

# New South Wales Aboriginal Land Council



**Annual Report 1997-98**


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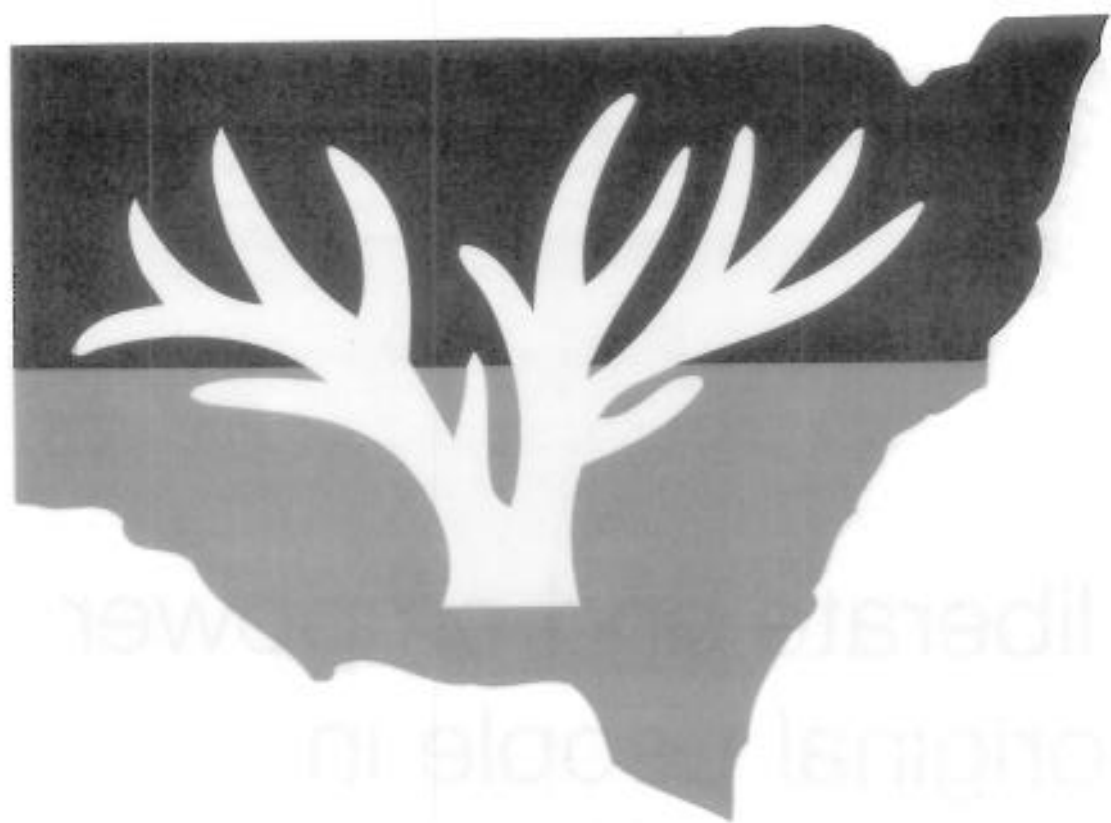
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The cover artwork is titled "Field of Wildflowers". Sydney-based artist Leonie Dennis gets the inspiration for her work from her husband's family and her experiences during her childhood. Through her narrative-style work she depicts life growing up around Waggett and Coonamble, also focusing on stories shared by her husband who grew up on Ginge mission. Leonie believes that her work is important because it acknowledges urban Aboriginal art by an awareness and understanding through the messages reflected in her works. She hopes her art can educate society and help guide people to some insight about the wrong that was done to Aboriginal people. For us here at the NSW Aboriginal Land Council, Leonie's artwork was especially appealing not only because of its bright colours and striking images, but because of the theme of family. We would like to thank Leonie, and gratefully acknowledge Boomalli Aboriginal Artists Cooperative for its permission to reproduce this original artwork.

## Vision Statement



“To liberate and empower  
Aboriginal people in  
New South Wales  
through economic and  
social independence.”



# New South Wales Aboriginal Land Council



19 May 1999

The Hon. Bob Carr MP  
Premier of New South Wales  
Level 40  
Governor Macquarie Tower  
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 1998, in accordance with the provisions of the NSW Aboriginal Land Rights Act 1983, the Public Finance and Audit Act 1993, the Annual Reports (Statutory Bodies) Act 1984 and directions from the NSW Treasury.

Yours sincerely,

Or Ossie Cruise  
Chairperson

## Chairperson's Introduction

Once again, the staff and Council of the New South Wales Aboriginal Land Council have faced many challenges during our 1997/98 financial year. Amendments to Native Title legislation, the important issue of reconciliation in Australia and the ongoing challenge of administering the NSW Aboriginal Land Rights Act have combined to make for a busy 12 months. It has been a period that has seen our staff and elected Aboriginal leaders work hard to strive to ensure that our customers, the Aboriginal people of this state, have been well served.

The year 2000 is quickly approaching and promises to bring exciting new challenges to the Australian community. One of the most significant events of course will be the Olympics which I feel sure will be one of our nation's greatest triumphs. Both the Federal and State Governments will make their imprint in history through the part they will play in the hosting of this spectacular international gathering of sports men and women.

This also promises to be a memorable time for us as an Aboriginal organisation. It holds exciting new challenges and potential new achievements as we forge into 2000 as indigenous Australians. For the first time since colonial settlement, the fulfilment of the dreams of our forefathers to self-determine our future, self-manage our affairs and be self-sufficient in our income, is closer to becoming reality. This means making the New South Wales Aboriginal Land Council's (NSWALC) Vision Statement a reality: "to liberate and empower Aboriginal people in NSW through economic and social independence". This Annual Report records important events in the advancement of the NSWALC, with achievements including the development of a number of corporate documents, introduction of new training courses and the employment of new staff. These things all play an important part in establishing NSWALC as a well-organised, transparent and accountable peak representative body, that is well placed to service the needs of its membership of 20,000 Aboriginal people.

The amendments to the Commonwealth Native Title Act signalled another milestone in our struggle to have our right to land recognised by our fellow Australians. The NSWALC fought hard along with our fellow representative bodies to ensure that Native Title rights were retained in the strongest possible form. We will continue to work to educate our fellow Australians about the significance and real meaning of Native Title and land rights, and how these can coexist with the rights of the rest of the community. One of the challenges we face in the next year will be in continuing to educate both the Aboriginal and wider community about the changes to Native Title legislation, and how this impacts on land rights. It is important that we get information out to the people in communities across the state about ways negotiated agreements can ensure all rights are considered in relation to ongoing development and land management issues in NSW.

It is with pride that I commend this Annual Report to you. I regard it as an important document because it not only again outlines the purpose and structure of our organisation, but some of our major achievements during 1997/98. I look forward to working with my fellow Councillors and our staff as we strive to meet new and ongoing goals throughout 1998/99.

God bless,



Cr Ossie Cruse  
Chairperson



## Executive Director's Report

It is with pride that I write my first report as Executive Director of the NSW Aboriginal Land Council. Whilst my appointment comes at the end of this reporting period, I know that I can honestly describe the 1997/98 year as one of strong achievement by the New South Wales Aboriginal Land Council (NSWALC). These achievements have been made during a year when Aboriginal affairs remained very much in the public and political eye, and it is a credit to our staff and members that we have been able to get on with the job at hand.



This year has seen the preparation of a number of important documents that will play a key part in outlining our future direction and goals as an organisation. These include the coordination of our first Corporate Plan, Policies and Procedures Manual, Code of Conduct for Councillors and the re-release of our Beyond the Sunset vision document. The timing of these new corporate publications is particularly significant as we move closer to the cessation of government funding at the end of 1998. Also known as the Sunset Clause, this change in our funding under the NSW Aboriginal Land Rights Act marks the end of 15 years of government compensation in the form of an annual payment generated by land tax. It signals a special new challenge for us to prove that we are able to operate independently and manage our financial affairs responsibly - hence becoming truly self sufficient. These documents show that our Council and staff have laid strong plans for the future and have important goals to work towards on behalf of the Aboriginal community in NSW.

One of the most challenging things for the NSWALC in this period has been the ongoing investigation by the Independent Commission Against Corruption (ICAC). We remain committed to working closely with the ICAC staff to not only inform our communities about the recommendations that have come from their investigation, but also in ensuring those recommendations are implemented as quickly and effectively as possible. It is very important that our community feels confident that corruption is an issue we take seriously and want to combat in whatever way possible so that the NSWALC is regarded as an accountable and well run organisation.

I would like to congratulate our human resources and training unit for their efforts in setting up a number of excellent training courses for the NSWALC and Local Aboriginal Land Council staff, especially those in regional offices. This training is designed to not only better skill our people, and improve their employment opportunities, but will help the NSWALC and Local Aboriginal Land Councils run better as a whole. Some of these training programs have been so successful that they have resulted in employees of the NSWALC and local land councils winning awards. This sort of recognition is important both for the confidence of our staff and for our reputation as an employer of Aboriginal people in NSW. We have also been able to provide cultural awareness training to employees within a number of organisations including major government departments such as the Department of Fair Trading.

Finally, I would like to acknowledge the efforts of the managers, the Parramatta-based staff, and our staff in the various regional locations, in working together as a team to provide the best possible service to the land council network. I look forward to working with this team in 1998/99 and feel confident that together we can meet the challenges that I am sure the year will bring.

Yours sincerely,

A handwritten signature in dark ink that reads "Norma Ingram". The signature is written in a cursive, flowing style.

Norma Ingram  
Executive Director

Opposite: Aubrey  
Dennison, Warwick Baird  
and Peter Thompson look  
over the waters of  
Boobera Lagoon, one of  
NSW's most significant  
Aboriginal sites.

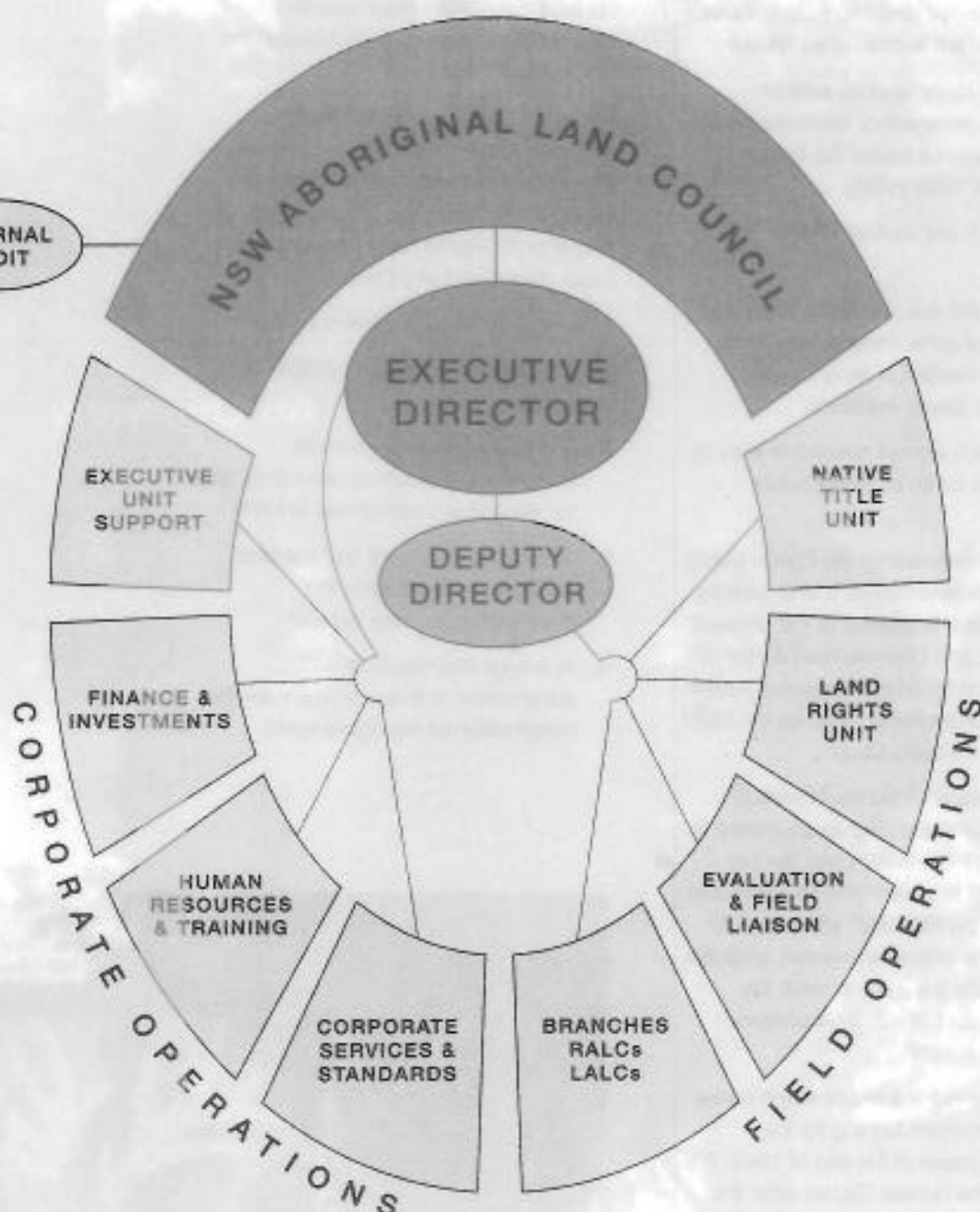


An Overview



New South Wales  
Aboriginal Land Council

# Organisational Chart



## The NSW Aboriginal Land Rights Act

Aboriginal people have been able to make land claims since the commencement of the Act in 1983. 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 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 Land 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. That appeal is heard by the NSW Land and Environment Court.

The Act also established the NSWALC Account into which is paid an equivalent to 7.5 per cent of the NSW Land Tax (on non-residential land) which is collected and forwarded to the NSWALC annually. Fifty per cent of this money is invested while the remaining funds are used to meet the expenditure costs of running Aboriginal land councils in NSW.

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. It was set up as a non-Government statutory corporation under the NSW Minister for Aboriginal Affairs.

Under the Land Rights Act, the organisation was designed to operate as a three-tier system consisting of the New South Wales Aboriginal Land Council, 13 Regional Aboriginal Land Councils and 117 Local Aboriginal Land Councils.

Its general function 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 heritage 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:**

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

The Council, which consists of 13 democratically elected members who represent the 13 Aboriginal land council regions in NSW, provides the organisation with guidance and support in meeting its objectives under the Act.

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 13 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 1 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 or not the terms and conditions of agreements proposed by Local Aboriginal Land Councils to allow mining or mineral exploration on Aboriginal land;

- e. To make claims on Crown lands, either on its own behalf or at the request of Local Aboriginal Land Councils;
- f. With the agreement of a Local Aboriginal Land Council, to manage any of the affairs of the land council;
- g. To conciliate disputes between other Aboriginal land councils, or between those councils and individuals, or between individual members of those land 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:**

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 areas:

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

A map showing the regional land council boundaries within NSW is located at the end of this report.

### 3. Local Aboriginal Land Councils

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 1.

## 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, 1996.

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

In 1997/98 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 Region

Ken Foster - Sydney/Newcastle Region

Tom Briggs - Northern Tablelands

Robert Lester - Western Metro Region

William Murray - Western Region

Millie Ingram - Wiradjuri Region

Tom Winters - North West Region



Mr Ossie Cruse



Mr David Clark

## **Councillor Profiles**

### **Chairman, Councillor Ossie Cruse, MBE** South East Coast Region

Mr 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. Mr 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 chairperson, 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 Mr Cruse's history of involvement in NSW Aboriginal affairs include his receipt of an MBE in 1975, ACT Aborigine of the Year award in 1984 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, is the elected chairman of the NSW Heritage Aboriginal Land Trust and involved with the NSW Heritage Program.

Mr Cruse has involved himself in 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. Mr Cruse has actively advocated the integration of Aboriginal cultural beliefs into policies and guidelines for services to Aborigines.

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

Born in Wilcannia in 1947, Mr 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, Mr Clark joined the NSWALC in 1968 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 Clarke, who is married and has five children, has lived in Albury since 1994. He believes land rights play a vital part in helping create 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 holding the role of chairperson with numerous land councils, housing organisations and sporting bodies.

**Secretary, Ivern Ardler**  
South Coast Region

Born in Berry, Cr Ardler spent his childhood in the Wreck Bay Aboriginal community. Prior to joining the NSWALC in 1992, 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, along with Illawarra LALC. Coomaditchie Reserve, in the Illawarra LALC area, is undergoing housing repairs. Jerrinja LALC is currently funded under a management agreement with the branch office. 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 member of the Wiradjuri people and has been involved with Aboriginal land councils since 1985. A qualified primary teacher, Cr Towney also has a 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), Binaal 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.

Cr Towney's NSWALC portfolios include international issues, Native Title, indigenous culture and education and training.

**Councillor Robert Lester**  
Western Metropolitan Region

Cr Lester is a Wonnarua 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 enabled 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 principals for repatriation of ancestral remains).



Cr Ivern Ardler



Cr Rod Towney



Cr Robert Lester



Cr Tom Briggs

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 Aborigines.

**Councillor Tom Briggs**  
Northern Tablelands Region

Cr Briggs is a member of the Gumbainggir people and has lived and worked in the Armidale district his entire life. He spent 20 years working with the Department of Education, Employment and Training, 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 local government, ATSIC's regional council and the Armidale Community Development Employment Program (CDEP), one of the largest and most successful of its kind in NSW.

Elected to the NSWALC as a Councillor for his first term in 1996, Cr Briggs' main portfolio is training and staff development. 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. He believes training plays a vital part in improving Aboriginal people's access 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. He believes land councils in the Far North Coast have achieved a high enough level of self management to now take the next step to become a major employer and player in local industry. A member of the Bundjalung (father) and Gumbangyrr (mother) tribes, Cr Brown has spent his life working in the Grafton area. His understanding of his local region, combined with 25 years in Aboriginal affairs, with the last 10 as a Councillor, stands him in good stead to represent the interests of Aboriginal people in regional NSW. Cr Brown believes his work experience 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.

**Councillor Millie Ingram**  
Wiradjuri Region

Cr Millie Ingram was elected to the position of Councillor for the Wiradjuri region on two occasions, in February and November 1996, and remains the Councillor for the region. During her term in office she has worked tirelessly to try to get all Local Aboriginal Land Councils in her region back onto full funding. She has also put much effort into getting the property "Barooga Karrai" returned to the Wiradjuri people. She has targeted 30 September 1999 as the deadline to achieve these



Cr David Brown



Cr Millie Ingram

goals. Millie has one daughter and one son, a granddaughter and a grandson. Her interests are bushwalking, tennis, movies, reading and bingo. Her portfolios, as the Council's sole female member, include ICAC liaison and womens issues. Her special dream is to see every Aboriginal family own their own home.

#### **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 most of his life. He is married to Michelle and has three children; Chantae, Dale and Levi. Cr Griffiths has been involved in the fight to improve conditions for Aboriginal people for most of his life. He took an active role in 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 some of 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 Gocri people, descendent of the Gunbainggir and Dunghutti nations. Cr Ritchie brings to the current council a wealth of experience in Aboriginal affairs at

both the state and national level. 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 1960's. 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 Labour 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 network. He believes ongoing commitment by the NSWALC staff and council is vital to ensure the survival of the state's peak representative Aboriginal body.

#### **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



Cr Wayne Griffiths



Cr Manul Ritchie



Cr William Murray

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 Tom Winters**  
North West Region



Cr Tom Winters

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 1982. 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 Ken Foster**  
Sydney/Newcastle Region



Cr Ken Foster

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 like to acknowledge the support he has received from the following people: 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 Koopahtoo LALC; Mick Green and members of Bahtahbah LALC; Lenny Anderson, Val Merrick, Graham Russell and members of Worimi LALC.

## 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 newly appointed Executive Director, Norma Ingram, the NSWALC staff is divided into a number of sections. Each section has a manager and a number of specific roles and responsibilities.

### 1. Executive Section:

Executive Director - Norma Ingram  
Deputy Director - Boe Ramaldini  
(December '96)  
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 and Publications

## 2. Financial Control

Financial Controller - David Dobarer

Budget and accounts staff

Evaluation unit

Investment unit

Funeral Assistance

### ROLE:

- Manage NSWALC budget
- Evaluation of LALC budgets and financial reports
- Manage investment fund and investigate investment projects
- Manage payment of funeral expenses

## 3. Administration:

Manager - Clive Moulstone (replaced in December 1998 by Acting Manager Kerri Wilkinson)

Purchasing officer

Fleet section

Building maintenance

Administration officers

Council secretariat

### ROLE:

- General purchasing
- Purchase and maintenance of NSWALC vehicles
- Communication systems
- Building maintenance and security
- Insurance
- Administration support to Council
- Maintain register of land council membership

## 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
- superannuation
- payroll

NSWALC's senior managers include (l - r) Peter Lalor, Kerri Wilkinson, Sean Docker, Norma Ingram (Executive Director) and David Dobarer.



#### **5. Land Rights**

Manager - Steve Wright (replaced by Sean Docker late in 1998)

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 - Gavin Andrews (replaced by Acting Manager Sean Docker in April 1999)

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**

Manager - Senior Field Liaison Officer  
Field Liaison Officer

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 (replaced by Noel Gwilliam late in 1998)

Internal Auditors

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



In May 1998, Aden Ridgeway farewelled the NSW Aboriginal Land Council, after four years as Executive Director. Mr Ridgeway is now the Senator-elect for NSW with the Australian Democrats. His election to the Federal Senate, a position he will take up in July 1999, makes him only the second Aborigine in Australia's political history to be elected to the Senate. The NSWALC wishes him well in his bid to represent the interests of Aboriginal people within the nation's most powerful political circles. Mr Ridgeway is pictured at his staff farewell with NSWALC Chairperson Cr Ossie Cruse.



1997/98 Year in Review



New South Wales  
Aboriginal Land Council

## Land Rights Unit

### 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 NSW Aboriginal Land Rights Act (ALRA) is based on one of the most fundamental rights of the Aboriginal community - 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 December 1998. The total number of land claims granted to land councils since the commencement of the Act is 1,622. This represents approximately less than 0.10 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."*

The land claims process has been undeniably frustrating 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.

The difficulty with a poor rate of land claim determination is that it raises questions about the reason for delay and can lead to a perception that political considerations are interfering with an administrative

Opposite: Aboriginal community members at Koonadan Keeping Place during a reburial ceremony near Linton.



# Aboriginal Land Claims

## NSW Annual Statistics Breakdown

Finan. 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	179	4	4	\$488,807	-	-	4	-	1
84/85	2060	103	524	\$3,468,960	397	167	667	3	33
85/86	534	92	754	\$6,946,529	490	213	795	1	19
86/87	195	105	2266	\$7,020,573	106	101	312	25	-
87/88	191	262	8509	\$57,546,583	259	175	696	1	28
88/89	266	16	24609	\$4,189,537	47	37	100	8	38
89/90	173	19	96	\$552,911	189	57	265	20	39
90/91	374	10	128	\$2,513,196	150	12	175	2	68
91/92	404	44	357	\$2,099,197	216	30	290	20	67
92/93	160	108	11447	\$23,250,053	118	6	232	14	103
93/94	591	18	1342	\$21,813,758	198	13	229	11	258
94/95	129	167	1642	\$24,406,157	222	11	400	16	42
95/96	413	251	4951	\$61,831,219	199	17	477	64	255
96/97	126	242	3485	\$12,184,695	166	9	417	2	78
97/98	71	171	586	\$86,365,761	65	3	259	1	52
98/99	47	50	71	\$5,878,185	48	-	98	1	47
Totals	6,213	1,672	60,770	\$320,555,921	2,890	851	5,413	164	1,153

Aboriginal dancers perform at the celebrations of the State's first Native Title agreement between a Shire Council and traditional owners, Byron Bay.



process. It is noted, however, that during this reporting period, the Department of Land and Water Conservation and the Minister for Land and Water Conservation, have again been attempting to clear the backlog of land claims and to have new land claims determined within a 12 month period. The Minister determined 256 land claims in this period, compared with 417 land claims in the 1996/97 year.

### Negotiating Land Claims

In terms of settling land claim matters, there was a land claim appeal at Busby's Head, Casino, which was resolved between the Minister and Casino Local Aboriginal Land Council (LALC) with the Minister granting the majority of the land. There was a Court of Appeal Hearing in the Castlereagh Nature Reserve case to Deerubbin LALC, the claimant land council. The land council won that case in the Court of Appeal, which set a precedent for all the other nature conservation appeals which are still pending (approximately 50). At Nambucca Heads, Nambucca Heads LALC and NSWALC settled a land claim appeal with the Minister in relation to significant areas of residential land in the mid north coast township.

### NSWALC and Government Policy

The NSW Government continued to honour its commitment to encouraging Aboriginal representation via the NSWALC and the Aboriginal community in the processes of government policy formation. This has been reflected in recent years by the increasing number of consultative committees the NSWALC has been invited to become involved with. NSWALC continued to be represented on the Water Advisory Council, the Biodiversity Advisory Council, the Resource and Conservation Assessment Council (RACAC), the State Assessment Panel for the Natural Heritage Trust Grants and the Marine Parks Advisory Council. NSWALC also nominates representatives on regional river management and native vegetation

advisory committees.

RACAC has remained a particularly busy area of policy development in the area of regional forest management. Established in response to the Commonwealth Government's moves to reform forest policy, RACAC includes an important component of Aboriginal community consultation in relation to Regional Forest Assessment (RFA). The NSWALC staff involved with RACAC have worked hard to ensure the Aboriginal community's views on forest management offer more than mere consultation.

The NSWALC remains keen to reach agreements with the NSW Government in relation to the policy involvement process to ensure Aboriginal representatives have sufficient resources and are properly briefed so that they can effectively carry out their responsibilities.

### Nature Conservation Land Claim Appeals

There continued to be a number of outstanding nature conservation land claim appeals.

The appeals relate a decision made in the 1995/96 financial year when the Minister for Land and Water Conservation refused 50 land claims, with the principal reason being the need or likely need for the lands for nature conservation. The land claims

*The difficulty with a poor rate of land claim determination is that it raises questions about the reason for delay and can lead to a perception that political considerations are interfering with an administrative process*

NSW Premier Bob Carr at the official handback ceremony of National Park Land to the traditional owners at Mutawintji. The traditional smoking ceremony is depicted on the previous page. Photo courtesy of Koor Mail.



were lodged by nine LALCs and the NSWALC. All decisions to refuse the land claims were appealed in the Land and Environment Court in 1998.

The areas for these outstanding appeals are the South Coast near Eurobodalla National Park, Appin which is near Campbelltown, south-western Sydney, Seal Rocks, Nambucca Heads, Yamba and Maroota State Forest.

#### **Environment Planning and Assessment Act**

The NSWALC unsuccessfully lobbied the NSW Government for changes to this Act during the reporting period, in a bid to prevent the "watering down" of protection of Aboriginal cultural heritage sites. The NSWALC's concern was that Aboriginal people were not being given the appropriate opportunities to ensure the recognition and protection of Aboriginal sites - including burial sites. However, they were able to negotiate change to the regulations in April 1998 which allowed a further 21 days for Aboriginal cultural and heritage issues to be considered in the development approval process.

#### **Regional Forest Agreement Process**

NSWALC continued to be represented on the Resource and Conservation Assessment Council (RACAC) as well as various technical committees which support this process. In November 1997 the representatives from the Bega Eden Murrumbidgee Aboriginal Forest Management Committee tendered options development for the Eden Regional Forest Agreement. NSWALC continued to assist Aboriginal communities in both the lower and upper North East forestry regions of NSW and they attended the options development processes for those two regional forest agreements in September 1998.

#### **Aboriginal Land Rights Act Review**

The NSWALC became heavily involved in the Aboriginal Land Rights Act Review

which was announced by the Minister for Aboriginal Affairs in this reporting period. The NSWALC was represented on the Land Rights Act Review Committee by its chairperson, Councillor Ossie Cruse, and Councillor Millie Ingram. NSWALC contributed significantly to the preparation of a discussion paper for the Aboriginal Land Rights Act Review to be released during 1999. Prior to this process the NSWALC conducted consultation with Aboriginal land councils in each of the 13 regions around the state.

#### **Lake Victoria**

Lake Victoria is a long running cultural heritage protection matter. Lake Victoria is situated in the south western part of the State and is a water storage facility operated by the Murray Darling Basin Commission.

The NSWALC took legal proceedings in 1995 to force the Murray Darling Basin Commission to undertake an environmental impact statement (EIS) and to seek approval from the National Parks and Wildlife Service (NPWS) before they could operate the lake because of the impact on Aboriginal burials. This process continued through the 1997/98 reporting year, culminating in the Director-General of the NPWS issuing permits and consents for the Murray Darling Basin Commission to operate the lake, subject to stringent conditions in relation to protection of the burials in August 1998. This was a compromised position supported by the NSWALC and many of the other Aboriginal groups from the area.

The challenge now is for the consent and permits to be administered in such a way as to actually provide that protection. The NSWALC continues to be represented on the Lake Victoria Advisory Committee which now has a formalised role in relation to the administration of the lake.

#### **Rate Exemptions**

By the end of the 1998 financial year the NSWALC had assisted more than 50 local

land councils in lodging rate exemption applications with the Minister for Aboriginal Affairs. During the reporting period, two rate exemptions were granted by the Minister, one for Goanna Headland at Evans Head and another to Bateman's Bay LALC for some areas of vacant land. The remaining applications are still outstanding.

The Minister issued rate exemption guidelines in 1997 which stated that he would consider rate exemption applications for vacant land when either the rating of which resulted in financial hardship for the LALC, or if the land was of particular cultural significance. The lack of determination of the rate exemption applications remains a serious outstanding issue for the NSWALC, particularly as rate debts are mounting across the land council network and are providing significant financial difficulties for the LALCs concerned. This also includes the NSWALC which is responsible for paying rate debts once they become 12 months old under Section 44A of the ALRA.

#### **Native Title and the NSW Aboriginal Land Rights Act**

In 1996/97 the NSWALC received legal advice from John Baston QC in relation to the interaction between land claimed under the Aboriginal Land Rights Act (ALRA) by Aboriginal land councils, and Native Title rights which may be held by Native Title holders on that same land. Following this legal advice, the NSWALC formed a policy which was implemented in the 1997/98 year by an amendment to the Commonwealth Native Title Act. This validated all transfers of land pursuant to land claims under the Aboriginal Land Rights Act providing the claim was lodged before the 27th of November 1994. The non-extinguishment principal applies to these lands.

Land which is granted to Aboriginal land councils as a result of claims lodged after 28th November 1994 is subject to Native Title and may not be dealt with, disposed of, or leased without an approved determination of Native Title in the Federal Court.

The NSWALC made representations to the Government and Members of Parliament to have Section 40AA of the ALRA amended to allow Aboriginal land councils and Native Title holders to come to an Indigenous Land Use Agreement (ILUA) in relation to Native Title over land held by a land council subject to Native Title. This was not supported by the NSW Government and although the amendment was moved in the Upper House, it was not supported by the Government or the Opposition, and failed. The NSWALC's position remains that land councils and Native Title holders should be encouraged to form agreements rather than having to litigate about their rights in the Federal Court. Land Councils are one of the only bodies in Australia which do not have the right to come to a binding agreement over Native Title rights with Native Title holders over land that they have an interest in.

*"The NSWALC's position remains that land councils and Native Title holders should be encouraged to form agreements rather than having to litigate about their rights in the Federal Court."*

#### **Property**

##### **Section 40D Approvals and Section 40B Approvals**

This relates to the transfer of land and properties between the NSWALC and LALCs under the ALRA. The Land Rights Unit has been advising LALCs on housing disposal schemes for their members for the purpose of home ownership. Much interest has been generated in this following the success of the pilot project at Mogo LALC, which has generated sufficient income for Mogo LALC to invest in additional property in Queensland.

##### **Properties transferred by the New South Wales Aboriginal Land Council**

During the 1997/98 financial year the NSW Aboriginal Land Council (NSWALC) transferred 31 properties to various LALCs throughout the state. The NSWALC endorsed approximately 27 submissions under 40D of the ALRA, which refers to the transfer of property by a LALC to another party. The NSWALC also endorsed approximately eight submissions under 40B of the ALRA, which refers to the leasing of a property by a LALC to another party.



Smoking ceremony at Mutawintj, to celebrate the first handback of National Park land to traditional owners. Photo courtesy Koori Mail.

### **Aboriginal Housing Bill**

In 1998 the Parliament passed the Aboriginal Housing Bill providing for a new Aboriginal Housing Board, including an Aboriginal housing office within the Department of Housing. The New South Wales Aboriginal Land Council (NSWALC) originally objected to the Bill because it gave the Housing Office significant rights over Aboriginal Land Council land, including the ability to take out a charge and caveats over the LALC's land in return for providing housing. Eventually the Minister for Urban

Affairs and Planning and Housing, the Honorable Craig Knowles, the NSWALC and the Chairperson of the Aboriginal Housing Development Committee, Mr Tom Stocky, entered into an agreement which enabled the NSWALC and the Aboriginal Housing Board to form an agreement to ensure that this did not occur.

### **National Parks and Wildlife Aboriginal Ownership Act 1996**

This government bill was first passed in the NSW Parliament in December 1996, as the National Parks and Wildlife Amendment (Aboriginal Ownership) Act 1996. The aim was 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 Act was to provide for the transfer of title of five current areas of National Park reserve lands to LALCs in whose boundary the land was situated. The LALC is then required to lease the National Park to the National Parks and Wildlife Service (NPWS) for a period of 30 years for a rent to be determined by the parties. The National Park is then controlled by a board of management which includes a majority of Aboriginal owners.

The first lease under this legislation was signed by Mutawintji Local Aboriginal Land Council (LALC) and the Minister for the Environment in September 1998. This lease was regarded as a historic agreement formed between Aboriginal people and government, because it recognised the rights and cultural interests of Aboriginal people as traditional owners, by "handing back" National Park land in the Broken Hill area. The New South Wales Aboriginal Land Council (NSWALC) was not directly involved in these lease negotiations, although it had been involved in the passage of the Bill in 1996. The NSWALC provided some financial support and assistance to the Mutawintji LALC in the negotiations.

The NSWALC continued to support communities looking to have their lands placed on Schedule 14 of the ALRA which allows National Parks to be transferred to the LALC and leased back to the Government. Agreement was secured with the NSW Government to have Baimanga National Park on the South Coast of NSW transferred to the Bega and Merimans LALCs and leased back to the NPWS. This has resulted in a total of six National Parks now being earmarked for ownership and lease back.

### **Boobera Lagoon**

Reported on in the last four NSWALC Annual Reports, Boobera Lagoon remained an important cultural heritage issue in the 1997/98 reporting period. A small body of water in north western NSW, 15 kilometres west of Boggabilla, Boobera Lagoon is regarded as a place of huge cultural significance to Aboriginal people. It is recognised as the resting place of the "Garriya", a mythological being closely associated with the rainbow serpent dreaming. Aboriginal people have been fighting to have the lagoon site protected for more than 35 years. The NSWALC became involved in 1992 when they lodged an application to have the lagoon protected from activities such as water skiing and power boating under the Aboriginal and Torres Strait Islander Heritage Protection Act. This includes an application to have the lagoon permanently protected under Section 10 of the Act.

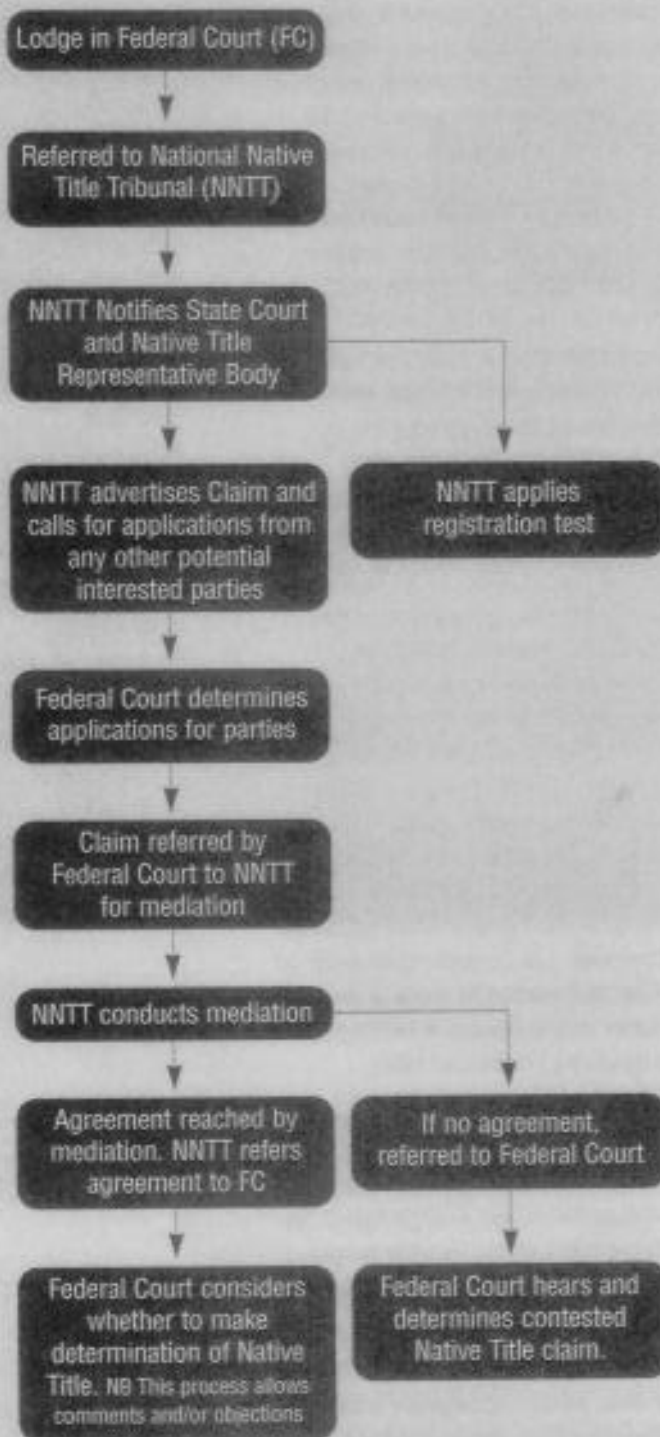
Despite a report being compiled by Hal Wooten AC QC, which outlined the evidence that Boobera Lagoon was potentially one of the nation's most significant cultural sites, the Federal Minister for Aboriginal Affairs, Senator John Herron, refused to make a ruling on the application for site protection. As a result of this inaction, the NSWALC took proceedings in the Federal Court on behalf of the Toomelah LALC, seeking an order to compel Senator Herron to make a decision on the future of the lagoon. A hearing date was set down for December 1998.

The view of the Aboriginal community and its supporters in relation to the perceived lack of action by the Federal Minister in regard to this issue is perhaps best summed up in the following extract from the Wooten report:

*"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."*

*"This lease was regarded as a historic agreement formed between Aboriginal people and government, because it recognised the rights and cultural interests of Aboriginal people as traditional owners, by "handing back" National Park land in the Broken Hill area."*

## Native Title Applications



## Native Title

### Native Title - The Act

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

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

In 1994 NSWALC was selected to act as the sole representative Aboriginal/Torres Strait Islander body for NSW, gazetted under the Native Title Act (NSW). The NSWALC retained its representative body status throughout 1995, 1996 and the 1997/98 financial year. Under Section 202 (4) of the Commonwealth Native Title Act 1993, this status means the NSWALC has the following responsibilities:

- facilitate the researching, preparation or making of claims by individuals or groups of Aboriginal peoples or Torres Strait Islanders, for determinations of Native Title or for compensation for acts affecting Native Title; or
- assist in the resolution of disagreements among such individuals or groups about the making of such claims; or
- 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.





Members of traditional owners, the Aniswal people, Lorna Kelly and Linda Vidler, sign the state's first Native Title agreement with a local Shire Council at Byron Bay.

Previous page: Native Title Unit staff look over maps showing current native title claims: (l-r) Marie Potts, Simon Blackshield, Betty Tomms.

Opposite: Shane Widders, Pat Bradley of Hilgrove Mining and Mineral Resources Minister (NSW) Bob Martin at the signing of the Hilgrove Mining Native Title agreement at Armidale.

### Native Title - What does it mean?

Native Title is the term used by Australia's High Court to describe the common law rights and interests of Aboriginal and Torres Strait people in land according to their traditions, laws and customs. Native Title was first recognised in Australia in June 1992, when the High Court delivered its decision on the Eddie Mabo case. The reason this case was historic was that for the first time, the longstanding belief that Australia was terra nullius (a land belonging to no one) was reversed.

The judgement also recognised that indigenous property rights did exist and that indigenous peoples' rights to Native

Title had survived. It recognised that in Australia, like other British colonies such as New Zealand and Canada, two types of land ownership 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 come from.

The Mabo decision also stated that in accordance with the Racial Discrimination Act 1975, indigenous peoples' 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 the basis of race.

The 1992 Mabo decision said that Native Title may exist in a variety of lands including: Crown land or other public land, National Parks, public reserves, mining tenements and waters. According to the 1996 Wik decision, Native Title may coexist with pastoral leases, although where there is a conflict, the rights of pastoralists will prevail.

#### **NSWALC and Native Title**

Native Title in New South Wales is funded under a grant from the Aboriginal and Torres Strait Islander Commission (ATSIC) on a 1 June to 30 July financial year basis. ATSIC funding currently restricts NSWALC's Native Title Unit staff to comprise of 14 people, including a manager, research, administration and legal officers. The staff work out of the

NSWALC's Parramatta office.

Gavin Andrews was appointed Manager of the Native Title Unit in April for a 12 month period. Mr Andrews was formerly the principal policy officer, Aboriginal heritage, with the National Parks and Wildlife Service.

All of NSWALC's Native Title activities are constrained by the level of funding received. The NSWALC continues to make submissions to ATSIC in relation to the inadequacy of funds made available in NSW for Native Title and in regard to the inequity of funds received by NSWALC compared with other states in Australia.

#### **Overview of Claims**

The NSW Aboriginal Land Council (NSWALC) was involved with a total of 145 claims, either pending or lodged, during the 1997/98 financial year\*. These included claims not lodged by the NSWALC, which nevertheless impacted on Native Title staff.

*“for the first time, the longstanding belief that Australia was terra nullius (a land belonging to no one) was reversed”*



*One of the main amendments which the NSWALC lobbied the government to include was the scope for out of court agreements to be formed in relation to Native Title claims. These are known as Indigenous Land Use Agreements*

Of these claims, 15 involved Native Title agreements either being formalised or pursued with disputing indigenous groups, government and industry. Another 17 Native Title claims involved negotiations being formalised or pursued with various indigenous, government and industry groups.

A total of 45 Native Title claimant groups were assisted by the NSWALC in relation to their Native Title rights and interests. There were 79 claims accepted, 44 in the mediation stage of the Native Title process and five matters before the Federal Court.

There were two non-claimant applications that the NSWALC became a party to. No requests for assistance were declined. 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 National Native Title Tribunal (NNTT) with respect to land within its area.

A number of agreements were under negotiation during this period, most of which related to agreements made between claimant groups and industry, such as mining companies.

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:

- guards against the setting of negative precedents (concerning the extinguishment of Native Title and/or the maintenance of a traditional connection to land);
- avoids (if possible) the offence that can be caused to Aboriginal communities of the determination (by the NNTT) that Native Title does not exist;
- 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 applications in response to a notification of a proposed future act, based on the following questions:

- are the claimants opposed to the proposed exploration or mining activity?
- are there legitimate benefits that the claimants' community could see to gain from a negotiated agreement?

**2. Requests for assistance.** NSWALC's Native Title staff strive to ensure all Native Title applications are carefully researched, extensive community consultation is facilitated and that claims are well planned. Examples include the establishment of Elders Councils and Native Title steering committees.

**3. Community education.** NSWALC accepts requests for community information from claimant groups, Aboriginal communities and non-Aboriginal organisations. Information workshops and sessions are conducted throughout the state. A number of Native Title workshops were also conducted with NSWALC staff at both the Sydney and regional offices. This was particularly important during this period, to provide communities with information about amendments to Native Title legislation, and to help clarify the difference between Land Rights and Native Title legislation.

4. Provide advice to the Indigenous Land Corporation (ILC) on applications received by them for the acquisition of lands in indigenous communities. This advice resulted in the ILC committing significant funds for the acquisition of lands for Aboriginal groups.

## **Amendments to Native Title Legislation**

Intense negotiations continued with Government and other interested bodies in



Chairperson of the Mutawintji Local Aboriginal Land Council William Bates at the National Park handback ceremony.

relation to proposed amendments to the Commonwealth Native Title Act, referred to as the Wik debate. NSWALC played a key role in the negotiations as NSW's representative body on Native Title. NSWALC was an active member of the National Indigenous Working Group (NIWG), with the then Executive Director Aden Ridgeway (Executive Director until May of this reporting period) acting as one of the chief spokespeople on indigenous concerns through the media and at a large number of public forums. The NSWALC also worked closely with 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 "10 point plan".

The negotiations culminated in the first stage of the new amendments taking effect in September 1998, followed by a transitional period, and the full commencement of the new Act in October 1998.

The main amendments are summarised as follows:

1. Native Title claim proceedings are now commenced in the Federal Court, with existing claims being deemed to be lodged in the court.

2. A higher threshold has been established for indigenous groups to access the right to negotiate or oppose non-claimant applications, including the requirement for claimants to demonstrate that they have been authorised by the indigenous people on whose behalf the claim is being made.

3. A large number of past land titles are to be regarded as having extinguished Native Title regardless of what the courts may have decided.

4. More extensive and onerous obligations have been placed on representative bodies.

One of the main amendments which the NSWALC lobbied the government to include in the amendments was the scope for out of court agreements to be formed in relation to Native Title claims. These are known as Indigenous Land Use Agreements (ILUAs).

The main change to the Act that the NSWALC opposed during the negotiating period, along with other representative bodies across the country, was the attempt by government to validate actions that occurred post-January 1994 (ie making legal those past illegal actions). Despite the opposition mounted by the NSWALC and other indigenous groups, the Federal



Manager of NSWALC's Native Title Unit, Gavin Andrews.

*“While farming groups called for blanket extinguishment of Native Title on properties in western NSW, the NSWALC retained its view that Native Title rights must be recognised and called for all parties to come to the negotiating table.”*

Government elected to validate the past actions that took place during the post-January 1994 period.

The nature of the WIK debate caused much uncertainty and confusion within indigenous communities in NSW, resulting in a general lessening of claimant activity across the state. This started to pick up with the passage of the Native Title Amendment Act 1998 in Federal Parliament. NSWALC's Native Title Unit went to great effort to ensure staff understood the provisions of the new Act, to help ensure that there would be no delay in giving effect to the new provisions once the Act commenced on 30 September 1998.

#### **Major Native Title Claim Updates**

**Crescent Head Agreement:** On July 7, 1997, the Federal Court ratified the Crescent Head Native Title agreement by the Dunghutti people and the NSW State Government. This agreement was historic in that it was the first successful Native Title Claim under the Native Title Act and the first judicial recognition of Native Title on the Australian mainland. In this period, it remained the sole determination of Native Title on mainland Australia.

**Byron Bay:** The first Native Title agreement formed between claimant groups and a shire council was celebrated in Byron Bay during this period. The landmark agreement ensures Aboriginal people in the area are involved with local planning issues involving land, and also enables a number of local developments to proceed. The agreement between Arakwal people and Byron Bay Shire Council, which was given public support by the NSW Government, was regarded as an excellent example of how Native Title negotiations within communities could result in agreements that recognised the interests of Aboriginal and non Aboriginal groups.

**Hillgrove Mining Agreement:** A unique agreement was formed between three claimant groups, Armidale-based company

Hillgrove Mining and the Department of Mineral Resources. The NSWALC assisted the three Aboriginal nations involved, the Dunghutti, Anaiwan and Gumbayngirr people, in forming a compensation package including scholarship and employment opportunities for the local community, in return for Hillgrove Mining obtaining permission to continue its mining operations. Hillgrove mining apprenticeships and site beautification were also outlined within the agreement, which is the first to be formed with three Aboriginal nations.

**Western Land Leases:** Debate continued in relation to the question of western land leases extinguishing Native Title in NSW. While farming groups called for blanket extinguishment of Native Title on properties in western NSW, the NSWALC retained its view that Native Title rights must be recognised and called for all parties to come to the negotiating table to consider the option of Indigenous Land Use Agreements. The case of pastoralist Doug Wilson versus Michael Anderson (Native Title claimant representing the Euahlay Dixon clan) involving land in the Lightning Ridge area, generally regarded as the “test case” for the effects of Native Title on western lands leases, remained undetermined in this period.

**Tumut/Adelong Gold Mine Agreement:** The first agreement between an Aboriginal community and a mining company in which Aboriginal people secured equity in the company was celebrated in September 1998. Also regarded as the first regional or Indigenous Land Use Agreement (ILUA) under the Native Title Amended Act 1998 (Commonwealth), the agreement was formed between a coalition of the Wiradjuri people, Walgalu people, Tumut Brungle Local Aboriginal Land Council, and the Adelong Consolidated Gold Mines NL and related to the proposed gold mine at Adelong in NSW. The agreement also secured the Aboriginal community the right to enforce environmental standards, environmental monitoring and archaeological clearance, secure protection

of significant sites, and job, education and training opportunities.

\* The statistics included in this report relate to the 1 July 1997 to 30 June 1998 financial year. This differs to the NSWALC financial year which is generally regarded for the purposes of this report to be 1 October 1997 to 30 September 1998, as described in the NSW Aboriginal Land Rights Act (1983).

## Human Resources and Training

The Human Resources Section is responsible for all employee relations matters at the Parramatta Office and across the 10 branch offices in NSW. Human Resources also provides advice and assistance to the Local Aboriginal Land Council (LALC) network on request.

In the past 12 months, the Human Resource function has become firmly established within the NSW Aboriginal Land Council (NSWALC). As a result, some administrative changes were made which has seen the payroll function and responsibility for all superannuation matters moved from the Accounts Section to Human Resources. Better management practices have been identified and implemented as part of this process.

Human Resources began the process of reconciling all leave and service records for staff with the aim of transferring all pay details from the Attache accounting system onto the CHRISPAY database.

The development of a NSWALC-specific Staff Award has begun and all efforts are being made to introduce the Award as soon as possible. All industrial matters continue to be attended to by Human Resources initially, with advice from the Public Employment Office when necessary.

An Occupational Health & Safety (OH&S) Audit of the Parramatta Office was completed and a report developed.

NSWALC has adopted the recommendations of the report and has made changes or improvements where necessary. An OH&S Audit of all NSWALC properties and workplaces has also been planned to ensure the provision of a safe working environment for all staff. The need for a permanent OH&S Coordinator within NSWALC was identified and the position will be filled in the next reporting period.

Better management of all workers compensation procedures has resulted in significant cost savings to NSWALC and improved working relationships between NSWALC and its workers compensation insurer. During this reporting period, NSWALC entered into an agreement with the Industrial Program Service to provide counselling support and assistance to NSWALC staff and family members when and if required.

### *Positions filled during the year included:*

- Executive Director: Norma Ingram, September 1998  
(Note: Ivern Ardler and Steve Wright appointed Acting Executive Director for consecutive interim periods following the resignation of Aden Ridgeway in May 1998)
- Native Title Unit Manager: Gavin Andrews, April 1998
- Branch Manager, Northern Tablelands: Terry Griffiths
- Personnel Officer
- Council Secretariat
- Accounting Officer - Murray River Branch
- Clerical Officer - Kempsey Branch
- 3 Research Officers and 1 Legal Officer - Native Title Unit

### *Total Workforce:*

- 93 permanent employees (including 13 elected Councillors)
- 15 traineeships, casual or temporary employment arrangements
- 11 supernumery employees
- 3 administrators

TOTAL = 122

*The aim was to coordinate a program for traineeships within Aboriginal land councils which would lead to employment of the trainees by Aboriginal and non-Aboriginal Organisations.*

#### Separations

- 19 employees resigned from NSWALC
- 35 traineeships, casual or temporary arrangements were finalised

TOTAL = 54

#### Equal Employment Opportunity Information

(Numbers relating to staff employed at NSWALC during 1997/98 financial year)

- Male - 67
- Female - 55
- Aboriginal and Torres Strait Islander - 69
- Non English Speaking Background - 5
- Physical or other disability - 6

#### Training Unit

The training unit continued to diversify the type of courses offered to NSWALC staff and Aboriginal people as part of the ongoing implementation of the training needs identified by the Training Needs Analysis (TNA), which was conducted

within the NSWALC network in 1995/96.

A record number of courses attracted a record number of participants undergoing training at both the Parramatta office and at various regional locations across the state. More than 580 participants attended over 70 different training programs during the reporting period. This figure included 22 staff that participated in 22 nationally accredited training modules that gives them a pathway to Certificate II in Business Administration. More than 20 LALC/NSWALC staff completed eight nationally accredited training modules, which can be used to complete Certificate III in Community Management.

One of the highlights of the year was the successful implementation of the Pilot Traineeship Project. A joint initiative of the NSWALC and the Department of Employment, Workplace Relations and Small Business (DEWRSB), the aim was to coordinate a program for traineeships within Aboriginal land councils which would lead to employment of the trainees by Aboriginal and non-Aboriginal Organisations. The DEWRSB decided to support NSWALC's proposal for the project as part of a joint strategy to address high levels of unemployment within the Aboriginal community.

The pilot project was a 12 month full-time Traineeship Program for 31 Aboriginal people from the Northern Region in Office Administration, Hospitality, Contract Cleaning, Horticulture, Waste Management/Recycling, Real Estate and Electrical Traineeships. The objectives of the program were to improve the employment opportunities for Aboriginal people through a coordinated Traineeship program and to improve the level of participation by community and commercial organisations in the employment of Aboriginal people.

The program commenced in August 1997 with the appointment of the Project Coordinator, a full-time position located in NSWALC and responsible to the Steering Committee comprising representatives of



NSWALC, DEWRSB and Ariginis (an Aboriginal training and placement agency) for the administration of the program and placements of trainees. The Coordinator, Marie Potts, was seconded from the NSWALC's Native Title Unit for 12 months.

The training programs were delivered by CSA Training Services - Waste Management/Recycling, Quirindi College of TAFE - Office Administration, Tamworth College of TAFE - Real Estate and Hospitality and The Nirimba College of TAFE - Contract Cleaning. A large number of local businesses and organisations became involved by hosting trainees during the program.

Of the 23 participants that completed the National Accredited Traineeships, 11 gained full time employment, while another five have undertaken further education. Four participants will be self-employed.

The presentation of the inaugural "Partnership Award" at TAFE's annual NAIDOC awards in July 1998 was another achievement of the NSWALC's training unit. The award recognises the establishment of a formal training alliance between the NSWALC and NSW TAFE (Western Sydney Institute of TAFE) and creates an opportunity for excellence in training participation to be publicly recognised. The winners of the inaugural award were the successful graduates of the Community Planning Program, offered by NSWALC and Nirimba College of TAFE. Subjects studied are part of an accredited Certificate III in Community Management and enable the participant to complete a five year strategic plan for either a branch office or Local Aboriginal Land Council.

The award recipients were:

Anne Brereton, Training Coordinator,  
Forster Local Aboriginal Land Council;  
Charles Lynch, Branch Manager,  
Northern Branch;  
Cal Davis, Manager,  
Forster Local Aboriginal Land Council;  
Harold Love, Branch Manager,

Far North Coast Branch;  
Maurie Maher, Coordinator,  
Grafton Local Aboriginal Land Council;  
Mary Slater, Coordinator,  
Walhallow Local Aboriginal Land Council.

**Other highlights of the reporting period included:**

- The promotion of NSWALC training programs resulted in a successful submission to WorkCover NSW for the delivery of the Aboriginal Cultural Awareness training to 825 employees in 1997/98.
- Community Planning Program for LALC Coordinators to develop and implement 3-5 year plans for LALCs. Pilot program commenced in July 97 with 14 participants from four regions.
- Business Administration (Office Skills) Certificate II programs were conducted in Parramatta, Dubbo (Central Region), Taree and Macksville (Central Coast Region).
- Funding for Workplace English Language Literacy (WELL) received from Department of Education Training & Youth Affairs (DETYA), to support over 50 participants in Business Administration course.
- Workplace Trainer - Category 1 delivered in July 1998. About 30 staff have completed Workplace Trainer Category I since 1996.

Opposite: Enjoying NSWALC's success at the TAFE NAIDOC Awards were (l-r) Cr Wayne Griffiths, Charles Lynch and Maurie Maher.

Training achievement award winners in 97/98 included (l-r) Jenelle Rumble, Kim Wilkinson, Marie Potts, Di Glegg and Kerry Loastro.



- Financial Management - modules developed and being delivered as requested in Budgeting, Cash Receipts, Cash Payments, Financial Statements and Taxation.
- Mediation Training program developed in consultation with Australian Commercial Disputes Centre. Almost 50 NSWALC/LALC staff have successfully completed this accredited program.
- Through the presentation of a paper 'Self Determination, Economic Development and Educational Independence' to over 300 delegates (Peter Lalor) and a Workshop 'Partners in Training' to over 25 participants (Harold Love, Charles Lynch, Lorensz Herft and Wendy Stephens of the Western Sydney Institute of TAFE) at the Aboriginal and Torres Strait Islander People's Training Advisory Council (ATSIPAC) Conference in March 1998, NSWALC had an excellent opportunity to showcase the initiatives taken in the development and delivery of programs by NSWALC and TAFE to LALCs.
- Links between NSWALC and Macquarie University continued to strengthen with visits organised for students from the Advanced Diploma in Community Management (ACDM). Melissa Bolt from the Far North Coast Branch Office was nominated by NSWALC in 1996 under the ATSIC Full-time Professional Study Grant Scheme to commence the Advanced Diploma in Community Management. Melissa has successfully completed the three-year program and will graduate in May 1999.

## Administration

The main focus of activities in the administration section of the New South Wales Aboriginal Land Council (NSWALC) centred on the computer network. This focus on the NSWALC's technology resources, combined with ongoing management of the fleet car section, storage facilities, building security and

purchase of goods and services throughout the network, made this financial year a particularly busy one. While much of the activity took place at the state office in Parramatta, the overall aim of changes and ongoing management of resources was to ensure the staff were able to provide the best service to Local Aboriginal Land Councils and the branch offices in terms of communication and resources. The main activities in the administration section included:

- Ongoing upgrading of the NSWALC's computer network. The initial steps were taken to start preparing the organisation to changeover to Windows 95 and Office 97 packages. The aim of the changeover is to make the NSWALC more compliant with, and accessible to Government departments and other key Aboriginal organisations such as the Department of Aboriginal Affairs. This process is expected to be completed during the 1998/99 financial year.

The upgrade also included:

1. Installation of faster, higher capacity cable and matching hardware to increase network performance, reliability and overall security - particularly in the Human Resources, Native Title, Finance and Audit sections. Plans were finalised to extend these improvements throughout the NSWALC and in all branch offices.
2. Hardware and software were installed at NSWALC branch offices at Quirindi and Armidale as the basis for a Video Conferencing Pilot Project. The project aims at linking these two offices with the state office at Parramatta and will demonstrate how communication between the branch offices can improve, while also showing how related costs such as travel can be reduced. The facility would be available for use by LALCs.
3. NSWALC's accounting software package (Attache) was upgraded at the Parramatta office and at all branch offices to provide Year 2000 compliance, an improved level of service and advice to LALCs and the NSWALC.

- Training provided to staff across the network in use of the NSWALC's new E-mail system, GroupWise. This included training being provided to branch managers and other regionally-based staff. GroupWise was installed at the 10 branch offices. GroupWise has proven to be an efficient and improved means of communicating between sections of NSWALC as well as with other organisations.

- The Department of Public Works and Services was contracted as Project Manager to conduct an audit on the implications of the Year 2000 problem (commonly referred to as the millennium bug or Y2K) for the NSWALC. The first draft of this audit is expected to be completed by early 1999.

- Improved security measures were designed and implemented in the Native Title area on level eight at the Parramatta office. Security remained an important ongoing issue for the administration section, with the aim of ensuring the safety of staff and visitors, as well as the security of assets, at the NSWALC.

- An increased number of NSWALC records and files were archived at the Government Repository and Records. This system has proven a much improved means of ensuring NSWALC files are stored safely and securely in a place from which they can easily be accessed.

#### **Ancestral Remains project**

*Indigenous peoples have the right to the manifestations of their cultures, including archaeological sites, artefacts, designs, technology, and works of art, and the right to manifest, teach, practice, and observe their own religious traditions and ceremonies and to maintain, protect, and have access to sacred sites and burial grounds for these purposes.* (Welsh 1992:853).

The Ancestral Remains Project at the New South Wales Aboriginal Land Council (NSWALC) was initiated in 1993, by Robert

Lester, Councillor for the Western Metropolitan Region. The main objective of the project is to ensure proper procedures, protocols and acceptable measures are put in place in relation to the repatriation of indigenous ancestral remains and cultural material currently held in museums, private collections and other institutions.

The project has two primary roles:

- i. Access information from museums about the ancestral remains they currently hold from a particular area.

- ii. When requested, provide assistance (financial and administrative) to Local Aboriginal Land Councils (LALCs) to:

- Facilitate the repatriation of ancestral remains.
- Ensure future management of ancestral remains is conducted in agreement with the relevant Aboriginal community's wishes.

#### **Why is the NSWALC involved in repatriation?**

**Repatriate** vb. 1. to send back (a person) to the country of their birth or citizenship (Collins 1993:723). **Repatriation** 1. the return of cultural materials to the original owners or their descendants.

State museums in Australia collectively contain some 100,000 items defined as Australian indigenous cultural material (Fourmile 1996:9). This material is deemed by law to be Crown property and is managed on behalf of all Australian citizens. Indigenous ownership of collections that contain their cultural heritage is not recognised by Federal or State Governments (Fourmile 1996:9)

In Australia, no legislation exists to facilitate repatriation of indigenous cultural material. Rather organisational guidelines and codes encourage, and in some instances insist, on consultation between indigenous people and cultural organisations with a common interest in indigenous heritage. The Previous Possessions, New Obligations Policy adopted in 1993, by

*“Repatriate vb. 1. to send back (a person) to the country of their birth or citizenship (Collins 1993:723). Repatriation 1. the return of cultural materials to the original owners or their descendants.”*

Museums Australia requests museums to consider all applications for the return of cultural material. In regard to the repatriation of skeletal material, the policy rejects claims by museums to retain such material based solely upon claims of scientific value (Griffen 1996:52-54).

The NSWALC is part of a small group of Australian indigenous organisations who conduct formal repatriation programs. In line with the objectives set out by the NSWALC, the project contributes to protecting and preserving indigenous cultural heritage in NSW. The project provides for the needs of the indigenous community in the sensitive process of locating and negotiating for the future management of ancestral remains, and enables the active pursuit of museums which hold collections of indigenous heritage.

During 1997/98 the following was achieved by the Ancestral Remains Project:

- Appointment of a Project Coordinator (Rachel Lenehan) to coordinate repatriation across the state, utilising the resources of the land council network. The three NSWALC Regional Sites Officers: Darcy Pettit (Western Region), Michael Kim (Northern Tablelands), and Roly Williams (Wiradjuri), continue to be significantly involved in the project.
- Development of project procedures and protocols during the reporting period focused on applying for financial assistance and the type of repatriation activities covered by the project. These two documents were created out of a basic need to define the project's objectives and scope.
- The return and reburial of ancestral remains (from the South Australian Museum) to the Illawarra Local Aboriginal Land Council (LALC) area.
- Majority of local land councils in NSW received information regarding the Ancestral Remains Project at the NSWALC with the assistance of the Regional Sites Officers.

- The following LALCs provided consent for the Project to conduct inquiries about ancestral remains held in museums from their LALC area: Armidale, Pilliga, Gugin, Gudduba, Karuah and Illawarra.

- Secured ATSIC multi-year funding 1998 - 2001.

On a sadder note, the Project and wider community suffered a great loss with the passing of Uncle Dick Henry. Uncle Dick played a prominent role in the project, and in 1996 was instrumental in the return of many ancestral remains (part of the Murray Black collection held at the Museum of Victoria) to nine LALCs in NSW.

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- Welsh P. H. 1992 Repatriation and cultural preservation: potent objects, potent pasts. *University of Michigan Journal of Law Reform* 25(3/4): 837-885.

#### Public Relations

With the appointment of a permanent Public Relations Officer, Trudy Glasgow, in November 1997, all media and public relation projects were able to be managed within the NSW Aboriginal Land Council (NSWALC), eliminating the need for extensive use of outside consultants. In addition to the coordination of official NSWALC documents such as the Annual Reports and information kits to students, the Public Relations Officer is also responsible for ongoing media liaison including the securing of positive media opportunities to promote NSWALC activities. This involved the formation of media releases about Native Title agreements, successful land claims under the NSW Aboriginal Land Rights Act, and issues relating to amendments to both sets of legislation.

Contact with regional media and promotion of achievements by NSWALC staff in regional parts of the state also played an important part of public relations activities in 1997/98. This included promotion of new training courses, opening of new facilities for Aboriginal people such as aged care units, and successful negotiations between Aboriginal people and community groups in relation to environment issues such as water management. The NSWALC was also represented at various education and awareness events such as NAIDOC Week and careers expos.

Included in the major media and public relations events of 1997/98 were the following:

▪ **Public release of the Independent Commission Against Corruption (ICAC) Report**

In April of 1998, the NSWALC and the ICAC jointly presented to the public a blueprint document outlining a series of recommendations aimed at eliminating corruption and encouraging better management practises within Aboriginal land councils. The document, titled *Report on Investigation into Aboriginal Land Councils in NSW - Corruption Prevention and Research Volume*, was launched by ICAC Commissioner Barry O'Keefe, NSWALC Chairperson Cr Ossie Cruse and NSW Minister for Aboriginal Affairs Dr Andrew Refshauge. Its release formed the latest in a series of reports releases as a result of the ICAC inquiry, also known as Operation Zack, which first began in 1994. The NSWALC and ICAC have always cooperated in their approach to the inquiry, which was initially sparked after the ICAC received numerous complaints about alleged corruption within land councils in NSW. NSWALC's position remains that corruption - wherever it exists - is to be eliminated as a matter of great urgency to ensure Aboriginal people have faith in the land council network, and to enable the NSWALC to fulfil its true potential as the state's peak representative Aboriginal organisation.

The recommendation implementation process was well underway in this reporting period with NSWALC and ICAC staff working closely together to determine ways to get the required information about the ongoing inquiry out to the state's Aboriginal community. This process also required widespread contact with state and regional media to ensure the aim of the inquiry, and its findings, were properly understood, and that the NSWALC was not simply regarded as a corrupt organisation. A second report detailing specific allegations was due to be released in the next reporting period.

**Beyond the Sunset**

Under the NSW Aboriginal Land Rights Act, the NSWALC's government funding (allocated annually in the form of a payment consisting of 7.5% of NSW land tax collected each year) was due to cease at the end of 1998. This is commonly referred to as the Sunset Clause. In order to ensure not only Aboriginal land council members, but the wider community, understood the implications of this funding change, an awareness campaign was undertaken in the late part of the 1997/98 year. This included media liaison and briefings, circulation of information to the land council network, and the re-printing of the (amended) *Beyond the Sunset* document. This document was first

*“NSWALC's position remains that corruption - wherever it exists - is to be eliminated as a matter of great urgency to ensure Aboriginal people have faith in the land council network.”*

Handing out information about the NSWALC during Survival Day celebrations were (l-r) Veronica Graf, Branch Manager, Sydney/Newcastle Branch, and Trudy Glasgow.



*regular visits to land council communities across the state to provide advice in relation to such areas as membership issues, meeting procedures, roles of office bearers, LALC functions and the appointment of administrators*

produced by the current elected Council in 1996 as a "blueprint" detailing future goals and directions of the NSWALC in the wake of cessation of government funding.

#### *Native Title Amendments*

The much publicised debate between Aboriginal people and the Australian government about amendments to the Native Title legislation generated widespread media interest, along with concern within Aboriginal communities in NSW. NSWALC's role as a representative body (under Section 202 of the Native Title Act) meant its leaders were often required to speak publicly about the amendments, as well as take an active role in the debate including comments made to the media by the National Indigenous Working Group (NIWG). This resulted in the NSWALC participating in various public education forums and debates, media briefings and workshops aimed specifically at Aboriginal land council communities. Numerous media statements and strategies were implemented during this period, and promotional material circulated throughout the state and beyond.

#### *Reconciliation in Business*

The NSWALC continued to be involved in the coordination of regular business luncheons with Aboriginal and non Aboriginal organisations representatives, known as Reconciliation in Business. The project involved small groups of people coming together for informal luncheons to discuss various issues involving Aboriginal Australia and reconciliation. The idea was first launched in 1993, and continued throughout 1997/98 with luncheon themes including accountability, Native Title and regional development.

## Corporate Development

A number of documents have been coordinated during this reporting period as part of the NSWALC's overall aim of developing a more corporate profile. A corporate plan has been developed and is

due for publication at the end of 1998. The aim of this document is to set out a number of strategic plans and a general outline for the future direction of the NSWALC. This has been compiled by information from the Councillors and managers, coordinated by Norma Ingram. To coincide with the end of government funding in December 1998, also known as the Sunset Clause, a re-print of the Council's "Beyond the Sunset" document has also been coordinated. This document sets out the Council's vision for the organisation beyond government funding and will be widely circulated throughout the land council network and to other Aboriginal organisations.

Two other important internal documents, the Policies and Procedures Manual and the Councillors' Code of Conduct, are also planned for finalisation and printing in the early part of the 1998/99 financial year. These have been designed to provide staff and Councillors with stringent guidelines in relation to professional behaviour and work procedures in the NSWALC.

## Internal Audit

The Internal Audit section was established by the Council in May 1991 to conduct regular appraisals of the adequacy of and compliance with the system of internal control, to review operations and programs and to ascertain whether results are consistent with established objectives and goals. It reports to regular intervals to the Audit Committee, which is made up of Council and senior NSWALC staff representatives. The Audit Committee meetings consider and action reports prepared and submitted to management on all audits undertaken in accordance with the audit plan.

The Internal Audit section undertook 30 planned and special audit reviews during the reporting period. The special audits included investigations into possible fraud and corruption issues, systems

performance evaluations and providing assistance to Local Aboriginal Land Councils (LALCs) in order to obtain unqualified audit opinions from external Auditors.

The section made detailed recommendations to management in the audit reports, which were generally aimed at improving internal controls, systems, procedures and the efficiency and effectiveness of operations of the NSWALC, regional and local land councils.

Benefits to the Council arising from the work of Internal Audit in this period included:

- Successful completion of the approved annual Internal Audit Plan
- Further development of the section's audit procedures
- Practical educational training for staff
- A wide audit coverage of the various activities of land councils including accounting and administrative functions of the NSWALC, branch offices, LALCs and rural properties
- The Manager acting as Coordinator under the Protected Disclosures Act
- Representation on a number of other internal committees
- Completion of the rural properties investigation and submission of findings to NSWALC
- Participation by staff in courses, seminars or workshops
- Advice to management at all levels

## Field Liaison Unit

The aim of the Field Liaison Unit is to provide assistance to Local Aboriginal Land Council (LALC) members in relation to their obligations under the NSW Aboriginal Land Rights Act. The unit comprises of two staff who make regular visits to land council communities across the state to provide advice in relation to

such areas as membership issues, meeting procedures, roles of office bearers, LALC functions and the appointment of administrators.

During the reporting period, Senior Field Liaison Officer Les Bunda visited 31 LALCs and Regional Aboriginal Land Councils (RALCs) and spent 48 days in the field while conducting these visits. He also participated in a number of interview panels and information expos. Field Liaison Officer Tom Smith spent 50 days in the field, with visits to 15 LALCs. Mr Smith also assisted at a number of information days designed to give information to communities about Aboriginal organisations.

Both Mr Smith and Mr Bunda maintain regular contact with the Registrar of the Aboriginal Land Rights Act and the Department of Aboriginal Affairs, providing and receiving advice on LALCs as appropriate under the Act. The unit is also responsible for the appointment of monitoring of the terms of reference to ensure that administrators appointed to LALCs comply with their duties and that any Aboriginal community under any administrator is not disadvantaged in any way.

Cr Rod Towney with local community members at Wellington High School's celebrations of NAIDOC Week.



## Independent Commission Against Corruption (ICAC) Recommendations

In April 1998 the NSWALC and ICAC jointly released a blueprint document outlining ways in which corruption could be prevented within Aboriginal land councils in NSW. The Report on Investigation into Aboriginal Land Councils in NSW - Corruption Prevention & Research Volume included 26 recommendations, and is the result of an ongoing investigation into land councils by the ICAC.

The investigation, also known as Operation Zack, began in 1994 after the ICAC received a number of complaints involving allegations of corruption within land councils. Following extensive consultation with the NSWALC, the Department of Aboriginal Affairs and local land councils, a discussion paper Preventing Corruption in Aboriginal Land Councils was published in 1997. Public hearings were then held throughout 1997.

ICAC ALC Corruption Prevention & Research Report launch at Sydney Town Hall, April 1998 (l-r) Dr Andrew Refshauge, NSW Minister for Aboriginal Affairs, Cr Ossie Cruse, NSWALC Chairperson, and Barry O'Keefe, ICAC Commissioner.



The NSWALC continues to strive to work in cooperation with ICAC staff to ensure that any recommended changes are implemented to help achieve the objectives of the investigation: to eradicate and resist corruption in land councils and to strengthen the process of self-determination.

Four broad outcomes were identified by the Corruption prevention report:

- Increased accountability through appropriate community decision making processes
- Improved decision making:
  - meaningful political participation
  - transparent decision making by Local Aboriginal Land Councils
  - proper corporate governance by the NSWALC
  - effective responses to misconduct and disputes
- Proper management of resources:
  - best practice management of Local Aboriginal Land Councils
  - increased support for Local Aboriginal Land Councils
  - clearer accountability relationships between Local Aboriginal Land Councils and the NSWALC
- Ongoing strengthening of the Aboriginal land council system through: training for members, office bearers and staff in their roles, responsibilities, rights and relationships; ongoing ICAC support for the reform process.

The NSWALC and ICAC are working closely in consultation with local land councils to determine the best ways to implement the recommendations at both state and local land council level. A second report with findings in relation to complaints about specific people within the land council is due for release in the next reporting period.





## Financial Statements



New South Wales  
Aboriginal Land Council

# Independant Audit Report

NSW ABORIGINAL LAND COUNCIL

Box 12 GPO  
SYDNEY NSW 2001

To members of the New South Wales Parliament and Councillors of the New South Wales Aboriginal Land Council

## Scope

I have audited the accounts of the New South Wales Aboriginal Land Council for the year ended 30 September 1998. 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 year, the requirements examined comprise: Compliance with Treasurer's Directions in respect of fuel cards.

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.

## Qualification

During the year, the Council borrowed funds from the Statutory Fund (note 24) and applied the funds towards the administration costs of the Council. The money, along with interest, was subsequently repaid to the Statutory Fund. As a consequence of this, the New South Wales Aboriginal Land Council has not complied with section 29A (1) and (2) of the Aboriginal Land Rights Act 1983 regarding such funds being invested and remaining invested in accordance with regulations and not being disbursed other than to meet the costs of investing money. The duration and value of these borrowings is as follows: 118 days to a maximum of \$5.7m; 34 days to a maximum of \$2.5m; and 29 days to a maximum of \$2.0m.

## Qualified Audit Opinion

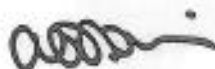
In my opinion, except for the matter referred to in the qualification paragraph, the financial report of the New South Wales Aboriginal Land Council complies with section 41B of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Council as at 30 September 1998 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.



AC HARRIS  
SYDNEY  
23 March 1999

## **Statement by Members of the Council**

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 1998 and transactions for the 12 month period then ended.

2. The statements 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.

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

Dated 25th day of February 1999



David Clark  
Councillor



Ivern Ardler  
Councillor

# Balance Sheet

As at 30 September 1998

	Note	1998 \$'000	1997 \$'000
<b>CURRENT ASSETS</b>			
Cash	2	3,249	2,370
Inventories	3	299	381
Receivables	4	1,684	3,553
Investments	5	348,972	371,557
<b>Total Current Assets</b>		<b>354,204</b>	<b>377,861</b>
<b>NON-CURRENT ASSETS</b>			
Property, Plant and Equipment	6	30,507	34,582
Artefacts	7	128	122
Investments	5	113,502	40,527
Receivables	4	2,980	658
<b>Total Non-Current Assets</b>		<b>147,117</b>	<b>75,889</b>
<b>TOTAL ASSETS</b>		<b>501,321</b>	<b>453,750</b>
<b>CURRENT LIABILITIES</b>			
Creditors	8	1,978	1,756
Employee Entitlements	11	570	443
<b>Total Current Liabilities</b>		<b>2,548</b>	<b>2,199</b>
<b>NON CURRENT LIABILITIES</b>			
Employee Entitlements	11	303	245
<b>Total Non-Current Liabilities</b>		<b>303</b>	<b>245</b>
<b>TOTAL LIABILITIES</b>		<b>2,851</b>	<b>2,444</b>
<b>NET ASSETS</b>		<b>498,470</b>	<b>451,306</b>
<b>RETAINED EARNINGS</b>			
Accumulated Funds		489,912	443,488
Reserves	9	8,558	7,818
<b>TOTAL RETAINED EARNINGS</b>		<b>498,470</b>	<b>451,306</b>

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

# Income and Expenditure Statement

For the Year ended 30 September 1998

	Note	1998 \$'000	1997 \$'000
<b>INCOME</b>			
Recurrent Allocations - NSW Government		13 46,611	39,358
Interest and Investment Income	14	22,173	25,792
Rent	15	1,781	1,585
Other Income	16	3,190	4,198
<b>Gross Income</b>		<b>73,755</b>	<b>70,933</b>
<b>EXPENDITURE</b>			
Audit Fees	18	169	184
Bad and Doubtful Debts		-	4
Consultants Fees		698	391
Depreciation and Amortisation	6	1,189	829
Employee Expenses	19	5,203	4,538
Funding of Regional and Local Aboriginal Land Councils Grants	20	12,083	10,857
Members Expenses and Remuneration	21	316	530
Legal Expenses		1,189	1,292
Motor Vehicle Expenses		1,317	2,410
Repairs and Maintenance		427	634
Other Expenses	22	366	292
		2,632	1,901
<b>Total Expenditure</b>		<b>25,589</b>	<b>23,862</b>
Operating Surplus before Abnormal Item		48,166	47,071
Less Abnormal Item	23	1,742	-
<b>Operating Surplus after Abnormal Items</b>		<b>46,424</b>	<b>47,071</b>
<b>Opening Accumulated Funds</b>		<b>443,488</b>	<b>396,417</b>
<b>Closing Accumulated Funds</b>		<b>489,912</b>	<b>443,488</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 1998

	Note	1998 \$'000	1997 \$'000
<b>Cash flows from operating activities</b>			
Interest and Investment Income		22,173	24,826
Rent and Outgoings		1,781	1,585
Other receipts in course of operations		3,084	4,123
Payments in course of operations		(26,188)	(24,202)
<b>Net cash provided by operating activities</b>	<b>25</b>	<b>850</b>	<b>6,332</b>
<b>Cash flows from investing activities</b>			
(Purchase of)/ Proceeds from Investments		(49,650)	(70,140)
Purchases of Property, Plant and Equipment		(1,462)	(2,247)
(Purchase of)/ Proceeds from Artefacts		(6)	(6)
Sale Proceeds Property, Plant and Equipment		4,709	1,948
<b>Net cash provided by/(used in) investing activities</b>		<b>(46,409)</b>	<b>(70,445)</b>
<b>Cash flow from Government</b>			
Recurrent Allocations		46,438	39,295
<b>Net Cash provided by Government</b>		<b>46,438</b>	<b>39,295</b>
<b>Net increase (decrease) in cash held</b>		<b>879</b>	<b>(24,818)</b>
Cash at the beginning of the year		2,370	27,188
<b>Cash at end of year</b>		<b>3,249</b>	<b>2,370</b>

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

# Notes to and Forming Part of the Financial Statements

for the year ended 30 September 1998

## 1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

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### **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.

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

#### **(a) Financial Instruments**

Financial Instruments give rise to positions that are financial assets or liabilities (or equity instruments) of the Council. These include cash at bank, debtors, investments or creditors. Comparative amounts have not been provided as it is considered impractical to do so as 1997-98 is the first year that Australian Accounting Standard AAS33, "Presentation and Disclosure of Financial Instruments" is being applied.

Classes of instruments are recorded at cost and are carried at net fair value.

##### **(i) Cash at bank**

Cash comprises cash on hand and bank balances including 11 AM at call accounts. Interest is earned on daily balances on current accounts at Westpac Banking Corporation at agreed rates depending on the balance of the account. Interest is earned on 11 AM accounts at agreed rates at Westpac Banking Corporation and Commonwealth Bank of Australia.

##### **(ii) Receivables**

All receivables are recognised as amounts receivable at balance date. Collectability of debtors is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debts is raised when some doubt as to collection exists. The credit risk is the carrying amount (net of any provision for doubtful debts). Term loans to Local Land Councils carry interest at an agreed rate, whilst, other receivables earn no interest.

All amounts due at 30 September 1998 have been reviewed and are considered to be collectable, other than the amounts provided at note 4.

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.

##### **(iii) Current Investments**

Current Investments comprise short term commercial paper, floating rate notes, Investment Managers' short term investments and cash holdings, if any. Interest is earned on all these investments on the basis

specified in Note 5. The total credit risk is limited to the amount carried on the Balance Sheet.

**(iv) Non Current Investments**

Non Current Investments comprise units in the Bankers Trust Intermediate Bond Fund, AMP managed government bonds, and units in the Commonwealth Bank Australian Share Fund. Income is earned on these investments on the basis specified in Note 5. The total credit risk is limited to the amount carried in the Balance Sheet.

**(v) Creditors and accruals**

Liabilities (other than for employee entitlements) are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01, which allows the Minister to award interest for late payment.

If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice, or statement, is received.

**(vi) Borrowings**

The Council has no borrowing commitments.

**(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 costing \$500 and above individually are capitalised.

Plant and equipment is 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.

**(e) 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.

(f) 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.

(g) 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 1956 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.

(h) 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. Depreciation rates are as follows:

	1998	1997
Buildings	2.50%	2.50%
Motor Vehicles	20.00%	20.00%
Computer Equipment	33.33%	33.33%
Other Equipment, Furniture & Fittings	20.00%	20.00%

2. CASH

	1998 \$'000	1997 \$'000
Administrative Fund	2,181	(684)
Statutory Fund	893	2,887
Funeral Fund	175	167
	<b>3,249</b>	<b>2,370</b>

The Funeral Fund collections have been maintained in a separate bank account and as a result of a judgement of the High Court of Australia are refundable to former members of the fund.

Interest rate at year end on cash at bank ranged from nil up to 4.15%

### 3. INVENTORIES

	1998 \$'000	1997 \$'000
Livestock	298	378
Grain and Other Rural Stock	1	3
	<hr/> 299	<hr/> 381

### 4. RECEIVABLES

	1998 \$'000	1997 \$'000
<b>Current</b>		
Council Members	76	8
Other Debtors	465	748
Treasury Allocation Receivable	624	451
Prepayments	81	132
	<hr/> 1,246	<hr/> 1,339
Provision for Doubtful Debts	175	175
	<hr/> 1,071	<hr/> 1,164
Local Aboriginal Land Councils	613	2,389
	<hr/> 1,684	<hr/> 3,553
<b>Non-Current</b>		
Loans and Advances to Local Aboriginal Land Councils	2,980	658
	<hr/> 2,980	<hr/> 658
<b>Statutory Fund</b>	312	225
<b>Administrative Fund</b>	4,352	3,986
	<hr/> 4,664	<hr/> 4,211

## 5. INVESTMENTS

	1998 \$'000	1997 \$'000
<b>Current</b>		
Commercial Bills / Promissory Notes	186,394	101,640
Floating Rate Notes	77,594	142,300
Money Market Funds	84,984	127,617
	<b>348,972</b>	<b>371,557</b>

Given the nature of the investments, the Council considers the book value to be a fair approximation of the market value. - Refer Note 1 (c).

### Non-Current

Units in Managed Fixed Interest Pool Fund	43,136	40,527
Government Bonds	58,080	-
Units in Managed Australian Share Fund	12,286	-
	<b>113,502</b>	<b>40,527</b>

Non-Current investments are revalued to market value - Refer Note 1 (c).

### Current

#### (a) Commercial Bills/ Promissory Notes

These are short dated instruments issued by a Corporation, which is responsible for repayment at due date, having a short term credit rating of A1 or better. These instruments at balance date were earning an average interest rate of 5.06%, whilst over the year the weighted average interest rate earned was 5.13%.

#### (b) Floating Rate Notes

These instruments pay interest coupons of between 1 and 6 monthly intervals. The interest rate is then reset to the then current market. In addition to the reset interest rate a margin which was established at time of original issue is payable. The Issuers, who are responsible for repayment of capital and payment of interest coupons, of all floating rate notes held have a high credit rating. These instruments over the year earned a weighted average return of 4.89%.

#### (c) Money Market Funds

These are short term funds managed by ANZ Funds Management, Commonwealth Financial Services and Bankers Trust. All these funds are units in pool funds and pay interest in accordance with the earnings of the pool which is governed by market conditions.

AMP manages on behalf of the Council some short term investments as a result of their decision not to invest in longer term bonds. These funds earn interest in accordance with market conditions. These instruments over the year earned a weighted average return of 5.01%.

### Non-Current

#### (d) Units in Managed Fixed Interest Pool Fund

The Council has units in the Bankers Trust Intermediate Bond Fund. This earns income, including capital gains, or losses, and may be either realised or unrealised, in accordance with market conditions. These instruments over the year earned a weighted average return of 6.44%.

### (e) Government Bonds

AMP manages Government bonds on behalf of the Council which earn income including capital gains, or losses, both realised and unrealised, in accordance with market conditions. These instruments over the year earned a weighted average return of 5.55%.

### (f) Units in Managed Australian Share Fund

The Council has units in the Commonwealth Financial Services Australian Share Fund, which earns income depending on the movements in the All Ordinaries Accumulation Index, as this is a passive fund undertaking to track the index before management fees. This instrument was first invested one month prior to the year end and therefore percentage return not provided.

## 6. PROPERTY, PLANT & EQUIPMENT

	Land \$'000	Buildings \$'000	Plant & Equipment \$'000	Motor Vehicles \$'000	Total \$'000
<b>Opening Balance at Cost</b>	-	-	4,179	2,248	6,427
Opening Balance at Valuation	10834	21717	-	-	32,551
Additions	-	-	276	1,359	1,635
Disposals	(1,837)	(1,728)	(149)	(1,280)	(4,994)
	<b>8,997</b>	<b>19,989</b>	<b>4,306</b>	<b>2,327</b>	<b>35,619</b>
<b>Depreciation</b>					
Opening Balance	-	(3)	(3,456)	(937)	(4,396)
Charge for the Year	-	(473)	(326)	(390)	(1,189)
Disposals	-	93	77	303	473
Valuation Adjustments	-	-	-	-	-
	<b>-</b>	<b>(383)</b>	<b>(3,705)</b>	<b>(1,024)</b>	<b>(5,112)</b>
<b>Written Down Value</b>					
1998	8,997	19,606	601	1,303	30,507
1997	10,834	21,714	723	1,311	34,582

	1998 \$'000	1997 \$'000
<b>Statutory Fund</b>	21,663	21,834
<b>Administrative Fund</b>	8,844	12,748
	<b>30,507</b>	<b>34,582</b>

The original cost of fully depreciated assets included in the total property, plant and equipment is \$1.3 M (1996/97 \$1.1 M).

## 7. ARTEFACTS

	1998 \$'000	1997 \$'000
Cost at 1st October	122	116
Additions	7	6
Disposals	(1)	-
<b>Book Value at 30 September</b>	<b>128</b>	<b>122</b>

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

## 8. CREDITORS

	1998 \$'000	1997 \$'000
Sundry Creditors and Accruals	1,537	1,589
Funeral Fund - Contributions Refundable	175	167
ATSIC Grant Received in Advance	266	-
	<b>1,978</b>	<b>1,756</b>
<b>Statutory Fund</b>	<b>2</b>	<b>18</b>
<b>Administrative Fund</b>	<b>1,976</b>	<b>1,738</b>
	<b>1,978</b>	<b>1,756</b>

## 9. RESERVES

	1998 \$'000	1997 \$'000
Opening Balance	7,818	2,423
Increment on Revaluation of Investments	740	-
Decrement on Devaluation of Investments	-	(966)
Increment on Revaluation of Property	-	6,361
<b>Closing Balance</b>	<b>8,558</b>	<b>7,818</b>

## 10. COMMITMENTS

The Council had no commitments at 30 September 1998 or 30 September 1997.

## 11. EMPLOYEE ENTITLEMENTS

	1998 \$'000	1997 \$'000
<b>Current Provisions</b>		
Provision for Annual Leave	570	443
State Authorities Superannuation - (see below)		
	<b>570</b>	<b>443</b>
<b>Non - Current Employee Entitlements</b>		
Provision for Long Service Leave	303	245
	<b>303</b>	<b>245</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.

Because there are only two officers who are members of these schemes, and based on the NSW Government Actuary's assessment, the Council's unfunded liability (if any) and, or, prepaid superannuation contributions, as at 30 September 1998 are not material and are not included in the Financial Statements.

## 12. CONTINGENT LIABILITIES

The Council has no contingent liability as at 30 September 1998 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 \$1.2 M as at 30 September 1998 (1996/97 \$1.4 M) for all outstanding litigation.

### 13. RECURRENT ALLOCATIONS -NSW GOVERNMENT

	1998 \$'000	1997 \$'000
Administrative Fund Allocations	23,306	19,679
Statutory Investment Fund Allocations	23,305	19,679
	<b>46,611</b>	<b>39,358</b>

### 14. INTEREST AND INVESTMENT INCOME

	1998 \$'000	1997 \$'000
Administrative Fund	69	71
Statutory Investment Fund	22,216	25,812
	<b>22,285</b>	<b>25,883</b>
Less Elimination of Inter Fund Transactions	112	91
	<b>22,173</b>	<b>25,792</b>

### 15. RENT

	1998 \$'000	1997 \$'000
Rent Regional Offices	33	36
Administrative Fund	33	36
Statutory Investment Fund	2,402	2,099
	<b>2,435</b>	<b>2,135</b>
Less Elimination of Inter Fund Transactions	654	550
	<b>1,781</b>	<b>1,585</b>

### 16. OTHER INCOME

	1998 \$'000	1997 \$'000
Profit on Sale of Non-Current Assets	188	166
Grants and Subsidies	2,584	3,327
Enterprise Gross Income	389	566
Other	29	139
	<b>3,190</b>	<b>4,198</b>

## 17. PROFIT ON SALE OF NON CURRENT ASSETS

	1998 \$'000	1997 \$'000
Gain on disposal of property, plant and equipment		
Proceeds from sale	1,237	1,948
Written down value of assets sold	1,049	1,782
Net gain on disposal of property, plant and equipment	188	166

## 18. AUDIT FEES

	1998 \$'000	1997 \$'000
Fees paid to Audit Office of New South Wales		
New South Wales Aboriginal Land Council	165	180
Yimbirra Pty Limited	-	4
Fees paid to C.J. Abraham re Audit Native Title	4	-
	169	184

The auditors received no other benefit.

## 19. EMPLOYEE EXPENSES

	1998 \$'000	1997 \$'000
Salaries, Wages	4,507	4,004
Superannuation	282	229
Leave Expenses	185	107
Workers Compensation Insurance	229	198
	5,203	4,538

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

	1998 \$'000	1997 \$'000
Regional Aboriginal Land Councils	309	329
Local Aboriginal Land Councils	10,019	10,076
Council Approved Projects	1,755	460
ATSIC Grant - CDEP Program & Project Manager	-	(8)
	12,083	10,857

## 21. MEMBERS EXPENSES AND REMUNERATION

	1998 \$'000	1997 \$'000
Salaries	806	739
Superannuation	50	43
Leave Expenses	-	10
Workers Compensation Insurance	-	17
Motor Vehicle Expenses	124	128
Travelling Expenses and Allowances	152	303
Other Expenses	57	52
	<b>1,189</b>	<b>1,292</b>

Council members have no related party transactions with the Council.

## 22. OTHER EXPENSES

	1998 \$'000	1997 \$'000
Staff Training and Development	369	236
Telephone	246	184
Enterprise and Farm Expenses	523	346
Insurance	77	-
Rates	97	86
Rent and Outgoings	99	86
Advertising	35	-
Public Relations and Publicity etc	78	113
Travel Expenses and Allowances	342	462
Postage, Printing and Stationery	125	70
Office and Administration Expenses	272	273
Property Administration Expenses	96	72
Equipment Hire and Lease	1	145
Meeting Costs	198	366
Prior Year Adjustments	-	(817)
Other Expenses	74	279
	<b>2,632</b>	<b>1,901</b>

## 23. ABNORMAL ITEMS

The figure of \$1.7 M relates to freehold properties transferred to Local Aboriginal Land Councils pursuant to Section 23(1)(c) of the Aboriginal Land Rights Act 1983 in previous periods and not brought to account until the 1997/98 year.

1998 \$'000	1997 \$'000
<b>1,742</b>	-

## 24. 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.

	Notes	1998 \$'000	1997 \$'000
<b>Statutory Fund Opening Balance</b>		<b>437,012</b>	<b>383,856</b>
Add Income			
Treasury Allocation	13	23,305	19,679
Interest and Income	14	22,216	25,812
Rent	15	2,402	2,099
Expenses (Including Investment Losses)		(335)	(104)
<b>Operating Surplus for the Year</b>		<b>47,588</b>	<b>47,486</b>
<b>Reserves Transfer</b>		<b>740</b>	<b>5,670</b>
<b>Statutory Fund Closing Balance</b>		<b>485,340</b>	<b>437,012</b>
Statutory Fund Represented by :-			
Cash	2	893	2,887
Investments Current	5	348,972	371,557
Investments Non Current	5	113,502	40,527
Property Plant & Equipment	6	21,663	21,834
Receivables	4	312	225
		485,342	437,030
Creditors	8	(2)	(18)
<b>Net Statutory Fund</b>		<b>485,340</b>	<b>437,012</b>

## 25. NOTE TO STATEMENT OF CASH FLOWS

	1998 \$'000	1997 \$'000
<b>(a) Cash at Bank and in hand</b>		
For the purposes of the Statement of Cash Flows the Council considers the following as cash :-		
Cash at bank	2,610	1,787
Cash in hand	1	1
11 AM Deposits with banks	638	582
	3,249	2,370

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

Operating surplus	46,424	47,071
Depreciation & Amortisation	1,189	829
Employee Entitlements	185	127
Profit on disposal of non current assets	(188)	(166)
Cash flow from Government - Recurrent Allocations	(46,611)	(39,358)

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

Receivables decrease ( increase)	1,869	(1,178)
Inventories decrease (increase)	82	91
Long Term Debts (Increase) Decrease	(2,322)	(174)
Creditors and borrowings (decrease) increase	222	56
Reserves Transfer		(966)

<b>Net cash inflows from operating activities</b>	<b>850</b>	<b>6,332</b>
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**c. Credit standby arrangements and unused loan facilities.**

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

**26. LIABILITY AS TRUSTEE**

New South Wales Aboriginal Land Council acts as trustee for the Dungutti 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 at 30 September 1998.

The position of the Trust is :-

	1998 \$'000	1997 \$'000
<b>CURRENT ASSETS</b>		
Cash at Bank	789	753
<b>TOTAL TRUST</b>	<b>789</b>	<b>753</b>

**27. YEAR 2000 DATE CHANGE**

The Council is investigating if and to what extent the date change from 1999 to 2000 may effect its activities. The Council has established a program to help ensure that the impact on the transition to the year 2000 on the Council, the Land Council Network and its suppliers is minimised by seeking to ensure that its significant/core computer hardware, software and/or systems are year 2000 compliant. The Council does not expect its activities to be significantly impacted by the date change.

**End of audited Financial Statements**

# Independant Audit Report

NSW ABORIGINAL LAND COUNCIL  
NATIVE TITLE UNIT - GRANT 97/98 - 40265 - GOI

## Scope

I have audited the accounts being the Income and Expenditure Statement and Notes to the Income and Expenditure Statement of the NSW Aboriginal Land Council - Native Title for the twelve months ended June 30 1998. The officers of the NSW Aboriginal Land Council are responsible for the preparation and presentation of the accounts and the information they contain. I have conducted an independent audit of these accounts in order to express an opinion on them to the NSW Aboriginal Land Council and the Aboriginal and Torres Strait Islander Commission (ATSIC).

My audit has been conducted in accordance with the Australian Auditing Standards to provide reasonable assurance as to whether the accounts are free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the Income and Expenditure Statement, 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 accounts are presented fairly in accordance with the Terms and Conditions of the Letter of Offer.

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

## Audit Opinion

In my opinion,

(a) the Income and Expenditure Statement and Notes to the Income Expenditure Statement for the twelve months ended 30 June 1998 are properly drawn up so as to give a true and fair account of the financial transactions of the NSW Aboriginal Land Council - Native Title and are based on proper accounts and records, and

(b) all assets, with written down values exceeding \$1,000, acquired with grant funds are adequately insured, and

(c) assets and services purchased with grant funds are acquired in accordance with the approved procurement methods as set out in the Terms and Conditions of the Letter of Offer and the Supplementary Terms and Conditions.



Charles John Abraham  
Registered Company Auditor  
28 October 1998

# Statement of Receipts and Payments

Twelve months ended 30 June 1998

	Total	Budget
<b>INCOME</b>		
Capital	145108.50	145108.50
Recurrent	2885950.00	2885950.00
Other - Fees Received	120.00	
	<b>3031187.50</b>	<b>3031058.50</b>
<b>EXPENDITURE</b>		
Capital		
Motor Vehicles Change Over	6753.04	10000.00
NTU Relocation	18000.00	66958.50
Plant and Equipment - Photocopier	6790.00	68150.00
<b>Salaries</b>		
Salaries	582752.26	640838.00
<b>ILC Project</b>		
Salaries/Other Project Costs	0.00	60000.00
<b>Motor Vehicles</b>		
Fuel & Oil	17012.12	25000.00
Repairs and Maintenance	4637.69	5000.00
<b>Repairs and Maintenance</b>		
Buildings	22.00	1000.00
Computer Equipment	5170.00	
Office Equipment	429.81	
<b>Services</b>		
Fees	4000.00	4350.00
IT Services		12000.00
NSWALC Services		35750.00
Public Relations		6000.00
Staff Training	410.00	2500.00
Advertising Publicity Promotions	45783.60	
Staff Recruitment	777.50	1000.00
Bank Charges	5338.25	6000.00
Postage	893.47	200.00
Rent		17000.00
Photocopying	5890.27	2000.00
Telephone/Fax	24950.13	30000.00
Courier Costs		500.00
<b>Supplies</b>		
Office Supplies		2000.00
Stationery	3236.02	2000.00
Computer Supplies	11176.55	
Subscriptions/Periodicals	4222.35	1000.00
Photographic Supplies	14.95	1000.00

<b>Travel</b>		
Direct Travel/Allowances	51118.63	20000.00
<b>Implementation Expenditure</b>		
Consultants	459941.61	490603.00
Legal	767545.25	818530.00
Meeting Costs	116366.77	191000.00
Title Searches/History	15574.30	5000.00
Travel to Meetings (Hire Cars)	57875.96	80000.00
Travel to Meeting (Staff)	35916.94	80000.00
Travel Allowances for Meetings (Staff)	50465.19	90000.00
Special Purpose Funding		
Legal - Ngunawal Claimants		100000.00
Additional Projects		
Genealogies *		22000.00
Community Workshops *		22500.00
Land Identification *		8500.00
Grant of WLL to Buronga Hill Winery *		100000.00
Grant of WLL to Chalmers Viticulture *		100000.00
Travel Consultants	21389.25	
Travel to Meeting	53620.89	
	<b>2378074.80</b>	<b>3128379.50</b>
<b>Surplus/(Deficit)</b>	<b>653103.70</b>	<b>-97321.00</b>

\*\* Amounts included in ATSIC Grant, noting\* received and banked on 30 June 1998.

## Accumulation Account

Twelve months ended 30 June 1998

	<b>Total</b>
Surplus/(Deficit) for the year	653103.70
Retained Earnings brought forward	120035.24
	<b>773138.94</b>
Represented by	
Assets	
Cash at Bank	426366.85
"Advances - Meetings, Travel etc"	127705.82
Prepayments	192018.04
NSWALC - Account to be processed	49326.23
	795416.94
Liabilities	
Creditors	22278.00
	<b>773138.94</b>

Moama LALC  
31 Meninya Street  
P.O. Box 354  
Moama NSW 2731

Murray River LALC  
917 Chenery Street  
P.O. Box 22  
Lavington NSW 2640

**Western Region Branch**  
(now merged with Murray  
River)  
Councillor: William Murray

Menindee LALC  
Yarita Street  
P.O. Box 47  
Menindee NSW 2879

Wilcannia LALC  
P.O. Box 47  
Wilcannia NSW 2836

Broken Hill LALC  
84 Oxide Street  
P.O. Box 392  
Broken Hill NSW 2880

Wanaaring LALC  
Vicary Street  
Wanaaring NSW

Balranald LALC  
200 Church Street  
P.O. Box 187  
Balranald NSW 2715

Tibooburra LALC  
Briscoe Street  
Tibooburra NSW 2880

Ivanhoe LALC  
Columbus Street  
P.O. Box 116  
Ivanhoe NSW 2878

Dareton LALC  
C/- Post Office  
Dareton NSW 2717

Mutawintji LALC  
Hood Street  
P.O. Box 36  
Wilcannia NSW 2836

**Northern Region Branch**  
143 Loder Street  
P.O. Box 327  
Quirindi NSW 2343  
PH: 0267 461 668  
FX: 0267 462 525  
Councillor: Wayne Griffiths  
Branch Manager:  
Charles Lynch  
Amaroo LALC  
36N Derby Street  
Walcha NSW 2354

Coonabarabran LALC  
42 Dalgarno Street  
Coonabarabran NSW 2357

Nyngaroo LALC  
P.O. Box 28  
2 Station Street  
Quirindi NSW 2343

Red Chief LALC  
26 Chandos Street  
P.O. Box 745  
Gunnedah NSW 2357

Tamworth LALC  
123 Marius Street  
Tamworth NSW 2340

Walhallow LALC  
P.O. Box 3  
Caroona via Quirindi NSW  
2343

Wanaruah LALC  
17-19 Maitland Street  
P.O. Box 127  
Muswellbrook NSW 2333

**Northern Tablelands  
Region Branch**  
172a Marsh Street  
P.O. Box 596  
Armidale NSW 2350  
Councillor: Tom Briggs  
Branch Manager:  
Terry Griffiths  
PH: 0267 727 666  
FX: 0267 727 342

Anaiwan LALC  
188-196 Byron Street  
P.O. Box 651  
Inverell NSW 2360

Armidale LALC  
172b Marsh Street  
P.O. Box 399  
Armidale NSW 2350

Ashford LALC  
187 Falconer Street  
P.O. Box 215  
Ashford NSW 2361

Glenn Innes LALC  
181 Lang Street  
P.O. Box 157  
Glenn Innes NSW 2370

Guyra LALC  
187 Falconer Street  
P.O. Box 215  
Guyra NSW 2365

Moombahlene LALC  
299 Rouse Street  
P.O. Box 70  
Tenterfield NSW 2372

**North West Region  
Branch**  
87 Wilga Street  
P.O. Box 449  
Coonamble NSW 2829  
PH: 0268 222 119  
FX: 0268 222 322  
Councillor: Tombo Winters  
Branch Manager:  
Les Trindall

Brewarrina LALC  
107 Bathurst Street  
P.O. Box 105  
Brewarrina NSW 2839

Cobar LALC  
23 Railway Parade  
P.O. Box 410  
Cobar NSW 2835

Collarenebri LALC  
Cnr Herbert & Wilson  
Streets  
P.O. Box 122  
Collarenebri NSW 2833

Coonamble LALC  
38 Maule Street  
P.O. Box 385  
Coonamble NSW 2829

Erngonnia (Murrumbidgee)  
LALC  
9 Irrara Street  
Erngonnia NSW 2840

Goodooga LALC  
Brenda Street  
P.O. Box 78  
Goodooga NSW 2831

Lightning Ridge LALC  
12 Pandora Street  
P.O. Box 219  
Lightning Ridge NSW  
2834

Moree LALC  
68 Herber Street  
P.O. Box 924  
Moree NSW 2400

Mungindi LALC  
47 Goondiwindi Street  
P.O. Box 26  
Mungindi NSW 2460

Narrabri LALC  
96 Barwon Street  
P.O. Box 37  
Narrabri NSW 2390

Nulla Nulla LALC  
4-6 Oxley Street  
P.O. Box 79  
Bourke NSW 2840

Pilliga LALC  
Dengar Street  
P.O. Box 42  
Pilliga NSW 2388

Toomelah LALC  
Toomelah Reserve  
P.O. Box 261  
Bogabilla NSW 2409

Walgett LALC  
Fox Street  
P.O. Box 480  
Walgett NSW 2832

Wee-Waa LALC  
Rose Street  
P.O. Box 106  
Wee Waa NSW 2388

Weilmoringle LALC  
15 Brown Street  
Weilmoringle NSW 2839

**South East Coast Region  
Branch**  
Chapman House 2-34d  
Orient Point  
PO Box 388  
Batemans Bay NSW 2536  
Councillor: Ossie Cruse  
Branch Manager:  
Lana Callaghan

Bega LALC  
Auckland St  
P.O. Box 11  
Bega NSW 2550

## Appendix 1

### Location of branch offices and Local Aboriginal Land Councils

#### Central Region Branch

Cnr Wingewarra and  
Darling Streets  
PO Box 1196  
Dubbo NSW 2830  
PH: 02 68 829 350  
FX: 02 68 829 371  
Councillor: Rod Towney  
Branch Manager:  
Robert Barnes

Dubbo LALC  
P.O. Box 1565  
Dubbo NSW 2830

Narromine LALC  
13 Burraway Street  
P.O. Box 327  
Narromine NSW 2821

Warren LALC  
P.O. Box 321  
Warren NSW 2824

Weilwan LALC  
Yoowndry & Armitree st  
P.O. Box 102  
Gulgambone 2828

Nyngan LALC  
Mitchell Highway  
PO Box 97  
Nyngan NSW 2825

Trangie LALC  
39 Derribong Street  
Trangie NSW 2823

Wellington LALC  
163 Simpson Street  
P.O. Box 352  
Wellington NSW

Gilgandra LALC  
72 Warren Road  
P.O. Box 251  
Gilgandra NSW 2827

#### Central Coast Region Branch

Suit 7, 2nd Floor  
Cnr John & Belgrave  
Streets  
Kempsey NSW 2440  
Councillor: Manul Ritchie  
Branch Manager:  
Colin Campbell  
PH: 0265 625 496  
FX: 0265 624 223

Birpai LALC  
Aston Street  
P.O. Box 876  
Port Macquarie NSW 2444

Bowraville LALC  
66 High Street  
P.O. Box 90  
Bowraville NSW 2449  
Bunyah LALC  
214 High Street  
P.O. Box 287  
Wauchope NSW 2446

Kempsey LALC  
Richard Archibald Street  
P.O. Box 540  
Kempsey NSW 2440

Purfleet/Taree LALC  
Pacific Highway  
Purfleet  
P.O. Box 346  
Taree NSW 2430

Unkya LALC  
Suite 7-9 Skylite Arcade  
Wallace Street  
P.O. Box 319  
Macksville NSW 2447

Karuah LALC  
12 Mustons Road  
PO Box 30  
Karuah NSW 2324

Coffs Harbour LALC  
House 1, Wongala Estate  
301-329 Pacific Highway  
Coffs Harbour NSW 2450

Thungutti LALC  
C/- Bellbrook Post Office  
Bellbrook NSW 2440

Nambucca Heads LALC  
16-42 Bowra Street  
P.O. Box 358  
Nambucca Heads NSW  
2448

Forster LALC  
Cabarita Community Hall  
Cabarita Ave  
Forster NSW 2428

#### Far North Coast Region Branch

25 Orion Street  
PO Box 494  
Lismore NSW 2480  
Councillor: David Brown  
Branch Manager:  
Harold Love  
PH: 0266 221 010  
FX: 0266 221 931

Baryulgil Square LALC  
Baryulgil Square  
Baryulgil via Grafton NSW  
2460

Birrigan Gargle LALC  
Youth Stadium- Pippie  
Beach  
PO Box 62  
Yamba NSW 2464

Bogal LALC  
156 Bridge Street  
P.O. Box 72  
Coraki NSW 2471

Casino Boolangle LALC  
110 Walker Street  
P.O. Box 1047  
Casino NSW 2470

Grafton Ngerrie LALC  
50 Wharf Street  
P.O. Box 550  
Grafton NSW 2480

Gugin Gudduba LALC  
Crockfords Lane  
P.O. Box 597  
Kyogle NSW 2474

Jali LALC  
CabbageTree Island  
P.O. Box 24  
Wardell NSW 2477

Jana Ngalee LALC  
7125 Grafton Road  
P.O. Box 1398  
Grafton 2460  
Baryulgil via Grafton NSW  
2460

Muli Muli LALC  
Muli Muli Crescent  
P.O. Box 68  
Via Woodenbong NSW  
2476

Jumbullum LALC  
Jubullum Village  
P.O. Box 25  
Tabulam NSW 2469

Ngulingah LALC  
88D Kean Street  
P.O. Box 6315  
South Lismore NSW 2480

Tweed Byron LALC  
9 Moreton Street  
Chinderah NSW 2487  
P.O. Box 6160  
South Tweed Heads NSW  
2487

Yaegl LALC  
Hillcrest  
P.O. Box 216  
Maclean NSW 2463

#### Murray River Region Branch

77 Euchuca Street  
PO Box 201  
Moama NSW 2731  
PH: 0354 809 155  
FX: 0354 809 117  
Councillor: David Clark  
Branch Manager:  
Robert Walker

Albury & District LALC  
917 Chenery Street  
Albury NSW 2640  
P.O. Box 22  
Lavington NSW 2641

Deniliquin LALC  
2/ 347 Cressy Street  
P.O. Box 846  
Deniliquin NSW 271

Wamba-Wamba LALC  
Wamba Wamba Reserve  
Via Swan Hill VIC 3585  
P.O. Box 165  
Swan Hill VIC 3585

Yota-Yota LALC  
Tongala Road  
Cummeragunja Village  
Via Barmah Town,  
Victoria 3639  
P.O. Box 99  
Moama NSW 2731

Cobowra LALC  
193 Vulcan Street  
P.O. Box 204  
Moruya NSW 2537

Batemans Bay LALC  
Unit 3/ 34D Orient Street  
P.O. Box 542  
Batemans Bay NSW 2536

Bodalla LALC  
P.O. Box 50  
Bodalla, NSW 2545

Eden LALC  
11 Chandos Street  
P.O. Box 199  
Eden NSW 2551

Mogo LALC  
Mogo Post Office  
Mogo NSW 2536

Merrimans LALC  
FMB Wallaga Lake  
Via Narooma NSW 2546  
Umbarra Rd, Wallaga Lake

Ulladulla LALC  
Deering St  
P.O. Box 520  
Ulladulla NSW 2539

Wagonga LALC  
16 Canty Street  
P.O. Box 78  
Narooma NSW 2546

Ngunnawal LALC  
P.O. Box 150  
Queanbeyan NSW 2620

**South Coast Region  
Branch**  
(now merged with South  
East Coast Region Branch)  
Councillor: Ivern Ardler

Jerringa LALC  
PO Box 1  
Orient Point 2540

Nowra LALC  
PO Box 528  
Nowra NSW 2541

Illawarra LALC  
22 Kenny Street  
P.O. Box 5458  
Wollongong NSW 2500

**Sydney/Newcastle  
Region Branch**  
66 Showground Road  
PO Box 1389  
Gosford NSW 2250  
PH: 0243 250 205  
FX: 0243 233 082  
Councillor: Ken Foster  
Branch Manager:  
Veronica Graf

Awabakal LALC  
127 Maitland Road  
Islington NSW 2296  
P.O. Box 437  
Hamilton NSW 2296

Bartahbah LALC  
Lake view Parade  
Belmont NSW 2280  
P.O. Box 18  
Blacksmith NSW 2281

Darkinjung LALC  
Shop 3/ 61 Howarth Street  
P.O. Box 401  
Wyong NSW 2259

Koompahtoo LALC  
Shop 10, 163 Brighton Ave  
Toronto NSW  
P.O. Box 3  
Teralba NSW 2214

La Perouse LALC  
Cnr Elaroo and Yarra Bay  
La Perouse NSW 2036  
P.O. Box 365  
La Perouse NSW 2036

Metropolitan LALC  
Level 1,  
152 Elizabeth Street  
Sydney NSW 2000  
P.O. Box 1103  
Strawberry Hills NSW  
2012

Mindaribba LALC  
Suite 12/420 High Street  
Maitland NSW 2320  
P.O. Box 453  
Maitland NSW 2320

Worimi LALC  
Lot 355 / 187 Lemon Tree  
Passage Road  
Tanilba Bay NSW 2319

**Western Metropolitan  
Region Branch**  
Councillor: Robert Lester  
  
Deerubbin LALC  
5 /271 Beames Ave  
PO Box V184  
Mount Druitt Village NSW  
2770

Tharawal LALC  
220 West Parade,  
Couridjah  
P.O. Box 20  
Buxton NSW 2571

Gandangarra LALC  
Shop 2, 103 Moore Street,  
Liverpool NSW 2170

**Wiradjuri Region Branch**  
153 Docker Street  
PO Box 5515  
Wagga Wagga NSW 2650  
PH: 0269 216 544  
FX: 0269 217 903  
Councillor: Millie Ingram  
Branch Manager:  
James Morgan

Windradyne (Bathurst)  
LALC 130 Bentick Street  
P.O. Box 1610  
Bathurst NSW 2795

Griffith LALC  
6 Koorngal Avenue  
P.O. Box 1424  
Griffith NSW 2680

West Wyalong LALC  
76-78 Main Street  
PO Box 40  
West Wyalong NSW 2671

Onerwal LALC  
76 Grampian Street  
Yass NSW 2582

Condobolin LALC  
112 Bathurst Street  
Condobolin NSW 2877

Leeton LALC  
Acacia Ave  
P.O. Box 994  
Leeton NSW 2705

Orange LALC  
42 Dalton Street  
P.O. Box 1703  
Orange NSW 2800

Wagga Wagga LALC  
153 Docker Street  
P.O. Box 403  
Wagga Wagga NSW 2650

Cowra LALC  
Erambie Mission (West)  
P.O. Box 769  
Cowra NSW 2794

Murrin Bridge LALC  
39 Foster Street  
P.O. Box 157  
Lake Cargelligo NSW 2672

Peak Hill LALC  
88 Caswell Street  
P.O. Box 63  
Peak Hill NSW 2869

Tumut Brungle LALC  
95 Capper Street  
Tumut NSW 2720

Hay LALC  
Belmore Street  
P.O. Box 70  
Hay NSW 2711

Narrandera LALC  
174 East Street  
Narrandera NSW 2700

Young LALC  
27 Blackett Avenue  
Young NSW 2594

Pejar LALC  
81 Bourke Street  
Goulburn NSW 2580  
P.O. Box 289  
Goulburn NSW 2580

## Appendix 2:

### Summary of Payments to Consultants During 1997/98

Colliers Jardine Pty Limited (Property Management) - \$42, 273.70  
Tony Simpson (Legal) - \$94,455.10  
State Valuation Office of NSW (Land Evaluations) - \$26,000  
Quay Appointments Pty Limited (Personnel) - \$10, 376.11  
Trevor Edgoose Management Services (Policies and Procedures Manual) - \$9,780  
Ross Howieson P/L Architects (Architecture) - \$15, 302  
S T Vella & Associates (Auditing) - \$7,800  
Robin Thomas (Information Technology) - \$7,000  
Paul Newman (Training) - \$5, 900  
Anthony Thomas Rees (Rural Properties Investigation) - \$5, 782. 83  
Macquarie Advisory Services Pty Limited (Finance and Investment) - \$60, 702. 45  
Other Consultants (less than \$30,000) - \$10, 727.72  
Native Title Consultants\* - \$396, 537.77

TOTAL = \$692, 637.68

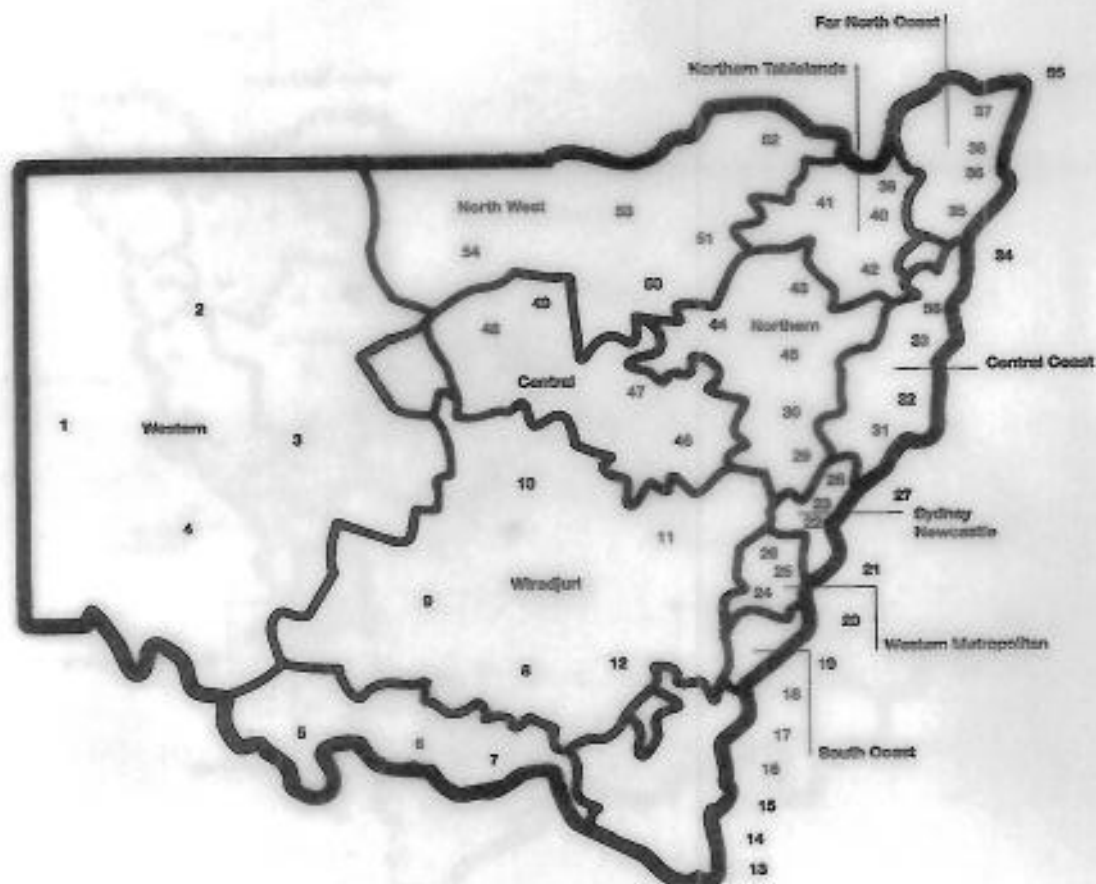
(\*NSWALC's Native Title Unit is funded by an annual ATSIC grant.)

## Appendix 3:

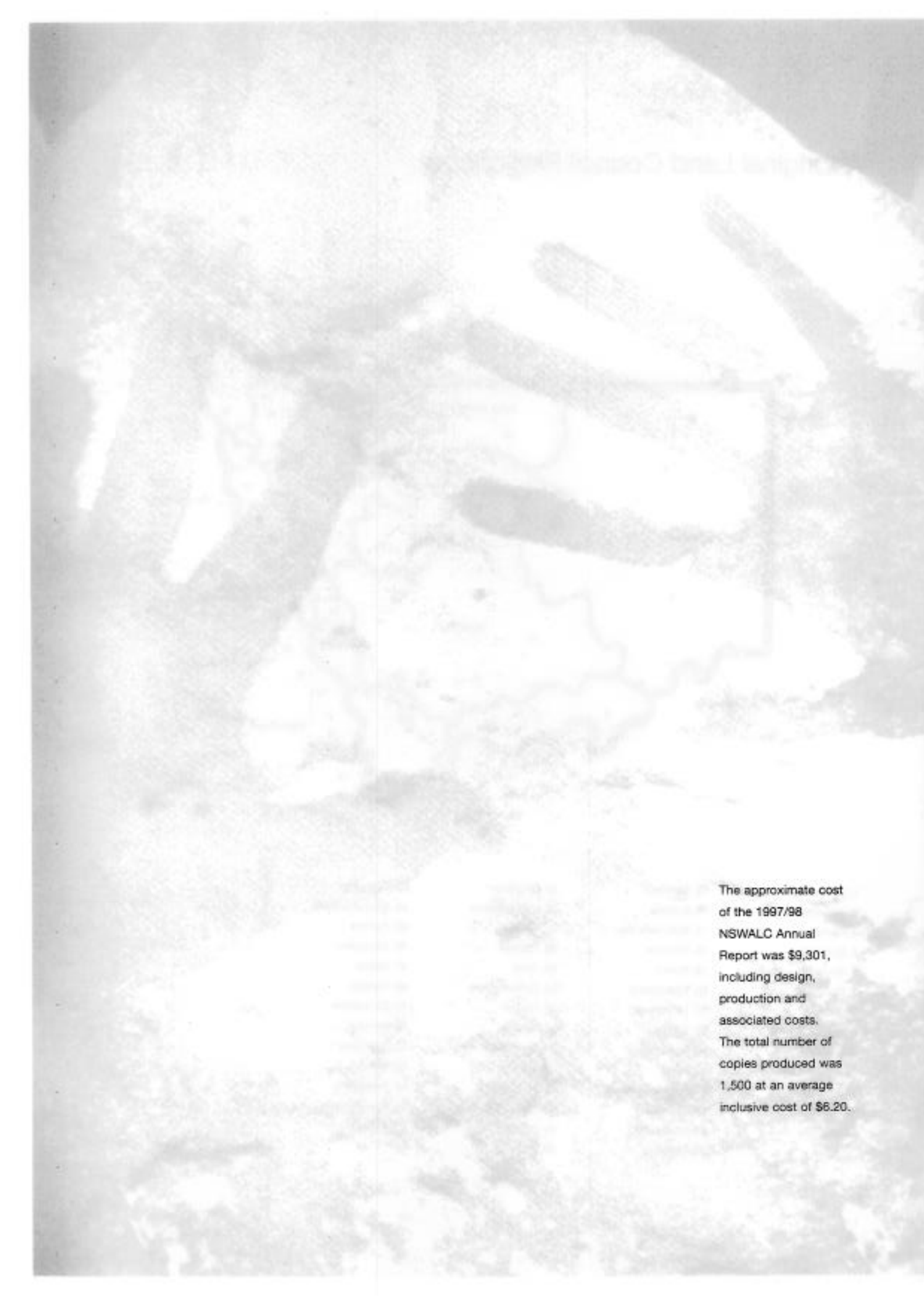
### Freedom of Information (FOI) Requests

The New South Wales Aboriginal Land Council did not receive any requests for information (under the Freedom of Information Act) during the 1997/98 financial year.

## Aboriginal Land Council Regions



- |                |                  |                   |                 |
|----------------|------------------|-------------------|-----------------|
| 1. Broken Hill | 15. Narooma      | 29. Singleton     | 43. Tamworth    |
| 2. Wilcannia   | 16. Breda        | 30. Muswellbrook  | 44. Coonaberran |
| 3. Ivanhoe     | 17. Batemans Bay | 31. Forster       | 45. Quirindi    |
| 4. Renald      | 18. Ulladulla    | 32. Purfleet      | 46. Wellington  |
| 5. Moama       | 19. Nowra        | 33. Taree         | 47. Dubbo       |
| 6. Deniliquin  | 20. Wollongong   | 34. Coffs Harbour | 48. Nyngan      |
| 7. Albury      | 21. La Perouse   | 35. Grafton       | 50. Coonamble   |
| 8. Wagga Wagga | 22. Redfern      | 36. Yamba         | 51. Narrabri    |
| 9. Griffith    | 23. Gosford      | 37. Byron Bay     | 52. Toomelah    |
| 10. Condobolin | 24. Minto        | 38. Lismore       | 53. Walgett     |
| 11. Orange     | 25. Mount Druitt | 39. Tentfield     | 54. Berramanga  |
| 12. Tumut      | 26. Liverpool    | 40. Glen Innes    | 55. Tweed Heads |
| 13. Eden       | 27. Newcastle    | 41. Inverell      |                 |
| 14. Bega       | 28. Maitland     | 42. Armidale      |                 |



The approximate cost of the 1997/98 NSWALC Annual Report was \$9,301, including design, production and associated costs. The total number of copies produced was 1,500 at an average inclusive cost of \$6.20.



**New South Wales Aboriginal Land Council**  
Level 9, 33 Argyle Street, Parramatta, Australia 2150  
Telephone (02) 9689 4444  
Facsimile (02) 9687 1234