealth Native Title Act 1993 is as follows:

- a. Facilitate the researching, preparation or making of claims by individuals or groups from among Aboriginal peoples or Torres Strait Islanders, for determinations of native title or for compensation for acts affecting native title; or
- b. assist in the resolution of disagreements among such individuals or groups about the making of such claims; or
- c. assist such individuals or groups by representing them, if requested to do so, in negotiations and proceedings relating to the doing of such acts affecting native title, the provision of compensation in relation to such acts or any other matter relevant to the operation of this act.

### Overview of Claims

The NSW Aboriginal Land Council (NSWALC) was involved in a total of 34 Native Title claims during the 1996/97 financial year. Eight of these claims were lodged and accepted by NSWALC.

Ten new claims were lodged with the National Native Title Tribunal during the year. NSWALC's involvement included the assessment of requests for assistance and/or resolving disputes among Aboriginal people in relation to these claims. NSWALC also continued its involvement with the 31 claims previously lodged either through the provision of direct assistance or by facilitating the resolution of disputes.

There were 38 claims lodged in response to non-claimant application or following notification of proposed future acts. There were 27 non-claimant claims lodged in response to community requests.

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Of these claims, only one was referred to the Federal Court and this was the Crescent Head Dunghutti Claim, which was only referred in order for the court to make a determination of Native Title by agreement. A number of regional agreements were under negotiation, the most significant being the proposed agreement between the Ngummanal people and the ACT government.

It is important to note that under the Act, a representative body has the right to become a party to every application for Native Title and every non-claimant application that is accepted by the tribunal with respect to land within its area.

Where no people asserting Native Title are actually opposed to what a non-claimant wants to do with the land in question, NSWALC's role is to ensure that the application is resolved in a way which:

- a. Guards against the setting of negative precedents (concerning the extinguishment of Native Title and/or the maintenance of a traditional connection to land);
- b. avoids (if possible) the offence that can be caused to Aboriginal communities of the determination (by the tribunal) that Native Title does not exist;
- c. promotes the perception in the wider community that the regime of land management introduced by the Native Title legislation is workable.

#### **Other activities of the NSWALC Native Title Unit**

1. Notification of proposed future acts: NSWALC gives advice to possible claimants about the lodging of Native Title application in response to a notification of a proposed future act, based on the following questions:
  - i. Are the claimants opposed to the proposed exploration or mining activity? And/or
  - ii. Are there legitimate benefits that the claimants' community could see to gain from a negotiated agreement?
2. Requests for Assistance: New policies adopted by NSWALC focus on the need for research, consultation and careful planning of Native Title claims. NSWALC implements these policies in the provision of assistance to a number of Native Title claimants and prospective claimants, with examples including facilitating the development of Elders Councils and Native Title steering committees.
3. Community education: NSWALC accepts requests for community information and conducts information sessions with Aboriginal communities across the state. A number of Native Title workshops were also coordinated and conducted by NSWALC Native Title staff in conjunction with meetings about specific Native Title claims.

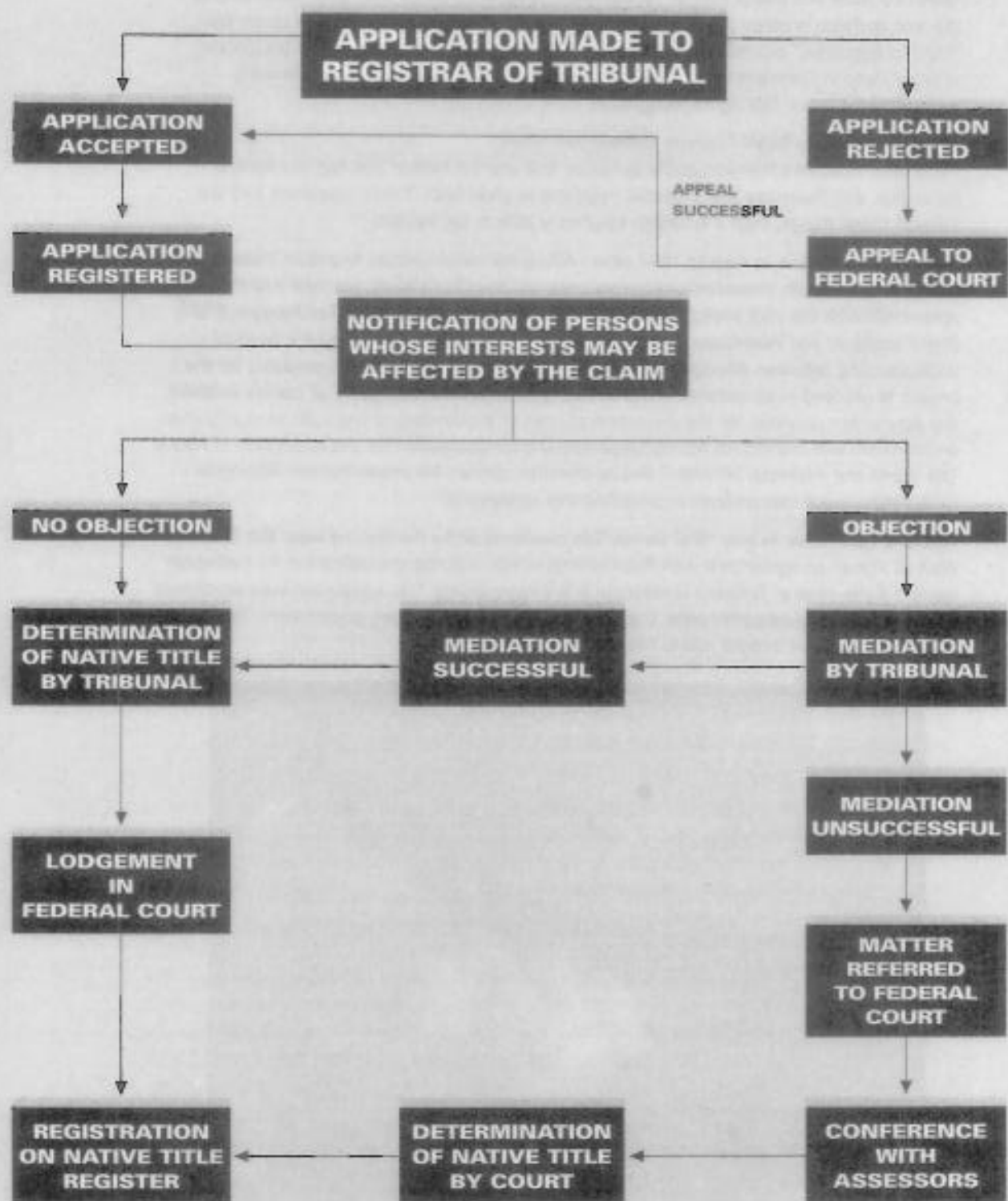
#### **Proposed Amendments to Native Title Legislation**

Negotiations continued with government and other interested bodies on proposed amendments to Native Title legislation throughout 1996 and 1997. NSWALC retained its active involvement in the negotiations as the sole representative body for New South Wales on the National Indigenous Working Group (NIWG). The NIWG's efforts to develop a just and negotiated outcome for Native Title holders gained momentum during this period, attracting national media attention as Native Title became one of the most important issues of the year.

The NSWALC was consistently active in seeking to lobby Federal Government via the media and other support bodies such as Australians for Native Title and Reconciliation (ANTaR) to reject the government's proposed amendments to the Native Title Act (known as the "Ten Point Plan"). These activities included responding to a national advertising campaign by the National Farmers Federation.



## DETERMINATION OF NATIVE TITLE



### Major Native Title Claim Updates

- *Crescent Head Agreement:* On April 7, 1997, the Federal Court ratified the Crescent Head Native Title agreement by the Dughutti people and the NSW state government, representing the first successful Native Title Claim under the Native Title Act and the first judicial recognition of native title on the Australian mainland. NSWALC was heavily involved in the landmark case and financed the research and preparation of the claim. The agreement, signed by Mary-Lou Buck and Manul Ritchie, recognised the significance of traditional ownership of the land and also enabled the future development of the land. It was reached under the "right to negotiate" process under the Native Title Act, over the compulsory acquisition of crown land in Crescent Head. Celebrated nationally, the agreement represented a watershed in Native Title rights recognition.

In the words of the NSW Attorney General Jeff Shaw:

"This case illustrates the workability of Native Title and the Native Title Act, the federal legislation, and illustrates that if people negotiate in good faith, if they cooperate and talk through these things, then a workable solution is able to be reached."

- *Eastern Gas Pipeline:* In August 1997 seven Aboriginal communities: two from Victoria, one from the New South Wales/Victoria border area, and four from NSW, reached a landmark agreement with the joint venture partners of the 740 kilometre Eastern Gas Pipeline (EGP), BHP Petroleum and Westcoast Energy Australia. This agreement provided the basis of understanding between Aboriginal people and the EGP and the consent necessary for the project to proceed in accordance with the Native Title Act. Welcomed by all parties involved, this agreement provided for the protection of sites of archaeological and cultural significance, employment and training for Aboriginal people and compensation for the acquisition of Native Title rights and interests. NSWALC and its Victorian partner, Mirimbiak Nations Aboriginal Corporation, were instrumental in preparing this agreement.
- *Timbarra Gold Mine:* In July 1997 Native Title claimants and a Bundjalung elder (Mr Eric Walker) signed an agreement with Ross Mining which ensured compensation for traditional owners if the mine at Timbarra in northern NSW went ahead. The agreement was welcomed by the local Aboriginal community, the mining industry and the state government. The NSWALC played an integral role in negotiating this agreement.



MEMBERS OF THE DUGHUTTI PEOPLE (LEFT TO RIGHT) DAVID HOSKINS, MARY-LOU BUCK AND CED BUTTON CELEBRATE NEWS THEIR NATIVE TITLE CLAIM ON LAND AT CRESCENT HEAD ON THE NSW NORTH COAST HAD BEEN RECOGNISED. THE AGREEMENT, RATIFIED BY THE FEDERAL COURT ON APRIL 7, 1997, REMAINS THE STATE'S SOLE AGREEMENT TODAY. (PHOTOGRAPH COURTESY OF KOORI MAIL)

## Human Resources and Training

In the absence of a permanent Human Resources Manager, human resource matters during 1996/97 were the joint responsibility of the Executive Director, the Financial Controller and the Personnel Officer. The appointment of a Human Resources Manager in July 1997 resulted in the review of a number of personnel practises and policies. It is envisaged that the flow on effect from this review will become evident in the 1997/98 financial year.

NSWALC's industrial relations matters are addressed in the first instance by the human resources section which then determines an appropriate course of action. Human resources also provides advice and support to NSWALC branch offices and also provide this service, on request, to Local Aboriginal Land Councils throughout New South Wales.

*Positions filled during this year included:*

Manager Human Resources  
Manager Corporate Planning  
Public Relations Officer  
Internal Auditor  
Two Research Officers  
Two Land Rights Officers

*Total workforce:*

94 permanent positions (including 13 elected councillors)  
12 permanent positions are on the establishment list but remain vacant  
17 traineeships, casual or temporary arrangements  
9 supernumerary positions  
TOTAL = 132

*Separations*

7 permanent staff resigned from NSWALC  
15 traineeships, casual or temporary arrangements were finalised  
TOTAL = 22

### Equal Employment Opportunity Information

(Numbers relating to staff employed at NSWALC during 1996/97 financial year)

Aboriginal staff – 63  
Male – 77  
Female – 55  
Non English speaking background – 12  
Physical or other disability – 7



## Training Unit

The training unit recorded its most active year to date, with a major achievement being the completion of the Training Needs Analysis (TNA) of NSWALC's "Pathways Ahead" and of LALCs "Pathways to Self Sufficiency". The TNA proved to be a vital tool in the planning process of training programs for the NSWALC and LALCs. This led to the highlight of the year, the launch of the accompanying report "Pathways to Self-Sufficiency" by the Minister for Aboriginal Affairs Dr Andrew Refshauge in August 1997 at the Eastern Sydney Institute of TAFE, Werrington.

The training partnership signed in May 1996 between NSWALC and the Western Sydney Institute of TAFE (WSIT) resulted in the establishment of a consultative group made up of staff from NSWALC and WSIT. The group produced an action plan including recommendations for short, medium and long term goals. The consultative group also sent a response to the ICAC report in relation to training issues. NSWALC was invited to present joint workshops with WSIT on "Training that Works" and "Partners in Training" at conferences throughout the year.

An Administration Planning Workshop was another highlight, providing a forum for managers to work together to develop section business plans for the next financial year. The two-day workshop conducted in April 1997 resulted in the establishment of work goals to help achieve the NSWALC's vision statement and functions detailed in the NSW Aboriginal Land Rights Act.

Links between NSWALC and Macquarie University continued to strengthen, with a visit of students from the first year of the Diploma in Community Development (DCM) held in February. ATSIC was requested to continue the sponsorship of two students nominated by the NSWALC under the Full-Time Study Grants Program Scheme to enable them to complete the Diploma in Community Management in 1998. Macquarie University sent two staff from the Aboriginal unit to attend the mediation course, as NSWALC has proposed that courses such as mediation be included in the diploma.

Highlights in the area of course development included:

- Induction for LALC Coordinators
- Community Planning and Management
- Induction for NSWALC staff
- Induction for NSWALC managers/supervisors
- NSWALC computer induction
- Taxation Module 5 of the Standard Accounting Course

NSWALC and Metropolitan LALC developed a program for site visits as part of stage II of the Aboriginal Cultural Awareness Program.

18 new training programs were delivered during the year including:

- Computer Applications
- Presentation Skills
- Business Correspondence (WELL)
- Cash Payments and Wages (Module 3, SAC)
- Records Processing/Maintenance
- Work Team Communication (WELL)
- Records Handling (WELL)
- Cash Receipts and Rental Properties (Module 4 SAC)
- Reception Protocol

A total of 51 training programs were delivered during the year with 21 programs delivered in regional areas. More than 470 participants attended training courses during the year.



*Pilot programs*

NSWALC obtained funding from DEETYA for the establishment of a position in the training unit to coordinate a pilot traineeship program, which commenced in August 1997 based at the Northern region.

A program in Office Skills commenced at Parramatta office in July, the three year Workplace English Language Literacy (WELL) which includes nationally accredited modules of Certificate II in office skills.

The success of the program has led to funding being received for a similar WELL program to commence in Central Region (Dubbo) in February 1998.

The Community Training program commenced in July with participants from the Central Coast, Far North Coast, North Coast and Northern Tablelands. Most participants will complete this program at the end of March.



NSWALC STAFF MEMBER DIANE CLEGG IS CONGRATULATED BY EXECUTIVE DIRECTOR AILEEN RIDGEWAY (LEFT) AND TRAINING OFFICER LORENZ HERFT ON RECEIVING AN AWARD FOR DILIGENCE IN UNDERTAKING HER TRAINEESHIP AND COMPLETING THE ADVANCED CERTIFICATE IN COMMERCE. DIANE WAS ONE OF 47 PARTICIPANTS IN NSWALC TRAINING PROGRAMS DURING THE 1996/97 FINANCIAL YEAR.

## CORPORATE DEVELOPMENT

### Administration

A. The administration section underwent numerous changes during this financial period, with the overall aim being to enable the NSWALC to operate more efficiently, therefore providing a better service to its customers, the Aboriginal people of New South Wales. Among the main achievements and changes in 1996/97 were:

- Council elected to undertake renovations in February 1997 to improve and upgrade the layout of the NSWALC's level nine area. These changes were designed to make the Council's work space more efficient, enable all Councillors easy access to an individual office space, increase the size of the board room and improve the Secretariat office area. An Aboriginal design consultancy was commissioned to improve the aesthetic aspect of the office area and integrated an increased amount of glass featuring Aboriginal artworks throughout the ninth level.
- The renovations also included the establishment of a library reference centre and new public relations area.
- Off-site storage was also established at the end of 1996. This new storage facility enabled council records and general administration material to be stored safely in a centre which can be quickly accessed when required.
- The security system at NSWALC was upgraded to help ensure the well being of staff, members and visitors alike.

B. *NSWALC Information Systems:* The NSWALC computer network has developed from a disjointed and unstable platform to one of industry standard. With a total user population that rivals a number of major government departments, the NSWALC required a modern and secure network, complemented by a clear development plan and strategies for its operation, modification and disaster avoidance and/or recovery. The network is currently running a Novell 4.11 operating system on one main server with a dedicated Internet/EMAIL server and DAT backup drives. The NSWALC has standardised on WordPerfect as its preferred word processing package and provides users with the complete "perfect office" suite.

Although EMAIL was established using the Eudora software, the Parramatta office is currently migrating to the latest version of Groupwise to handle its growing communications needs. Branch offices will also soon move to this platform, enabling branch staff to also benefit from the advanced features of this package, particularly in relation to remote access and file transfer. The council now has a home page on the World Wide Web, located at [www.alc.org.au](http://www.alc.org.au).

Future network developments will include the statewide upgrade to a modern computer based accounting system with a relational data base, installation of fleet management software and the establishment of video conference facilities. NSWALC's disaster prevention strategy includes the purchase of a RAID (Redundant Array of Independent Disks) system and the review of all hardware and software for "Year 2000" certification and compliance. A "Help Desk" facility has also recently been established to provide user support and prompt feedback on technical difficulties and staff development issues.

## **Public Relations**

In the absence of fulltime Public Relations staff, NSWALC's media liaison and public activities were coordinated by the Executive Director and Public Relations consultancy AAG Public Relations. Included in the major media and publicity events of the 1996/97 year were:

### **Independent Commission Against Corruption (ICAC) inquiry into corruption in Aboriginal land councils**

The NSWALC cooperated with this inquiry which began in 1994 (also known as Operation Zack) and was represented on the Aboriginal reference group that consulted with ICAC during the inquiry's preliminary stages. NSWALC's position was that corruption – wherever it existed – was an evil that must be eliminated if Aboriginal people were to develop their full potential, including their business potential. NSWALC's position was publicly acknowledged by the Minister for Aboriginal Affairs Dr Andrew Refshauge.

Following the February 1997 discussion paper, Preventing Corruption in Aboriginal Land Councils, ICAC public hearings in May formed part of an extensive community consultation process. To address some of the publicity problems that developed as a result of the investigation process, which were in part heightened by the Pauline Hanson racism debate, the NSWALC put into place a letter writing campaign in the regional media, which coincided with publicity about the ICAC hearings. These letters made it clear that the ICAC inquiry had the support of Aboriginal people and that the Aboriginal community itself was leading the battle to eliminate corruption. A media conference was held at the NSWALC's Parramatta headquarters to announce ICAC's findings at the end of this financial year.

It is important to note that while some alleged instances of corruption were identified, the most serious incident involved a non-Aboriginal person who was a former employee. Following the hearings, an informal luncheon was held with the ICAC Commissioner and the NSW Auditor General Tony Harris to discuss the issue of accountability in Aboriginal communities generally.

The NSWALC is committed to the implementation of corruption prevention and improved accountability strategies as suggested by ICAC in future reports and consultations. Some management and training strategies have already been implemented and are enjoying early success.

### **National Parks and Wildlife (Aboriginal Ownership) Act 1997**

Following intense lobbying from the NSWALC, the National Parks and Wildlife Act became law in December 1996. This was a significant Public Relations issue as it generated conflict between the NSWALC and various environment groups. Its unanimous passing was regarded a tribute to all members of the state legislature, as its ratification by only one side of parliament would have been divisive and created uncertainties that would have damaged the reconciliation process. The Act is an important step in the recognition of Aboriginal rights and was the culmination of many years of lobbying by Aboriginal people in NSW. The issue was not resolved without controversy – several influential environmental and conservation groups expressed misgivings during the parliamentary debate, with the NSWALC actively countering these criticisms. After the bill became law, a luncheon was held with leaders of these groups and the NSWALC was able to allay most of their concerns – resulting in the present situation where relations are regarded as positive.

### State government water policy

The NSWALC welcomed the NSW Government's water allocation policies to address water quality and improve the state's river systems. The NSWALC took the view that the policy is addressing water reform in a comprehensive way and pledged assistance to Aboriginal communities across the state to participate in the reform process in acknowledgement of the concerns Aboriginal people have about the health of the state's rivers.

### NSWALC sues for libel

Following the successful conclusion of the Crescent Head Native Title claim, Sydney radio broadcaster Alan Jones of station 2UE, cast aspersions on the propriety of the agreement during an interview with a dissident Aboriginal person. NSWALC took the view that this broadcast was inaccurate and slanderous, resulting in the NSWALC and individual staff members taking action against Mr Jones under defamation laws. The matter is proceeding.

### Reconciliation in Business

During the year in review, NSWALC became the Aboriginal affairs partner in Reconciliation in Business, a small informal luncheon group established in 1993. These luncheons are regarded as a means of bringing together Aboriginal and non Aboriginal business and community leaders to discuss topical issues and create new networking opportunities. Luncheons held during the 1996/97 year included:

*Land rights – can we reduce the level of confrontation (October 1996):* Attended by representatives of the NSW Farmers Association and mining groups, this event led to an invitation for the executive director and chairperson to attend an executive meeting of the NSW Farmers Association (where they were able to present the indigenous position on land rights).

*The environment – blacks and greens working together (January 1997):* This luncheon followed debate in the media between some environmental groups and NSWALC and resulted in an improved relationship with the NSWALC able to provide reassurances that addressed most of the concerns expressed.

*Addressing the issue of accountability (March 1997):* This gathering followed publication of the ICAC discussion paper into corruption in Aboriginal land councils. It was attended by Commissioner Barry O'Keefe and the NSW Auditor General Tony Harris. As a result the Executive Director of the NSWALC Aden Ridgeway was invited to address senior managers of the Auditor General's department on Aboriginal issues.

*Doing business with Aboriginal communities (July 1997):* Resulted in an approach to the Australian Institute of Management and the Institute of Company Directors for mentoring programs for Aboriginal people.

Other ongoing activities during this time included NSWALC's maintenance of an internet site which was regularly updated to ensure information reflected ongoing debate on the ten point plan and other major issues of race. NSWALC took a leading role in instigating anti-racism campaigns during the year, working closely with a number of pro-reconciliation organisations. NSWALC participated in Parramatta's Foundation Week activities. NSWALC also liaised closely with the Arts and Media Alliance to enable the introduction of a new Walkley award for excellence in coverage of indigenous affairs. Public relations strategies were also regularly implemented to coincide with successful land claims and Native Title matters throughout the year.

### **Internal Audit Section**

**Role:** The Internal Audit Section was established by the Council on May 1, 1991, to conduct regular appraisals of the adequacy of and compliance with the system of internal control. It was also designed to review operations or programs to determine if results were consistent with established objectives and goals. The section regularly reports to the Audit Committee.

**Achievements:** The section undertook 35 planned and special audit reviews during the year. The special audits included investigations into possible fraud and corruption issues and systems performance evaluations. Assistance was also provided to Local Aboriginal Land Councils (LALCs) in order to obtain unqualified audit opinions from external auditors. The section made a total of 546 recommendations to management (in audit reports) which were aimed at improving internal controls, systems, procedures and the efficiency of operations of the NSWALC, regional and local councils.

Benefits arising included:

- successful completion of the approved Annual Internal Audit Plan
- further development of the section's audit procedures and work plans
- practical educational training for staff
- a wide audit coverage of the various activities of land councils (including 15 accounting and administrative functions of NSWALC, 11 branch offices, four LALCs, two rural properties)
- preparation and implementation of a Fraud and Corruption Prevention and Detection Policy throughout the organisation
- distribution of information on good conduct in administration and codes of ethics within NSWALC
- liaison between NSWALC, the Independent Commission Against Corruption (ICAC) and the NSW Police Service on the reporting of and processing of fraud and corruption matters

### **Field Liaison Unit**

This unit was established to provide assistance to Local Aboriginal Land Council (LALC) members relating to their obligations under the NSW Aboriginal Land Rights Act (includes membership, meetings, roles of office bearers, LALC functions and the appointment of administrators).

Senior Field Liaison Officer Les Bunda visited 52 LALCs and RALCs during the 1996/97 period and spent 70 days in the field while completing these visits. Tom Smith joined the unit in October 1996, replacing Annette Kennedy who was seconded to ICAC for a two-year period as part of its ongoing investigation into Aboriginal land councils. Mr Smith also conducted a large number of visits to Aboriginal land councils during this time, totalling 63 days in the field. During this period four administrators completed their terms of reference and were removed, enabling LALCs to take over the management of their own affairs in accordance of the NSW Land Rights Act. The Field Liaison Unit is responsible for the appointment and monitoring of the terms of reference to ensure the appointed administrators comply with their duties and that any Aboriginal community under an administrator is not disadvantaged in any way.

The large number of requests made to the unit during the 12 months reflect the demand for ongoing assistance, which is expected to ensure the unit will continue to provide an important service as part of the NSWALC's functions.



NEW SOUTH WALES  
ABORIGINAL LAND COUNCIL



1996-97

Financial  
Statements



## INDEPENDENT AUDIT REPORT

### To Members of the New South Wales Parliament and Councillors of the NSW Aboriginal Land Council

#### Scope

I have audited the accounts of the New South Wales Aboriginal Land Council for the year ended 30 September 1997. The preparation and presentation of the financial report consisting of the accompanying balance sheet, income and expenditure statement and statement of cash flows, together with the notes thereto, and the information contained therein is the responsibility of the Council. My responsibility is to express an opinion on the financial report to Members of the New South Wales Parliament and Councillors of the New South Wales Aboriginal Land Council based on my audit as required by sections 34 and 41C(1) of the *Public Finance and Audit Act 1983*.

My audit has been conducted in accordance with the provisions of the Act and Australian Auditing Standards to provide reasonable assurance as to whether the financial report is free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates.

In addition, other legislative requirements which could have an impact on the New South Wales Aboriginal Land Council financial report have been reviewed on a cyclical basis. For this, the requirements examined comprise: Chief Executive Service remuneration, disaster recovery plans for computer installations and prompt payment of accounts.

These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with the requirements of the *Public Finance and Audit Act 1983*, Accounting Standards, and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) so as to present a view which is consistent with my understanding of the Council's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

#### Audit Opinion

In my opinion, the financial report of the Council complies with Section 41B of the Act and presents fairly, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements, the financial position of the Council as at 30 September 1997 and the results of its operations and its cash flows for the year then ended.

#### Inherent Uncertainties:

Without qualification to the opinion expressed above, attention is drawn to the following matter:

#### Fringe Benefits Tax

As stated in Note 12(i) to the financial report, uncertainty currently exists concerning the Council's liability in respect of fringe benefits tax. The Council has requested that the Australian Taxation Office determine whether the Council is a public benevolent institution. Benevolent institutions are not liable to pay fringe benefits tax. No ruling has yet been made by the Australian Taxation Office and accordingly no provision for fringe benefits taxation has been made in the financial report.

S. MCLEOD, FCPA  
DIRECTOR OF AUDIT

( duly authorised by the Auditor-General of New South Wales  
under Section 41C(1A) of the Act )

SYDNEY  
23 January 1998



## STATEMENT BY MEMBERS OF THE COUNCIL

Year ended 30 September 1997

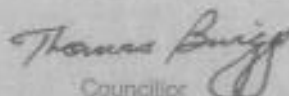
Pursuant to Section 41C of the Public Finance and Audit Act, 1983, and in accordance with a resolution of the members of the New South Wales Aboriginal Land Council, we declare on behalf of the Council that in our opinion:

1. The accompanying financial statements exhibit a true and fair view of the financial position of the New South Wales Aboriginal Land Council as at 30 September 1997 and transactions for the 12-month period then ended.
2. The statement has been prepared in accordance with the provisions of the Public Finance and Audit Act, 1983, the Public Finance and Audit (General) Regulation 1995 and the Treasurer's Directions.

Further, we are not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Councillor



Thomas Briggs  
Councillor

27th day of October 1997.

**BALANCE SHEET**

As at 30 September 1997

	Notes	1997 \$'000	1996 \$'000
<b>CURRENT ASSETS</b>			
Cash	2	2,370	27,188
Inventories	3	381	472
Receivables	4	3,553	2,375
Investments	5	371,557	310,147
<b>Total Current Assets</b>		<b>377,861</b>	<b>340,182</b>
<b>NON-CURRENT ASSETS</b>			
Property, Plant and Equipment	6	34,582	28,523
Artefacts	7	122	116
Investments	5	40,527	31,797
Receivables	4	658	484
<b>Total Non-Current Assets</b>		<b>75,889</b>	<b>60,920</b>
<b>TOTAL ASSETS</b>		<b>453,750</b>	<b>401,102</b>
<b>CURRENT LIABILITIES</b>			
Creditors	8	1,756	1,700
Employee Entitlements	11	443	425
<b>Total Current Liabilities</b>		<b>2,199</b>	<b>2,125</b>
<b>NON-CURRENT LIABILITIES</b>			
Employee Entitlements	11	245	137
<b>Total Non-Current Liabilities</b>		<b>245</b>	<b>137</b>
<b>TOTAL LIABILITIES</b>		<b>2,444</b>	<b>2,262</b>
<b>NET ASSETS</b>		<b>451,306</b>	<b>398,840</b>
<b>RETAINED EARNINGS</b>			
Accumulated Funds		443,488	396,417
Reserves	9	7,818	2,423
<b>TOTAL RETAINED EARNINGS</b>		<b>451,306</b>	<b>398,840</b>

The above balance sheet should be read in conjunction with the accompanying notes.

## INCOME & EXPENDITURE STATEMENT

For the year ended 30 September 1997

	Note	1997 \$'000	1996 \$'000
<b>INCOME</b>			
Recurrent Allocations – NSW Government	13	39,358	34,220
Interest and Investment Income	14	25,792	28,601
Rent	15	1,585	1,626
Other Income	16	4,198	3,641
<b>Gross Income</b>		<b>70,933</b>	<b>68,288</b>
<b>EXPENDITURE</b>			
Audit Fees	17	164	208
Bad and Doubtful Debts		4	2
Consultants Fees		391	439
Depreciation and Amortisation	8	829	1,419
Employee Expenses	18	4,538	4,356
Funding of Regional and Local Aboriginal Land Councils	19	10,857	12,107
Grants		530	80
Members Expenses and Remuneration	20	1,292	1,256
Legal Expenses		2,410	1,097
Motor Vehicle Expenses		634	588
Repairs and Maintenance		292	219
Other Expenses	21	1,901	2,384
<b>Total Expenditure</b>		<b>23,862</b>	<b>24,155</b>
Operating Surplus		47,071	44,133
Opening Accumulated Funds		396,417	352,284
<b>Closing Accumulated Funds</b>		<b>443,488</b>	<b>396,417</b>

The above income and expenditure statement should be read in conjunction with the accompanying notes.



## STATEMENT OF CASH FLOWS

For the financial year ended 30 September 1997

	Note	1997 \$'000	1996 \$'000
<b>Cash flows from operating activities</b>			
Interest and investment income		24,826	28,801
Rent and Outgoings		1,585	1,626
Other receipts in course of operations		4,123	1,398
Payments in course of operations		(24,202)	(23,398)
<b>Net cash provided by operating activities</b>	<b>23</b>	<b>6,332</b>	<b>8,427</b>
<b>Cash flows from investing activities</b>			
(Purchasing of)/Proceeds from investments		(70,140)	(24,102)
Purchases of Property, Plant and Equipment		(2,247)	(2,143)
(Purchase of)/Proceeds from Artefacts		(6)	(52)
Sale Proceeds Property, Plant and Equipment		1,948	2,639
<b>Net cash provided by/ (used in) investing activities</b>		<b>(70,445)</b>	<b>(23,658)</b>
<b>Cash flow from Government</b>			
Recurrent Allocations		39,295	36,790
Other		-	1,795
<b>Net Cash provided by Government</b>		<b>39,295</b>	<b>38,585</b>
<b>Net increase (decrease) in cash held</b>		<b>(24,818)</b>	<b>23,354</b>
Cash at the beginning of the year		27,168	3,834
<b>Cash at end of year</b>		<b>2,370</b>	<b>27,188</b>

The above statement of cash flows should be read in conjunction with the accompanying notes.

## NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

### 1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

#### BASIS OF ACCOUNTING

The Council's Financial Statements are a general purpose financial report and have been prepared in accordance with applicable Australian Accounting Standards, and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) and the Public Finance and Audit Act 1983, the Regulations and Treasurers Directions and the New South Wales Aboriginal Land Rights Act of 1983.

The Income and Expenditure Statement and Balance Sheet are prepared on an accrual basis. The Statement of Cash Flows is prepared on a cash basis using the 'direct method'.

Except for certain investments and property, plant and equipment which are recorded at valuation, the Financial Statements are prepared in accordance with the historical cost convention. The accounting policies adopted are consistent with those of the previous year.

The Treasurer's exemption has been received in relation to Section 41B(3) of the Public Finance and Audit Act to exempt Yimbira Pty Ltd and the New South Wales Aboriginal Land Council Investment Fund from being consolidated into the accounts of the New South Wales Aboriginal Land Council.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

#### (a) Receivables

Receivables are recorded at the amounts expected to be collected net of any provision for bad and doubtful debts. Receivables include rates paid on behalf of Local Aboriginal Land Councils in accordance with Section 44A of New South Wales Aboriginal Land Rights Act and approved loans.

#### (b) Inventories

Inventories are valued at the lower of cost or net realisable value. Livestock natural increases included in stock on hand are valued using the average cost method.

#### (c) Investments

All investments are recognised at market value. Where necessary provision is made for likely investment losses. All realised and unrealised gains and losses in respect of current investments are recognised in the Income and Expenditure Statement. All realised gains on non-current investments are recognised in the Income and Expenditure Statement. Unrealised gains on non-current investments are credited to an Asset Revaluation Reserve. Unrealised losses on non-current investments are recognised in the Income and Expenditure Statements, unless reversing an unrealised gain previously recognised in the Asset Revaluation Reserve.

#### (d) Property, Plant and Equipment

Land and buildings are revalued at three yearly intervals. Revaluation represents an independent assessment of the fair market value of land and buildings based on existing use. Valuations adopted in the financial statements do not exceed the independent assessment. Revaluation increments are credited directly to an Asset Revaluation Reserve. All properties were valued by the Valuer General of New South Wales as at 30 September 1997. Plant and equipment are carried at cost less accumulated depreciation. The net book value represents a fair market value as at the balance date.

Council policy is to dispose of vehicles after the earlier of two years or 40,000 kilometres.

## NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

Continued

### (e) Creditors

Liabilities (other than for employee entitlements) incurred by the Council and liabilities claimed under the Aboriginal Land Rights Act are recognised as creditors.

### (f) Employee Entitlements

#### (i) Superannuation

The liability for accrued benefits represents the value of the present obligation to pay benefits to members and other beneficiaries and is determined as the present value of expected future payments which arise from membership of the fund to balance date. The present value is measured by reference to expected future wage and salary levels and by application of a market determined, risk adjusted discount and appropriate actuarial assumptions.

#### (ii) Annual and Long Service Leave

The long service leave liability has been provided for all employees who have five or more continuous years of service and has been calculated at current salary levels. It is considered that this measurement technique produces results not materially different from the estimate determined by using the present value basis of measurement.

#### (iii) Sick Leave

No liability is recognised in the financial statements for non-vesting sick leave as the Council does not consider it probable that sick leave taken in the future will be greater than the entitlements accrued in the future.

#### (iv) Wages, Salaries, Annual Leave and Long Service Leave

These are recognised and measured as the amount unpaid at the reporting date at the current pay rates in respect of employee services up to that date.

### (g) Funeral Fund Liability

The Council collected fees from persons of Aboriginal descent with the intention of establishing a Funeral Fund in 1992. Since the Fund has not been approved by the Department of Fair Trading all fees collected have been included under creditors.

### (h) Government Allocation

The Aboriginal Land Rights Act 1983 provides for annual State Funding up to and including 1998. The amount payable for each year is equal to 7.5% of the amount certified from time to time by the Treasurer as having been paid as land tax under the Land Tax Management Act 1966 in respect of the previous year. All funds allocated are recognised as revenue. 50% of the allocations have been invested as Statutory Investment.

All income and expenses of the Statutory Fund and its assets and liabilities are reported in Note 22 of the Financial Statements. All income and expenses from the Statutory Fund established under the New South Wales Aboriginal Land Council is consolidated with the income and expenses of the administrative fund for reporting purposes.

### (i) Depreciation

Depreciation is provided on a straight-line basis so as to write off the depreciable amount of each asset as it is consumed over its anticipated useful life. Assets at valuation are depreciated on a straight-line basis over the remaining anticipated life of each asset at valuation.

# NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

Continued

	1997 %	1996 %
Depreciation rates are as follows:		
Buildings	2.50	2.50
Motor Vehicles	20.00	20.00
Computer Equipment	33.33	33.33
Other Equipment, Furniture and Fittings	20.00	20.00

## 2. CASH

	1997 \$'000	1996 \$'000
Administrative Fund	(684)	637
Statutory Fund	2,887	26,389
Funeral Fund	167	162
	<u>2,370</u>	<u>27,188</u>

The Funeral Fund collections have been maintained in a separate bank account and the decision in respect of the establishment of the Funeral Fund is currently awaiting a judgement of the High Court.

## 3. INVENTORIES

Livestock	378	455
Grain and Other Rural Stock	3	17
	<u>381</u>	<u>472</u>

## 4. RECEIVABLES

### Current

Council Members	8	18
Other Debtors	748	423
Treasury Allocation Receivable	451	388
Prepayments	132	64
	<u>1,339</u>	<u>893</u>
Provision for Doubtful Debts	175	175
	<u>1,164</u>	<u>718</u>
	<u>2,389</u>	<u>1,657</u>
	<u>3,553</u>	<u>2,375</u>

### Non-Current

Loans and Advances to Local Aboriginal Land Councils	658	484
	<u>658</u>	<u>484</u>

### Statutory Fund

Administrative Fund	225	300
	<u>3,986</u>	<u>2,559</u>
	<u>4,211</u>	<u>2,859</u>

# NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

Continued

	1997 \$'000	1996 \$'000
<b>5. INVESTMENTS</b>		
<b>Current</b>		
Commercial Bills/Promissory Notes	101,640	88,060
Floating Rate Notes	142,300	129,880
Money Market Funds	127,617	92,207
	<b>371,557</b>	<b>310,147</b>
<b>Non-Current</b>		
Units in Managed Fixed Interest Pool Fund	40,527	31,575
Shares, Settlement and Investment Fund Yimbira Pty Limited	-	222
	<b>40,527</b>	<b>31,797</b>

In 1989 State Council resolved that New South Wales Aboriginal Land Council Investment Fund (the Trust) be wound up. Proceeds from 1989 to 1997 from such winding up have been returned to New South Wales Aboriginal Land Council. At an Extraordinary general meeting held on 6 August 1997 it was resolved that Yimbira Pty Limited be wound up and deregistered.

## 6. PROPERTY, PLANT AND EQUIPMENT

	Property \$'000	Plant and Equipment \$'000	Motor Vehicles \$'000	Total \$'000
Opening Balance at Cost		4,020	2,355	6,375
Opening Balance at Valuation	27,069			27,069
Valuation Adjustments	5,416			5,416
Additions	539	226	1,545	2,310
Disposals	(473)	(67)	(1,652)	(2,192)
	<b>32,551</b>	<b>4,179</b>	<b>2,248</b>	<b>38,978</b>
<b>Depreciation</b>				
Opening Balance	(958)	(3,010)	(953)	(4,921)
Charge for the Year	(3)	(490)	(337)	(830)
Disposals	13	44	353	410
Valuation Adjustments	945			945
	<b>(3)</b>	<b>(3,456)</b>	<b>(937)</b>	<b>(4,396)</b>
Written Down Value				
1997	32,548	723	1,311	34,582
1996	26,111	1,010	1,402	28,523
			1997 \$'000	1996 \$'000
<b>Statutory Fund</b>			21,834	15,237
<b>Administrative Fund</b>			12,748	13,286
			<b>34,582</b>	<b>28,523</b>

Properties include land and buildings valued at \$2.98m, which are expected to be transferred to Local Aboriginal Land Councils.

The original cost of fully depreciated assets included in the total property, plant and equipment is \$1.1m (1995/96 \$0.82m).



# NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

Continued

## 7. ARTEFACTS

Cost at 1st October

Additions

**Book Value at 30 September**

No depreciation is charged, as these assets are considered to maintain their value.

## 8. CREDITORS

Sundry Creditors and Accruals

Funeral Fund

Local Aboriginal Land Councils - Funding

**Statutory Fund**

**Administrative Fund**

	1997 \$'000	1996 \$'000
Cost at 1st October	116	64
Additions	6	52
<b>Book Value at 30 September</b>	<b>122</b>	<b>116</b>
No depreciation is charged, as these assets are considered to maintain their value.		
<b>8. CREDITORS</b>		
Sundry Creditors and Accruals	1,589	565
Funeral Fund	167	162
	1,756	727
Local Aboriginal Land Councils - Funding	-	973
	<b>1,756</b>	<b>1,700</b>
<b>Statutory Fund</b>	<b>18</b>	<b>15</b>
<b>Administrative Fund</b>	<b>1,738</b>	<b>1,685</b>
	<b>1,756</b>	<b>1,700</b>

Prior years unpaid allocations have been reversed as it is not a liability to the council. The effect of this adjustment on last year's operating surplus was \$0.97m.

## 9. RESERVES

Opening Balance

Increment on Revaluation of Investments

Decrement on Devaluation of Investments

Increment on Revaluation of Property

**7.818** **2.423**

## 10. COMMITMENTS

The Council had no commitments at 30 September 1997 or 30 September 1996.

## 11. EMPLOYEE ENTITLEMENTS

### Current Provisions

Provision for Annual Leave

State Authorities Superannuation (see below)

### Non-Current Employee Entitlements

Provision for Long Service Leave

Provision for Annual Leave	443	416
State Authorities Superannuation (see below)		9
	<b>443</b>	<b>425</b>
<b>Non-Current Employee Entitlements</b>		
Provision for Long Service Leave	245	137
	<b>245</b>	<b>137</b>

The NSW Government Actuary completed an actuarial assessment of the Council's superannuation liabilities for the defined benefit scheme administered by the Superannuation Administration Authority as at 30 September 1997. The superannuation schemes include the State Superannuation Scheme (formerly the State Superannuation Fund), the State Authorities Superannuation Scheme and the State Authorities Non Contributory Superannuation Scheme. The uncertainties which existed in prior years in virtually all of the individual employers' reserve balances within the pool fund have been resolved during the year by the State Authorities Superannuation Trustee Corporation (formerly the State Authorities Superannuation Board).

**NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS**

For the year ended 30 September 1997

Continued

The resolution of this uncertainty related to the taxation allocations, including the allocation of tax and investment earnings and the allocation of the benefit of tax deductions, rebates and exemptions and the quantum of the financial effect on individual employer reserves is now clear.

Therefore based on the NSW Government Actuary's assessment, the Council's unfunded liability (if any) and, or, prepaid superannuation contributions, as at 30 September 1997 are not material and are not included in the Financial Statements.

**12. CONTINGENT LIABILITIES**

The Council has no contingent liability as at 30 September 1997 other than those stated below:

**(i) Fringe Benefits Tax**

On 9 February 1995, Council's solicitors requested that the Australian Taxation Office (ATO) determine whether council is a benevolent organisation. No response has yet been received. The ATO has determined that a similar entity to Council operating in the Northern Territory is 'benevolent'. As a result the entity is not liable to pay fringe benefits tax. Council is confident of obtaining 'benevolent' status.

Accordingly, no liability for fringe benefits tax has been recognised in the financial statements. If Council was not granted 'benevolent' status, the fringe benefits tax liability payable would be significant. No attempt has been made to calculate liability, as the obtaining of 'benevolent' status is considered likely.

**(ii) Litigation**

The Council's solicitors have advised that the maximum possible legal claims and costs may amount to \$1.4M as at 30 September 1997 (1995/96 \$1.4M) for outstanding litigation.

	1997 \$'000	1996 \$'000
<b>13. RECURRENT ALLOCATIONS - NSW GOVERNMENT</b>		
Administrative Fund Allocations	19,679	17,110
Statutory Investment Fund Allocations	19,679	17,110
	<u>39,358</u>	<u>34,220</u>
<b>14. INTEREST AND INVESTMENT INCOME</b>		
Administrative Fund	71	101
Statutory Investment Fund	25,812	28,733
	25,883	28,834
Less Elimination of Inter Fund Transactions	91	33
	<u>25,792</u>	<u>28,801</u>
<b>15. RENT</b>		
Rent State Office	-	17
Rent Regional Offices	36	73
Administrative Fund	36	90
Statutory Investment Fund	2,099	2,086
	2,135	2,176
Less Elimination of Inter Fund Transactions	550	550
	<u>1,585</u>	<u>1,626</u>

# NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

Continued

	1997 \$'000	1996 \$'000
<b>16. OTHER INCOME</b>		
Profit on Sale of Non-Current Assets	166	280
Bad Debts Recovered	-	364
Grants and Subsidies	3,327	1,795
Mining Royalties Income	-	1
Enterprise Gross Income	566	1,042
Forfeited Allocations	-	98
Other	139	61
	<b>4,198</b>	<b>3,541</b>

## 17. AUDIT FEES

New South Wales Aboriginal Land Council	180	180
Yimbirra Pty Limited	4	9
Fees Paid to Internal Audit Bureau		19
	<b>184</b>	<b>208</b>

The auditors received no other benefit. Audit fees payable to Audit Office of NSW.

## 18. EMPLOYEE EXPENSES

Salaries, Wages	4,004	3,798
Superannuation	229	236
Leave Expenses	107	76
Workers Compensation Insurance	198	200
Redundancy Payments		46
	<b>4,538</b>	<b>4,356</b>

The auditors received no other benefit. Audit fees payable to Audit Office of NSW.

## 19. FUNDING OF REGIONAL AND LOCAL ABORIGINAL LAND COUNCILS

Regional Aboriginal Land Councils	329	357
Local Aboriginal Land Councils	10,076	10,529
ATSIC Council Approved Projects	460	1,221
ATSIC Grant - CDEP Program & Project Manager	(8)	-
	<b>10,857</b>	<b>12,107</b>

## 20. MEMBERS EXPENSES AND REMUNERATION

Salaries	739	786
Superannuation	43	47
Leave Expenses	10	(33)
Workers Compensation Insurance	17	-
Motor Vehicle Expenses	126	135
Travelling Expenses and Allowances	303	287
Other Expenses	52	34
	<b>1,292</b>	<b>1,256</b>

Council members have no related party transactions with the Council.

# NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

Continued

Notes	1997 \$'000	1996 \$'000
<b>21. OTHER EXPENSES</b>		
By-Election Costs	-	319
Staff Training and Development	236	116
Telephone	184	179
Enterprise and Farm Expenses	346	474
Rates	86	110
Rent and Outgoings	86	74
Public Relations and Publicity etc.	113	62
Travel Expenses and Allowances	462	317
Postage, Printing and Stationery	70	95
Office and Administration Expenses	273	249
Property Administration Expenses	72	89
Equipment Hire and Lease	145	22
Meeting Costs	360	145
Prior Year Adjustments	(817)	(16)
Other Expenses	279	159
	<b>1,901</b>	<b>2,384</b>

## 22. STATUTORY INVESTMENT FUND

The Aboriginal Land Rights Act requires that 50% of all allocations equal to 7.5% of the amount certified from time to time by the Treasurer as having been paid as land tax in respect of the previous year be invested. Interest and income earned on investments must also remain invested. Interest and income earned on the total investment after 31 December 1998 may be distributed by the New South Wales Aboriginal Land Council.

<b>Statutory Fund Opening Balance</b>		<b>383,856</b>	<b>337,973</b>
Add Income			
Treasury Allocation	13	19,679	17,110
Interest and Income	14	25,612	28,733
Rent	15	2,099	2,086
Expenses (including Investment Losses)		(104)	(82)
<b>Operating Surplus for the Year</b>		<b>47,486</b>	<b>47,847</b>
<b>Reserves Transfer</b>		<b>5,670</b>	<b>(1,964)</b>
<b>Statutory Fund Closing Balance</b>		<b>437,012</b>	<b>383,856</b>
Statutory Fund Represented by:			
Cash	2	2,887	26,389
Investments Current	5	371,557	310,147
Investments Non-Current	5	40,527	31,797
Property, Plant and Equipment	6	21,834	15,237
Receivables	4	225	301
		437,030	383,871
Creditors	8	(18)	(15)
<b>Net Statutory Fund</b>		<b>437,012</b>	<b>383,856</b>

# NOTES TO & FORMING PART OF THE FINANCIAL STATEMENTS

For the year ended 30 September 1997

Continued

1997 1996  
\$'000 \$'000

## 23. NOTE TO STATEMENT OF CASH FLOWS

a. For the purpose of the Statement of Cash Flows, the Council considers cash to include cash on hand and at banks. Cash at the end of the reporting period as shown in the Financial Statement is as follows:

2,370 27,188

## b. Reconciliation of net cash flows from operating activities to operating surplus.

Operating Surplus	47,071	44,133
Depreciation and Amortisation	829	1,419
Employee Entitlements	127	48
Profit on Disposal of Non-Current Assets	(186)	(280)
Cash flow from Government - Recurrent Allocations	(39,358)	(36,790)
Cash flow from Government - Other	-	(1,795)

## Other Changes in assets and liabilities in respect of operating activities.

Receivables Decrease (Increase)	(1,178)	1,600
Accruals and Prepayments Decrease (Increase)	-	(50)
Inventories Decrease (Increase)	91	(168)
Long Term Debts (Increase) Decrease	(174)	765
Creditors and Borrowings (Decrease) Increase	56	(453)
Reserves Transfer	(366)	-

Net cash inflows from operating activities 6,332 8,427

## c. Credit standby arrangements and unused loan facilities.

The Council had no credit standby arrangements or unused loan facilities.

## 24. LIABILITY AS TRUSTEE

New South Wales Aboriginal Land Council acts as trustee for the Dunggutti Elders Council (the Trust). The assets of the Trust which lie behind the right of indemnity are not directly available to meet any liabilities of New South Wales Aboriginal Land Council acting in its own right. The assets of the Trust were sufficient to discharge all the liabilities of the Trust as at 30 September 1997.

The position of the Trust is:

### Current Assets

Cash at Bank	753	-
TOTAL TRUST	753	0





## YRIMBIRRA PTY LIMITED

### AUDIT REPORT

The accounts of the Yrimbirra Pty Ltd ended 30 September 1997 have been audited as required by section 41C of the Public Finance and Audit Act 1983 and in accordance with section 34 of that Act. This report is issued in accordance with section 43(2) of the Act which requires that I report to the Council, the Minister and the Treasurer the results of the inspection and audit and details of any irregularities or other matters that call for special notice. It is not the independent audit report that expresses my opinion on the Company's annual financial report.

The audit resulted in the issue of an unqualified audit opinion which, together with the financial report, is enclosed. There were no significant matters which arose as a result of the audit.

#### Audit Objectives

The overall objectives of the audit were to enable me to form an opinion as to whether, in all material respects, the financial report of the Yrimbirra Pty Limited:

- was presented fairly in accordance with the requirements of the *Public Finance and Audit Act*, Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views); and
- presented a view which was consistent with the understanding of the company's financial position, the results of its operations and its cash flows.

#### Scope of the Audit

Audit procedures were primarily aimed at achieving audit objectives and did not seek to confirm for management purposes, the effectiveness of all internal controls. The planning of the audit procedures was based on an assessment of the risk of the existence of errors or irregularities which could materially affect the financial report.

An engagement letter for the audit was sent to you on 28 May 1997. This provided a detailed description of the scope of the audit.

#### Review of Operations

The company's financial operations will be reviewed in Volume One of the Auditor General's report to Parliament for 1998.

#### Acknowledgement

I wish to acknowledge the courtesy and assistance extended by the company's staff during the conduct of the audit.

Yours Sincerely,

S. McLeod  
DIRECTOR OF AUDIT

Enc.

The Hon. M.R. Egan, MLC  
Treasurer  
Level 33, Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

The Hon. Dr A.J. Refshauge MP  
Deputy Premier, Minister for  
Health and Aboriginal Affairs  
C/- Health Department of New South Wales  
Leo Burnett House, 73 Miller Street  
NORTH SYDNEY NSW 2060



YRIMBIRRA PTY LIMITED

## INDEPENDENT AUDIT REPORT

To members of the New South Wales Parliament and Yrimbirra Limited's Sole Member -  
the New South Wales Aboriginal Land Council

### Scope

I have audited the accounts of Yrimbirra Pty Ltd for the year ended 30 September 1997. The preparation and presentation of the financial report consisting of the accompanying profit and loss account, balance sheet and accompanying notes, and the statement by directors, and the information contained therein is the responsibility of the Directors of the Company. My responsibility is to express an opinion on the report to Members of the New South Wales Parliament and to the Company's sole member based on my audit as required by sections 34 and 41C(1) of the *Public Finance and Audit Act 1983*.

My audit has been conducted in accordance with Australian Auditing Standards and statutory requirements to provide reasonable assurances as to whether the financial report is free of material misstatement. My procedures included examination, in a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates.

These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements (urgent Issues Group Consensus Views) and statutory requirements so as to present a view which is consistent with my understanding of the Company's financial position and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

### Audit Opinion

In my opinion, the financial report of Yrimbirra Pty Ltd complies with section 41B of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Company as at 30 September 1997 and the results of its operations for the year then ended.

S. McLeod, FCPA

DIRECTOR OF AUDIT

(duly authorised by the Auditor-general of New South Wales  
under section 41C(1A) of the Act)

SYDNEY

23 January 1998

**STATEMENT PURSUANT TO THE  
PUBLIC FINANCE AND AUDIT ACT 1983**

For the year ended 30 September 1997

Pursuant to the requirements of the Public Finance and Audit Act 1983 and in accordance with a resolution of the Board, we declare on behalf of the Board that in our opinion:

- (a) the accompanying accounts have been prepared in accordance with the provisions of the Public Finance and Audit Act 1983, the Public Finance and Audit (General) Regulation 1995, and the Treasurer's Directions;
- (b) the statements exhibit a true and fair view of the financial position and transactions of the Company; and
- (c) there are no circumstances which would render any particulars included in the accounts to be misleading or inaccurate.

Signed at Sydney this 23rd day of January 1998.



David Brown  
Director



David Clark  
Director

**YRIMBIRRA PTY LIMITED (ACN 002 822 335)**

**BALANCE SHEET**

As at 30 September 1997

	Note	1997 \$	1996 \$
<b>Current Assets</b>			
Receivables	2	-	2
Total Assets		-	2
<b>Current Liabilities</b>		-	-
<b>TOTAL LIABILITIES</b>		-	-
<b>NET ASSETS</b>		-	2
<b>Shareholders Equity</b>			
Share Capital	3	-	2
<b>TOTAL SHAREHOLDERS EQUITY</b>		-	2

The accompanying notes form part of these accounts.

**PROFIT AND LOSS ACCOUNT**

For the year ended 30 September 1997

	1997 \$	1996 \$
Operating Profit	-	-
Retained profits at beginning of the financial year	-	-
Retained profits at the end of the financial year	-	-

The accompanying notes form part of these accounts.

**NOTES TO & FORMING PART OF THE ACCOUNTS****1. Statement of Accounting Policies**

The financial statements of Yrimbirra Pty Limited are general purpose financial reports and have been prepared in accordance with applicable Australian Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group), the Public Finance and Audit Act 1993, the Regulations and the Treasurer's Directions. The accounts have been prepared on the basis of historical costs under accrual accounting and do not take into account changing money values. As a consequence of the Directors' intention to have the company deregistered, the statements have not been prepared on a going concern basis.

The Company has been exempt from payment of income tax under Section 23(4) of the Income Tax Assessment Act.

**2. Receivables**

Sundry Debtors

1997 \$'000	1996 \$'000
-	2
-	2

**3. Share Capital**

Authorised Capital

100,000 Shares of \$1.00 each

-	100,000
---	---------

Issued and Paid-Up Capital

2 Ordinary Shares of \$1.00 each fully paid

Redemption of shares

2	2
(2)	-
-	2

The company decided to redeem all its issued shares in order to deregister as described in note 9.

**4. Contingent Liabilities**

If any contingent liability arises relating to any future claims which may be made against the Company within the statutory period of deregistration it will be met by the New South Wales Aboriginal Land Council.

**5. Statement of Cash Flows**

The Company has no financial transactions in its own right and consequently the accounts do not include a Statement of Cash Flows.

**6. Liability as Trustee**

The Company acts solely as trustee of the New South Wales Aboriginal Land Council Investment Fund. The assets of the Fund which lie behind the right of indemnity are not directly available to meet any liabilities of the Company acting in its own right.

The position of the New South Wales Aboriginal Land Council Investment Fund (the trust) is stated in Note 7.



**NOTES TO & FORMING PART OF THE ACCOUNTS***Continued*

	6 August 1997	1996
	\$	\$
<b>7. Position of New South Wales Aboriginal Land Council Investment Fund (the Trust)</b>		
<b>TRUST FUNDS</b>		
	-	100,000
	-	10
Represented by:		
<b>CURRENT ASSETS</b>		
Cash	-	19,459
Investments	-	206,800
<b>Total Current Assets</b>	-	225,259
<b>TOTAL ASSETS</b>	-	225,259
<b>CURRENT LIABILITIES</b>		
Borrowings	-	222,333
Other	-	2,916
<b>Total Current Liabilities</b>	-	225,249
<b>TOTAL LIABILITIES</b>	-	225,249
<b>NET ASSETS</b>	-	10

The Company's relationship with the Trust is described in Note 6.

**8. Related Party Transactions**

(a) The Directors who held office during the financial year are:

Manul Ritchie	David Clark
David Brown	Thomas M. Winters

(b) The above 4 Directors are State Councillors of New South Wales Aboriginal Land Council which is the sole shareholder of the Company and ultimate beneficiary of the New South Wales Aboriginal Land Council Investment Fund (the Trust).

No income was paid to Directors by the Company, or on behalf of the Company.

(c) No amount was paid to any director on retirement from office. No amount was paid to prescribed superannuation funds for the provision of retirement benefits.

(d) There were no other related party transactions.

**9. Subsequent Events**

In 1989 State Council resolved that New South Wales Aboriginal Land Council Investment Fund (the Trust) be wound up. Proceeds from 1989 to 1997 from such winding up have been returned to New South Wales Aboriginal Land Council.

The management agreement with Goddard, Dean & Co was been terminated in 1996. Michell Sillar, Attorneys, were instructed to collect the remaining mortgages outstanding, and have been successful. At an Extra Ordinary General meeting held on 6 August, 1997 it was resolved to wind the Company up and deregister the Company.

**10. Audit Fees**

Audit Fees of this Company and New South Wales Aboriginal Land Council Investment Fund (Trust) for 1997 will be \$4,500 (1996 - \$4,500). These were incurred and paid by New South Wales Aboriginal Land Council (NSWALC) on behalf of this Company and the trust. The administrative cost of the Company and the trust is not significant and is incurred by NSWALC.

**End of Audited Financial Statements**



## NEW SOUTH WALES ABORIGINAL LAND COUNCIL INVESTMENT FUND

### AUDIT REPORT

The accounts of the New South Wales Aboriginal Land Council Investment Fund for the period ended 8 August 1997 have been audited as required by section 41C of the *Public Finance and Audit Act 1983* and in accordance with section 34 of that Act. This report is issued in accordance with section 43(2) of the Act which requires that I report to the Council, the Minister and the Treasurer the results of the inspection and audit and details of any irregularities or other matters that call for special notice. It is not the independent audit report that expresses my opinion on the Fund's annual financial report.

The audit resulted in the issue of an unqualified audit opinion which, together with the financial report, is enclosed. There were no significant matters which arose as a result of the audit.

#### Audit Objectives

The overall objectives of the audit were to enable me to form an opinion as to whether, in all material respects, the financial report of the New South Wales Aboriginal Land Council Investment Fund:

- was presented fairly in accordance with the requirements of the *Public Finance and Audit Act*, Accounting Standards and other mandatory professional reporting requirements (*Urgent Issues Group Consensus Views*); and
- presented a view which was consistent with my understanding of the Council's financial position, the results of its operations and its cash flows.

#### Scope of the Audit

Audit procedures were primarily aimed at achieving audit objectives and did not seek to confirm for management purposes, the effectiveness of all internal controls. The planning of the audit procedures was based on an assessment of the risk of the existence of errors or irregularities which could materially affect the financial report.

An engagement letter for the audit was sent to you on 28 May 1997. This provided a detailed description of the scope of the audit.

#### Review of Operations

The fund's financial operations will be reviewed in Volume One of the Auditor-General's Report to Parliament for 1998.

#### Acknowledgement

I wish to acknowledge the courtesy and assistance extended by the Council's staff during the conduct of the audit.

Yours Sincerely

S McLeod  
DIRECTOR OF AUDIT

The Hon. M. R. Egan, MLC  
Treasurer  
Level 33, Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

The Hon. Dr A.J. Refshauge MP  
Deputy Premier, Minister for Health and  
Aboriginal Affairs  
C/- Health Department of NSW  
Leo Burnett House, 73 Miller Street  
NORTH SYDNEY NSW 2060



## NEW SOUTH WALES ABORIGINAL LAND COUNCIL INVESTMENT FUND

### INDEPENDENT AUDIT REPORT

To members of the New South Wales Parliament and The New South Wales Aboriginal Land Council, being sole member of the New South Wales Aboriginal Land Council Investment Fund Trustee - Yimbirra Pty Ltd.

#### Scope

I have audited the accounts of the New South Wales Aboriginal Land Council Investment Fund for the period ended 6 August 1997. The preparation and presentation of the financial report consisting of the accompanying balance sheet, income and expenditure statement and statement of cash flows, together with the notes thereto, and the information contained therein is the responsibility of the Directors of the Corporate Trustee. My responsibility is to express an opinion on the report to Members of the New South Wales Parliament and the Corporate Trustee's sole member based on my audit as required by sections 34 and 41C(1) of the Public Finance and Audit Act 1983.

My audit has been conducted in accordance with the provisions of the Act and Australian Auditing Standards to provide reasonable assurances as to whether the financial report is free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates.

These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with the requirements of the Public Finance and Audit Act 1983, Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) so as to present a view which is consistent with my understanding of the Fund's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

#### Audit Opinion

In my opinion, the financial report of the New South Wales Aboriginal Land Council Investment Fund complies with section 41B of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Fund as at 6 August 1997 and the results of its operations and its cash flows for the period then ended.

S McLeod, FCPA

DIRECTOR OF AUDIT

(duly authorised by the Auditor-general of New South Wales  
under section 41C(1A) of the Act)

SYDNEY, 23 January 1998

NEW SOUTH WALES ABORIGINAL LAND COUNCIL INVESTMENT FUND

**STATEMENT BY DIRECTORS OF THE TRUSTEE COMPANY**

For the period ended 6 August 1997

In the opinion of the Directors of Yrimbirra Pty Limited, the Trustee Company:

1. (a) The Profit and Loss Account gives a true and fair view of the Fund's profit for the period ended 6 August, 1997.  
(b) The Balance Sheet gives a true and fair view of the Fund's state of affairs as at the end of the financial period.
2. At the date of this statement, there are reasonable grounds to believe that the Fund will be able to pay its debts as and when they fall due, with the support of the New South Wales Aboriginal Land Council.

This statement is made out in accordance with a resolution of the Board of Directors and is signed for and on behalf of the Directors.

Dated this 23rd day of January 1998.



David Brown  
Director



David Clark  
Director

# NEW SOUTH WALES ABORIGINAL LAND COUNCIL INVESTMENT FUND

## BALANCE SHEET

As at 6 August 1997

	Note	6 August 1997 \$	1996 \$
<b>TRUST FUNDS</b>	8	—	10
		—	10
Represented by:			
<b>CURRENT ASSETS</b>			
Cash		—	19,458
Investments	5	—	205,800
<b>Total Current Assets</b>		—	225,258
<b>TOTAL ASSETS</b>		—	225,258
<b>CURRENT LIABILITIES</b>			
Borrowings	6	—	222,333
Other	7	—	2,916
<b>Total Current Liabilities</b>		—	225,249
<b>TOTAL LIABILITIES</b>		—	225,249
<b>NET ASSETS</b>		—	10

The accompanying notes form part of these accounts.

## PROFIT AND LOSS ACCOUNT

For the period ended 6 August 1997

	Note	6 August 1997 \$	1996 \$
<b>Operating Profit (Loss)</b>	4	413,290	(320,322)
Retained earnings at beginning of the financial year		—	—
<b>Total available for appropriation</b>		413,290	(320,322)
Settlement of Trust Fund	8	10	—
		413,300	(320,322)
Distribution to beneficiary		413,300	(320,322)
<b>Retained earnings at end of the period</b>		—	—

The accompanying notes form part of these accounts.



# NEW SOUTH WALES ABORIGINAL LAND COUNCIL INVESTMENT FUND

## STATEMENT OF CASH FLOWS

For the period ended 8 August 1997

	Note	8 August 1997 \$	1996 \$
<b>Cash Flows from Operating Activities</b>			
Interest Received		108,176	21,770
Bank Charges		(15)	(98)
Payments for Management Fees		—	(802)
<b>Net Cash Provided by Operating Activities</b>	<b>3a</b>	<b>108,161</b>	<b>20,870</b>
<b>Cash Flows from Investing Activities</b>			
Proceeds from Investments		508,000	133,000
<b>Net Cash Provided by Investing Activities</b>		<b>508,000</b>	<b>133,000</b>
<b>Cash Used in Financing Activities</b>			
Repayment of Borrowings		(508,000)	(133,000)
Cash Distribution of Income		(127,620)	(9,531)
<b>Net Cash Used in Financing Activities</b>		<b>(635,620)</b>	<b>(142,531)</b>
<b>Net Increase (decrease) in cash held</b>		<b>(19,459)</b>	<b>11,339</b>
Cash at the beginning of the financial year		19,459	8,120
<b>Cash at the end of the financial year</b>		<b>—</b>	<b>19,459</b>
<b>Reconciliation of Cash</b>		<b>(635,620)</b>	<b>(142,531)</b>

For the purpose of the statement of cash flows, cash includes cash on hand and at banks.

The accompanying notes form part of these accounts.

# NEW SOUTH WALES ABORIGINAL LAND COUNCIL INVESTMENT FUND

## NOTES TO AND FORMING PART OF THE ACCOUNTS

### 1. Statement of Accounting Policies

The Financial Statements of New South Wales Aboriginal Land Council Investment Fund (trust) are general purpose financial reports and have been prepared in accordance with applicable Australian Accounting Standards and other mandatory professional reporting requirements. The accounts have been prepared on the basis of historical costs under accrual accounting and do not take into account changing money values. As a consequence of the decision of the New South Wales Aboriginal Land Council to wind up the Fund, the statements have not been prepared on a going concern basis.

### 2. Termination of Trust

The State Council resolved in 1989 that the Trust be wound up and all mortgages have now been collected. Recoveries from mortgagors from 1989 to 6 August 1997 have been returned to New South Wales Aboriginal Land Council. The Trust has been terminated as described in note 8.

### 3. Note to Statement of Cash Flows

#### a. Reconciliation of net cash flows from operating activities to operating profit

Note	6 August 1997 \$	1996 \$
Operating profit (Loss)	413,290	(320,322)
Increase/Decrease in Receivables	81,788	(44,491)
Increase/Decrease in Creditors	(2,918)	1,894
Provision for Doubtful Debts	(383,989)	383,989
Increase/Decrease in Share Capital & Trust Settlement	(12)	-
<b>Net Cash inflows from operating activities</b>	<b>108,161</b>	<b>20,870</b>

#### b. Non cash financing and investment activities

The Investment Fund has no non-cash financing and investment activities.

#### c. Credit standby arrangements and unused loan facilities

The Investment Fund has no credit standby arrangements and unused loan facilities.

### 4. Operating Profit

Operating Revenue		
Interest	26,400	66,261
Write back of Management Fee	2,918	-
Write back of Provision for Doubtful Debts	383,989	-
<b>Total Income</b>	<b>413,305</b>	<b>66,261</b>
Operating Expenses		
Bank Charges	15	98
Management Fees	-	2,496
Provision for Doubtful Debts	-	383,989
<b>Total Expenditure</b>	<b>15</b>	<b>386,583</b>
<b>Operating Profit (Loss)</b>	<b>413,290</b>	<b>(320,322)</b>

### 5. Investments

Mortgage Loans secured by first mortgage on real property	-	508,000
Accrued Interest	-	81,788
	-	589,788
Less Provision for Doubtful Debts	-	383,989
	-	205,800

## NOTES TO AND FORMING PART OF THE ACCOUNTS

For the year ended 30 September 1997 *Continued*

	Note	6 August 1997 \$	1996 \$
<b>6. Borrowings</b>			
In accordance with mortgage agreements interest is collected monthly.			
Liability as at 1 October		222,333	885,186
Distribution of Income (Loss)		413,290	(320,322)
		635,623	364,864
Payment to New South Wales Aboriginal Land Council		635,623	142,531
Liability as at 6 August 1997		—	222,333
<b>7. Other Current Liabilities</b>			
Sundry Creditors		—	2,916
		—	2,916
<b>8. Trust Fund</b>			
Settlement Sum		10	10
Less repayment		(10)	10
		—	10

### 9. Subsequent Events

In 1989 State Council resolved that New South Wales Aboriginal Land Council Investment Fund (the Trust) be wound up. Proceeds from 1989 to 1997 from such winding up have been returned to New South Wales Aboriginal Land Council. The management agreement with Goddard, Dean & Co was terminated in 1996. Michael Siller, Attorneys, were instructed to collect the remaining mortgages outstanding, and have been successful. At an Extra Ordinary General meeting held on 6 August, 1997 it was resolved to wind the Company up and deregister the Company.

### 10. Audit Fees

Audit Fees of this Company and New South Wales Aboriginal Land Council Investment Fund (Trust) for 1997 will be \$4,500 (1996 - \$4,500). These were incurred and paid by New South Wales Aboriginal Land Council (NSWALC) on behalf of this Company and the trust. The administrative cost of the Company and the trust is not significant and is incurred by NSWALC.

### End of Audited Financial Statements

NEW SOUTH WALES  
ABORIGINAL LAND COUNCIL



Appendix



## Appendix 1 Summary of Payment for Services Rendered By Consultants During 1996-97

Norman Range - \$1,000  
 Tony Simpson - \$32,985  
 A Harris - \$4,720  
 Douglas J Kelly - \$2,284  
 Michael Anderson - \$12,190  
 Dr Peter Sutton - \$1983  
 MJ Armstrong - \$5,833.70  
 Heywards Solicitors - \$5726.79  
 AV Pettit - \$18464.40

## Appendix 2 Grants to Aborigines for year 1996-97

(NB: Code: F-Funeral, S-Sport, H-Health, E-Education, G-General)

Linda and W Walker (S) - \$853  
 DJ Roberts (E) - \$2402.40  
 Natasha Jackson (S) - \$3650  
 Nyngaucoyaba Aged Care Centre - \$1,000  
 NSW Aboriginal and TSI Sports Co - \$5,000  
 B Ingram (H) - \$5000  
 NARLA (S) - \$41250  
 L Morgan (H) - \$9889  
 Vera Quayle (S) - \$1000  
 T Saunders (H) - \$1000  
 Hunter Aboriginal Children's Service (S) - \$1500  
 Funeral Assistance - \$580950.20

## Appendix 3 Location of branch offices and local Aboriginal land councils

**CENTRAL REGIONAL BRANCH**  
 Cnr Wingewarra & Darling Street  
 PO Box 1196  
 Dubbo NSW 2830  
 Ph: 0265 929350  
 Fax: 0265 929371  
 Councillor: Rod Towney  
 Branch Manager: Robert Barnes

Dubbo LALC  
 Narramine LALC  
 Warren LALC  
 Wellman LALC  
 Nyngan LALC  
 Trangie LALC  
 Wellington LALC  
 Gungahlin LALC

**CENTRAL COAST REGIONAL BRANCH**  
 Suite 7, 2nd Floor  
 Cnr John & Belgrave Streets  
 Kempsey NSW 2440  
 Councillor: Mahul Ritchie  
 Ph: 0265 625498  
 Fax: 0265 624223  
 Branch Manager: Colin Campbell

Birpai LALC  
 Bowraville LALC  
 Bunyah LALC  
 Kempsey LALC  
 Purfleet / Taree LALC  
 Unkya LALC  
 Karuah LALC  
 Thungutti LALC  
 Nambucca Heads LALC  
 Forster LALC

**FAR NORTH COAST REGIONAL BRANCH**  
 25 Orion Street  
 PO Box 494  
 Lismore NSW 2480  
 Ph: 0266 221 010  
 Fax: 0266 221 831  
 Councillor: David Brown  
 Branch Manager: Harold Love

Berylgil Square LALC  
 Birrigin Gargie LALC  
 Sogai LALC  
 Casino Boolangle LALC  
 Grafton Ngerie LALC  
 Gugin Gaddube LALC  
 Jelli LALC  
 Jona Ngalee LALC  
 Mull Mull LALC  
 Jubulum LALC  
 Nguringah LALC  
 Tweed Byron LALC  
 Yeegi LALC

**MURRAY RIVER REGIONAL BRANCH**  
 77 Eucalypt Street  
 PO Box 201  
 Moama NSW 2731  
 Ph: 0364 809 155  
 Fax: 0364 809 117  
 Councillor: David Clark  
 Branch Manager: Robert Walker  
 Albury & District LALC  
 Deniliquin LALC  
 Wamba-Wamba LALC  
 Yota-Yota LALC  
 Moama LALC  
 Murray River LALC



**NORTHERN REGIONAL BRANCH**

143 Loder Street  
PO Box 327  
Quirindi NSW 2343  
Ph: 0267 481 688  
Fax: 0267 482 825  
Councillor: Wayne Griffiths  
Branch Manager: Charles Lynch

Amaroo LALC  
Coonabarabran LALC  
Nungaroo LALC  
Red Chert LALC  
Tamworth LALC  
Wahellaw LALC  
Wanarua LALC

**NORTHERN TABLELANDS REGIONAL BRANCH**

172a Marsh Street  
PO Box 990  
Armidale NSW 2350  
Ph: 0267 727086  
Fax: 0267 727342  
Councillor: Thomas Briggs  
Branch Manager: Dallas Donnelly

Analuen LALC  
Armidale LALC  
Ashford LALC  
Glenn Innes LALC  
Guyra LALC  
Moorbah LALC

**NORTH WEST REGIONAL BRANCH**

87 Wilga Street  
PO Box 449  
Coonamble NSW 2829  
Ph: 0268 222 119  
Fax: 0268 222 322  
Councillor: Thomas Winters  
Branch Manager: Les Trindall

Brewarrina LALC  
Cobar LALC  
Collarenebri LALC  
Coonamble LALC  
Enngonia (Murrumbidgee) LALC  
Goodidge LALC  
Lightning Ridge LALC  
Moree LALC  
Mungindi LALC  
Narrabri LALC  
Nulla Nulla LALC  
Pilliga LALC  
Toomelec LALC  
Walgett LALC  
Wee Wee LALC  
Wellmoring LALC

**SOUTH COAST REGIONAL BRANCH**

25 Marco Street  
Bomaderry NSW 2541  
PO Box 1052  
Nowra NSW 2541  
Ph: 0244 226162  
Fax: 0244 227008  
Councillor: Ivern Ardler  
Branch Manager: Robert Stewart

Jerringe LALC  
Nowra LALC  
Ilwarrum LALC

**SOUTH EAST COAST REGIONAL BRANCH**

Chapman House 2 -34d Orient Point  
PO Box 588  
Batemans Bay NSW 2536  
Ph: 0244 729955  
Fax: 0244 729960  
Councillor: Ossie Cruise  
Branch Manager: Liane Callaghan

Bega LALC  
Coburns LALC  
Batemans Bay LALC  
Bodalla LALC  
Eden LALC  
Mogo LALC  
Merrimans LALC  
Ulladulla LALC  
Wagonga LALC  
Ngunnawal LALC

**SYDNEY/NEWCASTLE REGIONAL BRANCH**

33 Argyle Street  
Parramatta NSW 2150  
Ph: 02 9689 4444  
Fax: 02 9687 1234  
Branch Manager: Veronica Graf

Avatukal LALC  
Bartahbah LALC  
Darkinjung LALC  
Koompahtoo LALC  
La Perouse LALC  
Metropolitan LALC  
Minderibba LALC  
Worimi LALC

**WESTERN METRO REGIONAL BRANCH**

33 Argyle Street  
Parramatta NSW 2150  
Ph: 02 9689 4444  
Fax: 02 9687 1234  
Branch Manager: Hilda Williams

Deerubbin LALC  
Therewal LALC  
Gandengarra LALC



#### WESTERN REGIONAL BRANCH

Appin Station, Via Menindee  
PO Box 59  
Menindee NSW 2879  
Ph/Fax: 0880 914 206  
Computer Fax: 0880 914 228  
Councillor: William Murray  
Branch Manager: Jenny Edwards

Menindee LALC  
Wilcannia LALC  
Broken Hill LALC  
Wanaaring LALC  
Balranald LALC  
Tibooburra LALC  
Ivanhoe LALC  
Denston LALC  
Mootwingee LALC

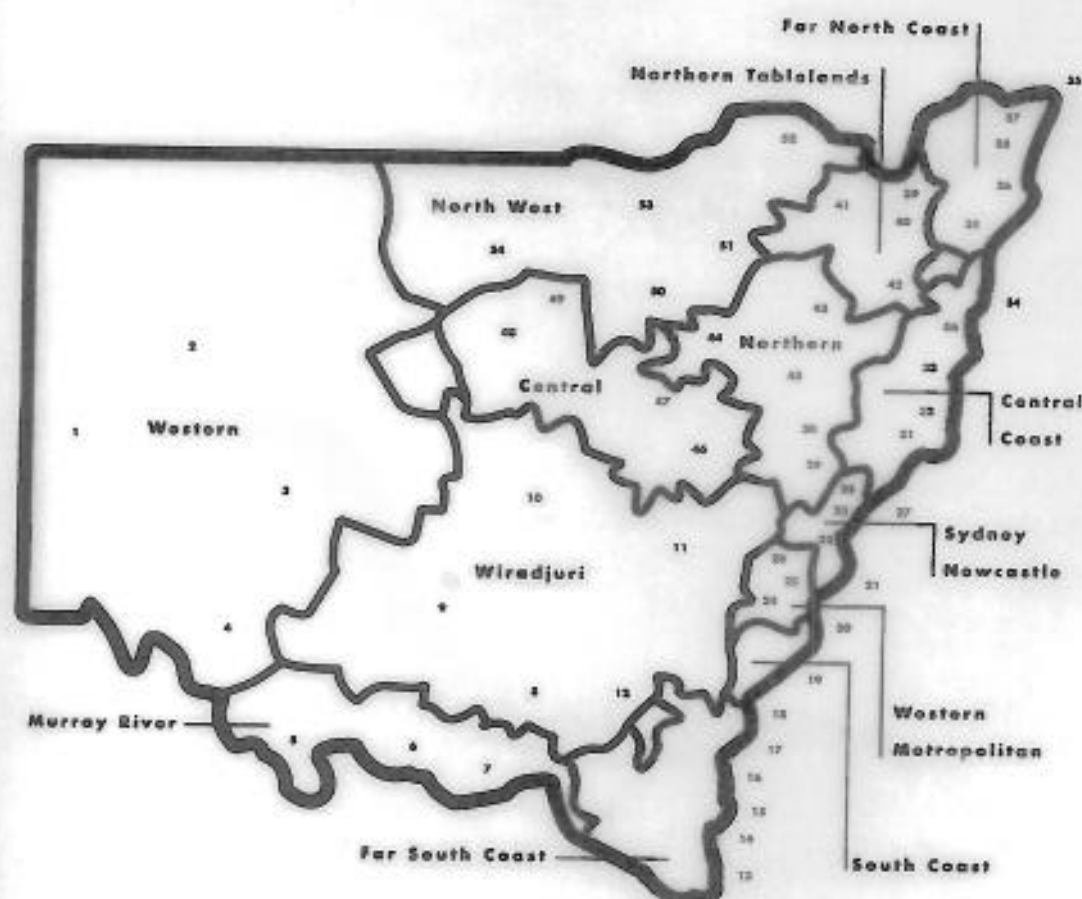
#### WIRADJURI REGIONAL BRANCH

153 Docker Street  
PO Box 5515  
Wagga Wagga NSW 2650  
Ph: 0269 216 544  
Fax: 0269 217 903  
Councillor: Milla Ingram  
Branch Manager: James Morgan

Bathurst LALC  
Griffith LALC  
West Wyalong LALC  
Oxerwell LALC  
Condobolin LALC  
Leeton LALC  
Orange LALC  
Wagga Wagga LALC  
Cows LALC  
Murrumbidgee LALC  
Peak Hill LALC  
Tumut Brungle LALC  
Hay LALC  
Narrandera LALC  
Young LALC  
Pejer LALC

## Appendix 4 Freedom of Information (FOI) Requests

The New South Wales Aboriginal Land Council did not receive any requests for information (under the Freedom of Information Act) during the 1996/97 financial year.



- |                |                  |                   |                   |
|----------------|------------------|-------------------|-------------------|
| 1. BROKEN HILL | 15. NAROOMA      | 29. SINGLETON     | 43. TAMWORTH      |
| 2. WILCANNIA   | 16. BODALLA      | 30. MUSWELLBROOK  | 44. COONABARABRAN |
| 3. IVANHOE     | 17. BATEMANS BAY | 31. FORSTER       | 45. QUIRINDI      |
| 4. BALRANALD   | 18. ULLADULLA    | 32. PURFLEET      | 46. WELLINGTON    |
| 5. MOAMA       | 19. NOWRA        | 33. TAREE         | 47. DUBBO         |
| 6. DENILQUIN   | 20. WOLLONGONG   | 34. COFFS HARBOUR | 48. NYNGAN        |
| 7. ALBURY      | 21. LA PEROUSE   | 35. GRAFTON       | 49. QUAMBONE      |
| 8. WAGGA WAGGA | 22. REDFERN      | 36. YAMBA         | 50. COONAMBLE     |
| 9. GRIFFITH    | 23. GOSFORD      | 37. BYRON BAY     | 51. NARRABRI      |
| 10. CONDOBOLIN | 24. MINTO        | 38. LISMORE       | 52. TOOMELAH      |
| 11. ORANGE     | 25. MOUNT DRUITT | 39. TENTERFIELD   | 53. WALGETT       |
| 12. TUMUT      | 26. LIVERPOOL    | 40. GLEN INNES    | 54. BEREWARRINA   |
| 13. EDEN       | 27. NEWCASTLE    | 41. INVERELL      | 55. TWEED HEADS   |
| 14. BEGA       | 28. MAITLAND     | 42. ARMIDALE      | 56. KEMPSEY       |







