

New South Wales Aboriginal Land Council



Annual Report 1998-99

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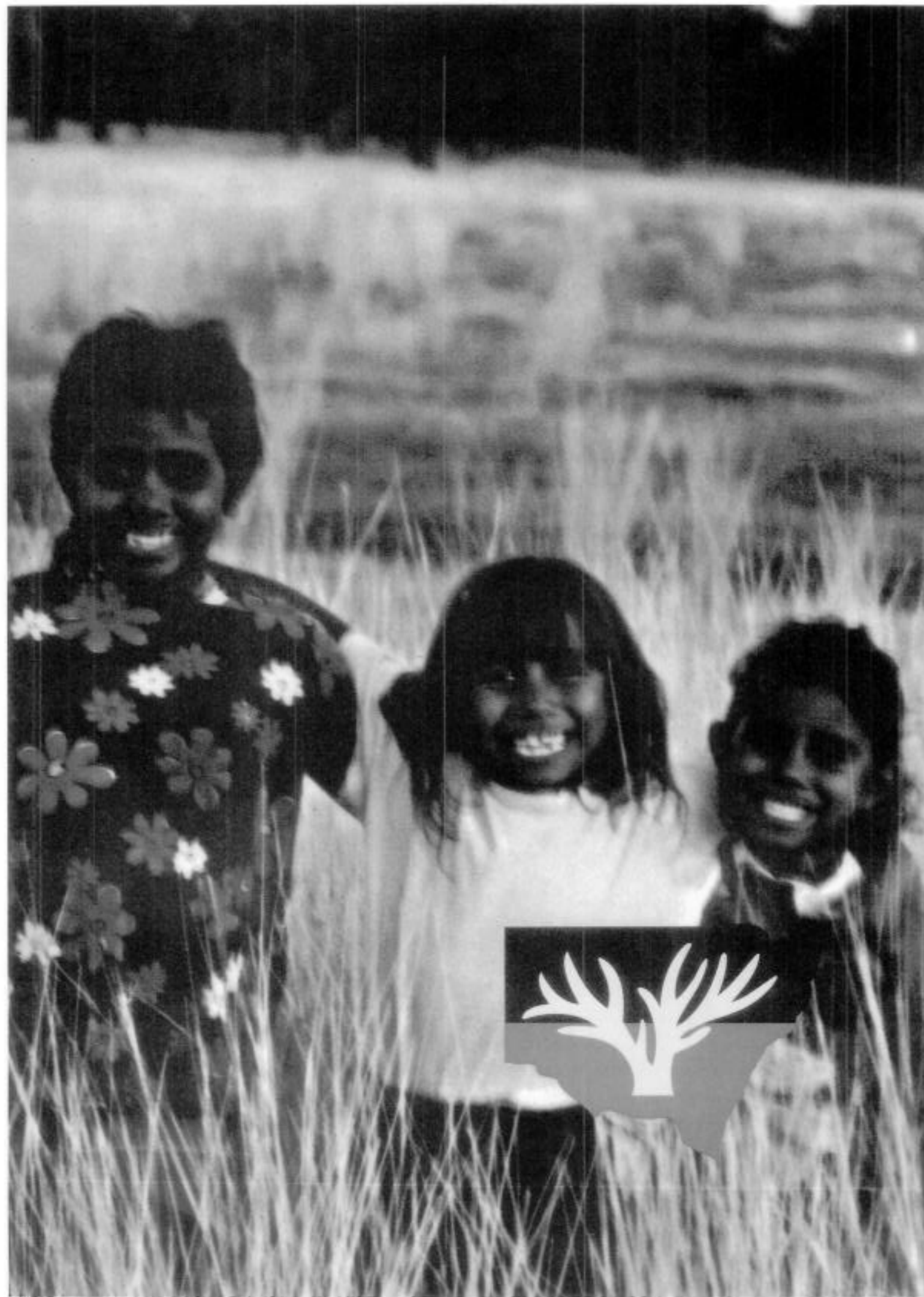
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Cover artwork: D Cooper *Beyond the Sunset* 1999

Vision Statement

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





New South Wales Aboriginal Land Council



30 April 2000

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

Dear Premier,

It is with great pleasure that I present to you the New South Wales Aboriginal Land Council's Annual Report for the year ended 30 September 1999, in accordance with the provisions of the NSW Aboriginal Land Rights Act 1993, the Public Finance and Audit Act 1983, the Annual Reports (Statutory Bodies) Act 1984 and the directions from the NSW Treasury.

The NSW Aboriginal Land Council regrets the submission of this annual report after the statutory delivery date. This was due to unforeseen accounting and reporting problems associated with the 'Sunset Clause' and the Investment Fund. The Council unreservedly apologises for the delay.

Yours Sincerely,

Ossie Cruse
Chairperson

Chairperson's Introduction

"The time has arrived when the first Australians must be given the right and respect to economic and social independence."

It is with great pleasure and a little sadness that I present to you the NSW Aboriginal Land Council Annual Report for 1998-99. As many of you know, this reporting year represents two significant milestones for the NSW Aboriginal Land Council. Firstly, 1998 is the year that cessation of land tax income from the NSW Government, widely known as the 'Sunset Clause', takes effect. Secondly, this is the final year of term of the present Council.

The 'Sunset Clause' was perhaps the biggest step for the NSWALC since the Act commenced in 1983. The end of state government funding, referred to as the Sunset Clause, marked the end of an era for the NSWALC. It also signalled the start of a new chapter in Indigenous affairs in NSW.

'Beyond the Sunset' vividly describes the NSWALC of the new millennium. Aboriginal people for generations have strived to regain our self sufficiency, to support and direct our people and our future. The 'Sunset Clause' makes it a reality.

The NSW Aboriginal Land Council is a wholly independent organisation. The Beyond the Sunset document developed by this Council set out our plan to achieve our vision – "to liberate and empower Aboriginal people through economic and social independence". The Home Ownership Scheme and our investments are part of this gameplan.

The NSW Aboriginal Land Rights Act remains the key to our future operations. In it lies the acknowledgment by government that land in the state of NSW was traditionally owned and occupied by Aborigines, that land is of spiritual, social, cultural and economic importance to Aborigines and that, as a result of past government actions, the amount of land set aside has been progressively reduced without compensation.

Lands owned by Aboriginal land councils and the investment fund now constitute this compensation representing the most advanced land rights in the nation, if not the world. But government procrastination and failure to deal justly with rates exemption under Section 43 of the Act is crippling economy at the local level.

Claimed land is not rated until the same land is transferred to LALCs. These Councils do not have any form of income on such lands, yet pay tens of thousands of dollars in rate bills. With the approaching end of term of office for the current Council, it is important that the NSW Parliament honour the spirit of the 1983 NSW ALRA on this issue.

I wish to close by saying that it has been my great pleasure to serve the Aboriginal people of New South Wales through the NSW Aboriginal Land Council. I present this Annual Report to you and the many supporters, colleagues and associates of our mighty network. May we continue to forge a potent presence in modern Australia.

God bless



Cr Ossie Cruse
Chairperson



Executive Director's Report

The New South Wales Aboriginal Land Council moved into a new era this reporting year when we achieved independence from government funding. The painting on the cover of this Annual Report by new artist, Darren Cooper, was selected to convey the Council's vision of independence 'beyond the sunset'.



This financial year brought us well and truly into a new phase for the land council network. Careful investment management and a variation in investment portfolios towards more bonds and shares has rewarded us with a healthy economic position, one that would make us the envy of some of the biggest corporations in the country.

This year, the Council placed strong emphasis on making the NSWALC more efficient. We are at a stage where land councils must use the skills and experience gained over 15 years to become truly self-sufficient.

Throughout the past 12 months the NSW Aboriginal Land Council made gains in matters critical to our members and our ongoing functions. First amongst these is the Independent Commission Against Corruption (ICAC) report. Council has worked closely with the Commission to ensure the maximum benefit of the outcomes is achieved. The final report is due to be handed down by Commissioner Barry O'Keefe in October 1999.

Land rights and native title issues have been constantly in the public arena and are now very much part of the fabric of Australian life. The NSW Aboriginal Land Council has been a major player in this public debate. The Land Council maintained its role as a native title representative body for New South Wales claims. In comparison with other Australian states and territories we have been successful in negotiating progressive agreements. Good working relationships between Local Aboriginal Land Councils and traditional owners made excellent outcomes for Aboriginal communities.

NSWALC is especially proud of the advances we made this year for wider recognition of NSW land and culture issues. NSWALC signed an agreement with the state government regarding state forest transfers. This important agreement, one of NSWALC's primary concerns, has also had the effect of setting an important precedent for future native title claims in NSW. And our involvement in the protection of sensitive cultural sites continued this year under the Ancestral Remains project.

Finally, on a personal note, 1998-99 was a wonderful whilst challenging year. It has been my great pleasure to serve the Aboriginal people of NSW in leading NSWALC through these incredible changes.

I would like to congratulate all the staff and management at our branch offices throughout the regions and our head office at Parramatta for their great team work. I know they will continue to service our local Aboriginal communities as a top priority for the coming year. I am sure they join me in wishing all our members, staff and supporters the very best as we step into our new responsibilities beyond the sunset.

Yours sincerely

A handwritten signature in dark ink that reads "Norma Ingram". The signature is fluid and cursive, with the first name "Norma" and the last name "Ingram" clearly distinguishable.

Norma Ingram
Executive Director



Treasurer's Report

It is my honour as the Treasurer for the NSW Aboriginal Land Council to present to our membership the financial accounts for 1998-99. I am proud to bring to you the report on initiatives and investments advanced by this Council in this reporting period.

The first amongst these initiatives is NSWALC's home ownership scheme, known as First Homes for the First Peoples. First Homes for the First Peoples was devised to meet the Beyond the Sunset Objective #3 "to develop and implement home ownership". The scheme gives NSW Aboriginal people options where numerous government schemes have failed in relation to home ownership. The scheme works in partnership with your Local Aboriginal Land Council (LALC). The list of LALCs already participating for the benefit of their members includes Albury, Broken Hill, Moama, Mogo, Quirindi, Red Chief and Tamworth, with several more slated to come on board.

Successive governments have spent millions on housing for Aboriginal people which persists with a failed system of rental. NSWALC's program provides affordable housing assistance that allows Aboriginal families to own their own home. It differs from housing schemes offered by ATSIC, state government and financial institutions, which attach a string of requirements that deter Aboriginal families and rarely break the rent cycle. First Homes for the First Peoples breaks that cycle.

The scheme is based on the premise that stability for Aboriginal families begins when the family owns assets. It means that everybody who wants to buy their own home can do so using existing funds through LALCs. Repayments can be as low as the amount paid under current government subsidised rental schemes.

The scheme benefits everyone involved: borrowers pay no interest, LALCs are relieved from paying rates, insurances and maintenance of a property when sold, and rent arrears become a thing of the past as LALCs cease to operate as landlords to their own people. As Aboriginal people become asset holders and treated as financially independent citizens, the economic benefits flow on to the entire populace – true Reconciliation at the community level. And every house sold consolidates land rights in NSW – true independence for Aboriginal people.

The NSWALC is proud to support First Nations Advantage Credit Union (First Nations), an indigenous economic enterprise that provides a fundamental service to Aboriginal Australians whilst being accessible to all Australians. As a customer of First Nations, the NSWALC is contributing to the institutions' capacity to provide essential services to its customers. The aim of First Nations is to help members exercise more control over their finances and economic future through culturally appropriate financial services. Commencing as a division of Advantage Credit Union, First Nations is governed by an Aboriginal subcommittee of the Advantage Board.

The banking system in Australia ensures the power of the "four pillars". These banks are pulling out of communities, especially in the rural areas, seemingly with little or no thought given to the effects on these communities. Aboriginal people are rarely treated as valued customers by banks and many will never have access to an established credit rating. Hidden bank charges and inconvenience matched with high Indigenous unemployment rates and it's no wonder banks have become unapproachable for Aboriginal people.

First Nation changes this and gives banking power back to communities. Banking with a credit union means that you are a member of that financial institution. Officially launched in May 1999, First Nation is accessible nationally and provides the full range of financial products and services.

A limited edition of ATM and Visa cards featuring legendary track athlete, Cathy Freeman, are also available.

NSWALC faced one of its most difficult times during 1998-99 in terms of investment management. But at the close of our financial year in September 1999, it was pleasing to realise that NSWALC had – under extreme pressure – corrected this cashflow problem, even finishing with a small profit.

When land tax from government ceased on 31 December 1998, NSWALC had not made firm plans beyond that date. A shortfall of \$7million in operational funds was uncovered. A number of options were investigated and it was decided that NSW Aboriginal Land Council would lend itself the sum to carry out its functions.

Lending the amount was a calculated risk by Council. The decision involved lengthy negotiations with government and financiers. The Audit office has since acknowledged that this move was, in fact, a good business decision.

In addition, NSWALC put in place a strategic plan with financial adviser, Chifley Finances, which succeeded in overcoming the deficit we had. The investment fund was budgeted to return 5% but in fact its return was approximately 7.5%. This robust strategy leaves no doubt that it will meet the needs of NSWALC for many years from now.

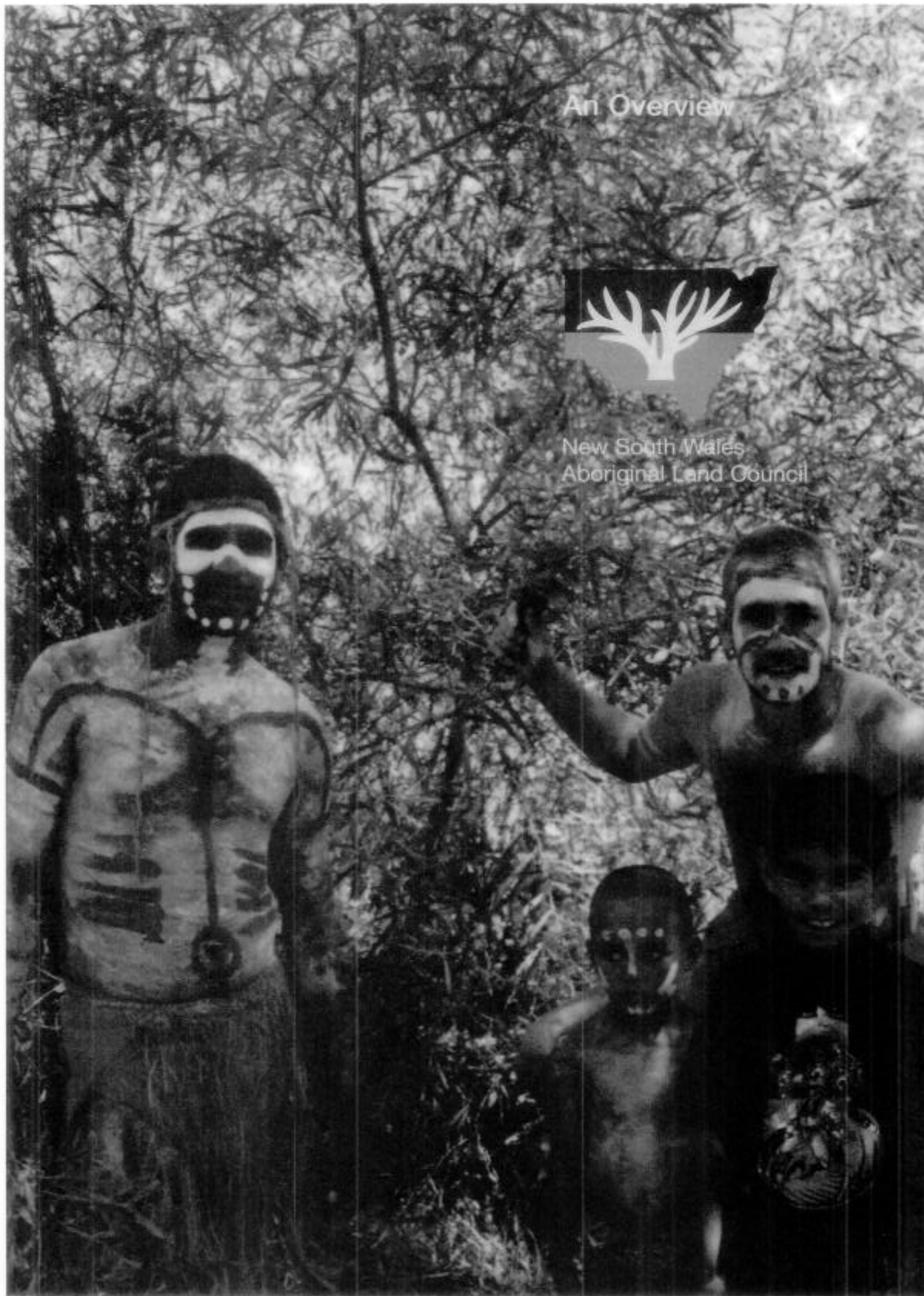
The NSWALC now enjoys a robust financial situation. The financial plan and the investment account are performing sufficiently well to ensure we will meet the future needs of the land council network.



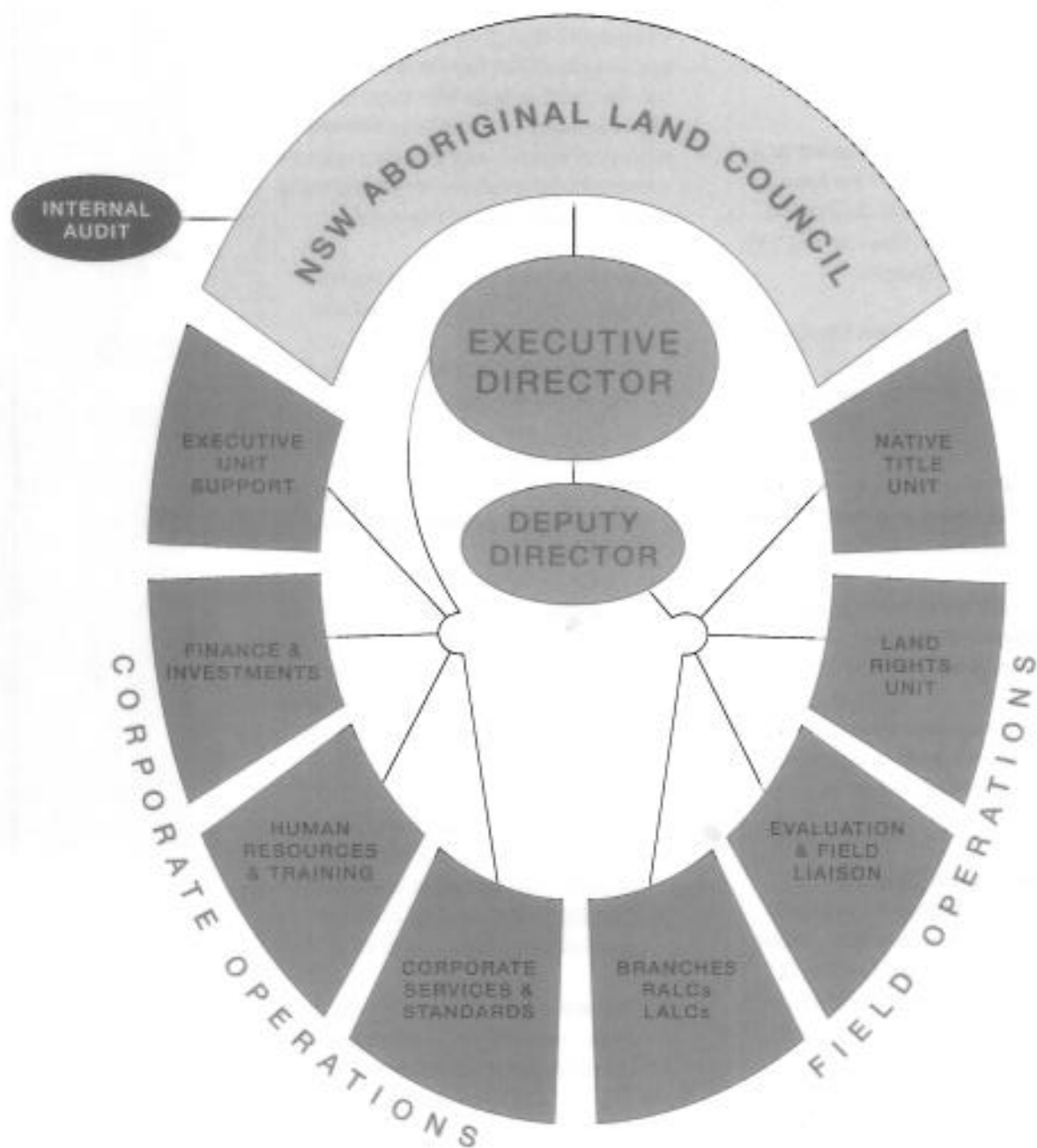
An Overview



New South Wales
Aboriginal Land Council



Organisational Chart



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. addressing Aboriginal heritage and cultural issues including the management of sites in NSW
- d. advising and negotiating with government at all levels to ensure the preservation of Aboriginal rights.

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 in 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.

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. To assist Local Aboriginal Councils in the establishment and keeping of accounts and submission of budgets and financial reports;
- d. To provide advice and further assistance as required by Local Aboriginal Land Councils in its area;
- e. To assist the NSWALC to conciliate disputes between Local Aboriginal Land Councils, or between those councils and individuals, or between individual members of councils;
- f. To exercise such other functions as are conferred or imposed on it by or under this or any other Act.

In 1998/99 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
Merindee	Western Region
Dubbo	Central Region

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

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 1998/99 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

Councillor Profiles

David Brown

Far North Coast Region

NSWALC portfolio areas include Land Rights and Native Title

In brief:

- 1996 elected Councillor, Far North Coast Region
- 1989 joined local Aboriginal land council

Councillor David Brown is member of two of the north coast's largest language nations: the Gumbaynggirr people, by his mother, and his father's nation Bundjalung. David has spent all his life on his traditional country, especially in the Grafton area. David has been involved with land councils since 1989. He has been active in the area of native title since 1993, during the negotiations on the Act, and since then overseeing claims funding through his role on the Native Title Sub Committee. Beyond the sunset clause, David intends to further LALC independence and develop community plans. He says that land and cultural heritage combined with responsible economic development and Aboriginal involvement in local business enterprises are critical for Aboriginal communities. He also plans to secure better resources for land councils and maintain links with local industry groups for the future success of land councils in the Far North Coast region.



Cr David Brown

Chairman, Councillor Ossie Cruse

South East Coast Region

NSWALC portfolio areas include International Issues, ICAC and Housing

In brief:

- 1996-7 re-elected NSWALC Councillor for South Coast Region; honoured as Citizen of the Year in his local area of Merimbula
- 1993 elected Councillor, South Coast Region
- 1984 voted Aborigine of the Year (ACT)
- 1975 awarded Medal of the British Empire (MBE) for service to the Aboriginal community
- 1971 became Pastor, Eden Aboriginal Church
- 1950s-70s community involvement with NSW Police Aboriginal Advisory Council, Twofold Aboriginal Corporation (Director), Multi-Purpose Youth Camp (Co-ordinator) and NSW Heritage Aboriginal Land Trust (Chairman).



Cr Ossie Cruse

The current NSWALC Chairman Cr Ossie Cruse is a veteran of Aboriginal affairs. A member of the Monaro people of the far south coast, Ossie has spent most of his life on his traditional country in and around the small town of Eden. Ossie and wife Beryl have three children and numerous grandchildren.

Ossie has been active in NSW land councils for the last 13 years, working either in an elected capacity or as an employee with Eden LALC. One of Ossie's main areas of interest is heritage affairs which led to his involvement in the NSW Heritage Program and becoming Chairman of the NSW Heritage Aboriginal Land Trust. Ossie is also a strong advocate for youth affairs. Ossie has represented Indigenous issues at a number of international forums, such as the United Nations, as well as at the grass roots local level.

Treasurer, David Clark

Murray River Region

NSWALC portfolio areas include Mortgage Fund, Housing

In brief:

- 1996 re-elected Councillor
- 1994 moved to Albury in southern NSW on the Victorian border; member of the Aboriginal Advisory Council to the NSW Police Department
- 1988-91 joined the NSWALC; elected Chair of NSWALC
- 1983-88 district officer with the Department of Youth and Community Services
- 1975-83 began work with Aboriginal Land Trust
- 1966-74 worked on stations around Wilcannia and with Department of Main Roads
- 1965 elected Chairman of Aboriginal Progress Committee in Wilcannia at age 18
- 1947 born in Wilcannia, north west NSW

Councillor David Clark has maintained active involvement in Aboriginal Affairs since becoming involved at the age of 18. David lives in Albury with wife, Justine, and is the proud parent of five children.

David's strong belief in improving options for Aboriginal families guides his decisions at the Council level. David was part of the push in 1990 for changes to the Aboriginal Land Rights Act 1983 to include flexible provisions for local land council property. David's long-held vision of private home ownership for Aboriginal people resulted in the 'First Homes for the First People' housing scheme, established in 1999. Cr Clark is also sees youth-police relations as an important issue in rural Australia.



Cr David Clark



Councillor Millie Ingram

Wiradjuri Region

NSWALC portfolio areas are Reconciliation, ICAC Liaison and Women's Issues

In brief:

- 1996 elected Councillor, Wiradjuri Region
- 1980-96 Director of Policy, NSW Department of Aboriginal Affairs
- 1978 board member, Murawina Aboriginal Long Day Care Centre
- 1974 Administrator, Murawina Aboriginal Long Day Care Centre
- 1970s involved with founding or development of community organisations in Redfern, including Black Theatre, Murawina Aboriginal Long Day Care Centre, Aboriginal Medical Service and Aboriginal Childrens Service

Councillor Millie Ingram is a member of the Wiradjuri people, daughter of the late Louisa Ingram OAM. Born and raised on Erambie Mission at Cowra, Millie became active in Aboriginal affairs at an early age. She has two adult children and is the proud grandparent of two teenagers. Millie believes local land councils can provide the basis for an economic independence that honours contemporary Aboriginal aspirations. She is a strong advocate for private home ownership for Aboriginal people and the sale of land council property back to members. During this, her first term, Millie has been active in her portfolio areas Reconciliation and Independent Commission Against Corruption (ICAC) liaison and has managed to return local land councils in her region to full funding.

Councillor Tom Briggs

Northern Tablelands Region

NSWALC portfolio areas include Training, Staff Development

In brief:

- 1996 elected Councillor, Northern Tablelands Region
- 1990 BA Administration, University of New England

A member of the Gumbaynggirr people, Councillor Tom Briggs has spent most of his life in the Armidale district and was elected for his first term in 1996. Tom holds a degree in administration and leadership. He previously worked with the Department of Education, Employment and Training for twenty years which has enabled him to gain extensive experience in human resources and training issues.

Tom's community involvement includes roles within local government, the Northern Regional Aboriginal and Torres Strait Islander Commission (ATSIC) and the Armidale Community Development Employment Program (CDEP), one of the largest and most successful in NSW.

Tom believes training and career development opportunities are a main priority for land councils in the new independent phase. He also places a high priority on prudent and effective management of the investment fund to get the best financial outcomes for NSW Aboriginal people. Tom has worked to regionalise some NSWALC functions.

Rod Towney

Central Region

NSWALC portfolio areas include International Issues, Native Title, Heritage and Culture, and Employment and Training.

In brief:

- 1996 elected Councillor, Central Region
- 1994 NSWALC representative, Indigenous Working Party, United Nations, Geneva
- 1990 completed Graduate Certificate in Adult Education, University of NSW
- 1985 graduate BA Education, Charles Sturt University, Mitchell
- 1983 elected Chair, Dubbo LALC
- 1983 Binali Billa Regional Council
- 1978-83 Chair, Wirawongam Regional Council (two terms)

Councillor Rod Towney is a member of the Wiradjuri Nation as was his mother and father. He lives in Dubbo with his wife, Beryl, and their four children. Rod has



Cy Millie Ingram



Cy Tom Briggs



Cy Rod Towney

been involved with Aboriginal Land Councils since 1985, motivated to take on leadership role in the community from his early years when he saw the treatment of Aboriginal people by the police and in schools.

Rod is a qualified primary teacher and has taught all levels - infants, primary, secondary and tertiary education. He went to university as a mature age student graduating with a Bachelor of Education. He later went on to gain his Graduate Certificate in Adult Education and is currently studying for his Masters in Education.

Rod sees an independent economic base that sustains cultural and financial independence of LALC as the main priority for the NSWALC.



Cr Robert Lester

Councillor Robert Lester

Western Metropolitan Region
NSWALC portfolio areas are Native Title and Cultural Heritage

In brief:

- Elected Councillor, Western Metropolitan Region
- National Parks and Wildlife Aboriginal cultural Heritage Advisory Council
- NSW Police Aboriginal Advisory Council
- Australian Aboriginal Affairs Council establishing principals for repatriation of ancestral remains (Aboriginal Legal Service) St Marys
- Chairperson of the Southern and Western Regional Aboriginal Corporation for Justice

Councillor Robert Lester is a member of the Wonnarua nation, the area known as the Hunter Valley. Robert was raised in Redfern, later moving to live and work in Sydney's western suburbs where he resides with wife, Carol. Robert has four children and three grandchildren. As Aboriginal Community Development Officer with the Department of Education, Employment and Training, Robert learned about the workings of government. He sees the experience as invaluable preparation for negotiations with government bodies and political parties



Cr Ken Foster



Cr Manuel Ritchie

on major issues such as cultural heritage protection and native title.

Robert says work during his term on NSWALC has given him extensive involvement with isolated Aboriginal communities, especially in the areas of cultural heritage protection. Robert is positive about forging the independent future of NSWALC and providing real leadership for the Indigenous people of NSW.

Councillor Ken Foster

Sydney-Newcastle Region
NSWALC portfolio areas are Sport and Recreation, Heritage and Culture, Olympic Games.

In brief:

- 1996 elected Councillor, Sydney-Newcastle Region
- 1993 elected Councillor, Sydney-Newcastle Region
- 1990 elected Councillor, Sydney-Newcastle Region

Currently serving his third consecutive term as an elected Councillor, Councillor Ken Foster has been involved in Aboriginal affairs since he was a young man. Born in La Perouse as a member of the Eora people, Ken regards his position as an important opportunity to work to help his fellow Aboriginal community members. He believes sport, housing, health and education are all key areas of interest for Aboriginal families and regards employment as the number one priority in assisting Aboriginal people throughout the land council network.

Councillor Manuel Ritchie

Central Coast Region
NSWALC portfolio area is Native Title

In brief:

- 1997 NSWALC's representative, tripartite committee for Aboriginal housing infrastructure
- 1996 elected Councillor, Central Coast Region
- 1993 elected Councillor, Central Coast Region



- 1991 member, NSW Police Community Council
- 1990 elected Councillor, Central Coast Region
- 1984 elected Councillor, Central Coast Region;
elected Aboriginal and Torres Strait
Islander Commission (ATSIC) Councillor
- 1975 elected honorary junior vice president,
NSW Trades and Labor Council
- 1972 Aboriginal Tent Embassy
- 1970s member, Federal Council of Aborigines
and Torres Strait Islanders (FCAATSI)
- 1960s first involvement with Aboriginal affairs

Manul Ritchie is a long serving Councillor having been elected, along with Cr Winters, to the first Council in 1984. A member of the Dunghutti and Birpai nations, Manul was born in Coffs Harbour and grew up in Taree.

Manul became involved in Aboriginal affairs in 1965, actively lobbying Australian governments throughout the 60s and 70s. Alongside Faith Bandler and the late Oodgeroo Noonuccal (Kath Walker), Manul was a member of the Federal Council of Aborigines and Torres Strait Islanders (FCAATSI), a key organisation in national Aboriginal affairs.

Manul believes the NSW Land Rights Act and the Native Title Act can be used together to extend Aboriginal rights and to increase the amount of land claimable in NSW. He believes native title can also revive culture in the Aboriginal communities and restore pride to the Elders in each area.

Wayne Griffiths

Northern Region

NSWALC portfolio areas include Mortgage Fund, Olympic Liaison.

In brief:

- 1996 elected Councillor, Northern Region

The son of veteran land rights activist, George Griffiths, and a member of the Corben clan (Naroi River) of the Kamilaroi nation, Councillor Wayne Griffiths has lived and worked in the Gunnedah region all his life. He and wife, Michelle, have four children.

Wayne became committed to taking a leadership role during his young life - vowing that his children would never be treated as he was as a youngster. One of the key areas for Wayne during his term on Council is home ownership, and he cites the success of the mortgage fund in the Northern Region.

Wayne's top priorities for NSWALC include the continued growth of the investment fund and development of and amendments to the NSW Aboriginal Land Rights Act.

Secretary, Ivern Ardler

South Coast Region

NSWALC portfolio area is Native Title and ILC
In brief:

- 1998-99 Secretary of NSW Aboriginal Land Council
- 1999 Chairperson, South Coast medical service aboriginal corporations
- 1996 elected Councillor, South Coast Region
- 1992-96 field officer, South Coast Aboriginal Legal Service, Nowra
- 1983 joined Nowra Local Aboriginal Land Council

Councillor Ivern Ardler has spent most of his life on the NSW south coast, father of six children to Maureen Ardler. Born in Berry, Ivern spent his childhood at Wreck Bay. In 1997 Ivern moved to Nowra.

Whilst he has had a long involvement in Aboriginal affairs at state level, Ivern's strongest commitment is to his local area. During his term of office Ivern achieved increased funding arrangements for LALCs and funding for improved housing for south coast land councils.

Ivern believes that land is central to the functions of all land councils. He successfully pressed for stronger NSWALC involvement in land acquisition on a national level. Ivern continued to be the NSWALC representative on the ILC Ivern created the first land needs strategy of NSWALC.



Cr Wayne Griffiths



Cr Ivern Ardler

Councillor William Murray

Western Region

NSWALC portfolio areas are Rural Properties, Heritage and Culture and Native Title.

In brief:

- 1996 re-elected Councillor, NSWALC
- 1992 elected Councillor, NSWALC
- 1986-present board member, Western Aboriginal Legal Service (WALS)
- 1985-90 Chair, Western Regional Aboriginal Land Council
- 1982 began employment with Department of Main Roads
- 1980s player, Wilcannia Tigers and Wilcannia Boomerangs
- 1970s stockman on various properties in the Wilcannia district



Cr William Murray

Councillor William Murray was born in Balranald, of the Nari Nari people. He has spent most of his life in the Wilcannia area. Currently serving his second term as Councillor to NSWALC, William is also into his fourth term as Aboriginal and Torres Strait Islander Commission (ATSIC) Councillor for the Murdi Paaki Region. William has enjoyed a long involvement with various Aboriginal organisations. After joining Wilcannia Local Aboriginal Land Council he went on to be Chair of the Western Regional Aboriginal Land Council when it formed in 1985.

William's priorities are a commitment to his local area and the good running of rural properties and heritage and cultural protection. He has been active in the Ancestral Remains program based at NSWALC.

Councillor Tombo Winters

North Western Region

NSWALC portfolio area is Rural Properties

In brief:

- 1984-present Councillor, NSW Aboriginal Land Council
- 1983-present board member, Western Aboriginal Legal Service (WALS)
- 1983-90 field officer, Western Aboriginal Legal Service (WALS)
- 1970s shearer

Councillor Tombo Winters played a key role in founding two of New South Wales' most prominent organisations: the NSW Aboriginal Land Council and the Western Aboriginal Legal Service (WALS). A long serving NSWALC Councillor, along with Cr Ritchie, Tombo began as representative of the interim Council in 1982 and was elected to office of the first NSW Aboriginal Land Council in 1984.

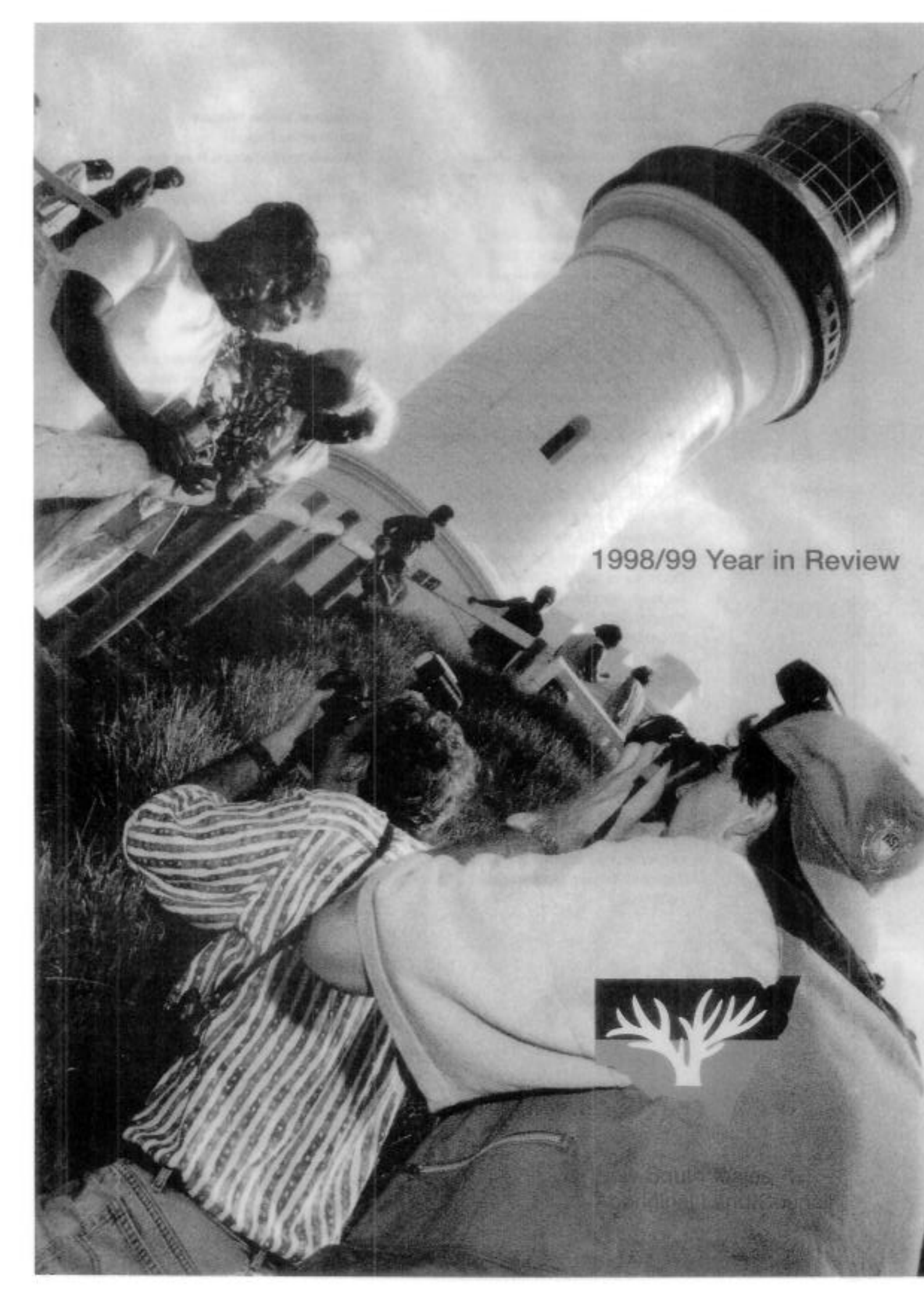
Tombo worked as a field officer for WALS for eight years prior to becoming Councillor of NSWALC and still serves as a member of the WALS board.

Tombo has spent his entire life in the Brewarrina area. A shearer by trade, he was active in the early union movement. Tombo has recently suffered ill health and has chosen not to stand at the NSWALC election in 1999.



Cr Tom Winters





1998/99 Year in Review



South Wales, W.
Gardner, W. H. H. H. H.

Administration

The Administration centre of the New South Wales Aboriginal Land Council is based at the office at Parramatta and provides services to the statewide land council network. The main responsibilities of Administration involve the management of the computer network, fleet vehicles, storage and record keeping, purchases of goods and services, security communications, building and property.

The focus of Administration over the last two years has been the upgrading and extension of the computer network statewide – a necessity to keep the land councils up to date, into the new century. Apart from these functions, a special project established for the return of skeletal remains is also run directly under Administration.

Increased reliability and security throughout the network has become more important as the functions of the land council and its profile in the Australian community continue to grow. For example, on average there are ten attempts each night to break into the NSWALC system by hackers.

Some of the areas contained in the upgrade have continued over the last two years and include:

- The audit on the Year 2000 problems (the millennium bug) undertaken by the Department of Public Works was finalised and a report provided to NSWALC. The NSWALC building and network was given an all clear certificate.
- Installation of faster, higher capacity cable (from 10 base to 100 base TX) and matching hardware to increase network performance, reliability and overall security.
- Implementation of a Linux based "firewall" to prevent unauthorised access (i.e. hacking) from computers outside the organisation through a single server.

- Upgrade of the computer workstation operating system from Windows 3.11 to Windows 95 and Office 97.

- Upgrading computer workstations from Pentium 120s to Celeron 366s.

- Upgrade of computers and software at the branch offices along with the implementation of email and internet access.

- Installation of upgraded software – Novell NetWare which will improve the running of the network as a whole, Attache Business Partner to produce better financial statements and to improve accounting generally, CHRIS Payroll, FAXserve and the Linux server which will be the basis to develop an intranet database for LALC profiles, email and electoral rolls

- Change in email system from Groupwise email to the Twig system. This system is based on the Linux server. This extra server will move email and other traffic from the main server to provide faster use of the network and increase productivity.

Major spending in Administration, apart from that on the network, was limited to the upgrading of the telephone system (a change from PABX on RAMP 30) and the lease of a new building to house the Northern Tablelands Branch Office in Armidale.



NSWALC Staff

The state representatives are supported by staff at NSWALC's head office in Parramatta and at the various branches throughout NSW. Under the administration leadership of Executive Director, Ms 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.

EXECUTIVE SECTION

Executive Director

Ms Norma Ingram

Deputy Director

Mr Boe Rambaldini (-Sep '99)

Executive Assistant

Ms Jenelle Rumble

Public Relations Officer

Ms Trudy Glasgow (-Aug '99)

■ The Executive Section is the senior management unit of NSWALC and is responsible for the overall management of the NSW Aboriginal Land Council network. Primary tasks for this section include: management of staff at NSWALC; Council support and policy; public relations; corporate planning

COUNCIL SECRETARIAT

Secretarial Support Officer

Ms Elthia Tolentino

■ Council Secretariat provides administrative support for Councillors. Other primary tasks include: assist in communication process within NSWALC network; development of NSWALC Corporate Plan

FINANCE SECTION

Financial Controller

Mr David Doberer

Accounts Manager

Ms Rattigna Khannara

Budget and Accounts staff

Ms Shenane Corporal, Mr George Ojakana-Okello, Ms Maleny Rutnum, Ms Filomena Terrel, Mr Alfredo Velis, Mr Lokulyana (Wije) Wijesena

Evaluation unit

Mr John Carter

Investment unit

Mr Trevor Engwicht

Funeral Fund

Mr Carol Raymond

■ primary tasks for this section include: manage NSWALC budget; evaluate LALC budgets and financial reports; manage investment fund and investigate investment projects; maintain register of land council membership; manage payment of funeral expenses

ADMINISTRATION

Manager

Ms Kerri Wilkinson

Purchasing officer

Ms Maryse Dingle

Fleet section

Ms Diane Van Aken

Building maintenance

Mr Guy Perrin, Mr Bruce Dodd

Administration officers

Ms Marie Abson, Mr Phil Mundine

■ primary tasks include: general purchasing; purchase and maintenance of NSWALC vehicles; communication systems; building maintenance, assets and security; insurance

HUMAN RESOURCES

Manager

Mr Peter Lalor

Personnel officer

Ms Ruth Andrew, Mr Geoff Binns

Training officers

Ms Kerry Licastro, Mr Lorensz Herft

Clerical officers

Maureen Boswell, Ms Rose Gordon

Health, Safety & Rehabilitation Co-ordinator

Mr Laurie Coleman

Payroll officers

Ms Dianne Lee, Ms Rose Gordon

■ primary tasks include: recruitment of all NSWALC staff; performance appraisals; workers compensation and conditions of employment. Also provides training to NSWALC and LALC employees

LAND RIGHTS

Manager

Mr Steve Wright (-Jul '99)

Mr Sean Docker (-Jul '99)



Legal officer

Ms Isabella Ferguson

Land rights officers

Ms Kate Busbridge, Ms Rosarina Haroa,
Mr Terry Millot, Mr Jason Watts

Housing officer

Mr Greg Nye

Project officer

Ms Jolanda Nayutah

Administration officer

Ms Coral Davis

■ primary tasks include: research and lodge land claims; land management and disposal; negotiate with governments and relevant bodies; provide legal advice on land matters; manage housing issues; manage and monitor cultural heritage

NATIVE TITLE

Manager

Mr Gavin Andrews (May '99)

Legal Officers

Ms Andra Eisenberg, Mr Tony Simpson,
Mr Simon Blackshield

Research Officers

Mr Bill Ellwood, Ms Cindy Johnson,
Ms Cheryl Kitchener, Ms Lyn Landers,
Ms Sharon Bonython-Erickson

Anthropological & associate staff

Ms Barbara Le Maistre, Mr Anthony
Lonsdale, Mr Paul Toni, Ms Jaki Troy

Administration staff

Ms Michelle Larkin, Ms Cassandra Potts,
Ms Maree Potts, Mrs Betty Thoms

■ The Native Title Unit is funded by ATSIC to facilitate land claims 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 (Rep Body Status) nominated by the government to represent Aboriginal interests in relation to Native Title matters in NSW.

RURAL PROPERTIES

Rural properties workers

Mr Craig Britt, Mr George Greenaway, Mr Norman O'Donnell, Mr Darryl Pappin, Mr Peter Royle, Mr Dave Trindall, Mr Les

Trindall, Mr David Jannissen, Mr Dale Johnson, Mr Kevin Thurston, Mr Kerry O'Neill, Mr Jack Pearce

■ Located at the North West branch office, manages rural properties owned by NSWALC.

INTERNAL AUDIT

Manager

Mr Noel Gwilliam

Audit Staff

Mr Jose Relunia, Mr Soane Wainiqolo

Complaints Officer

Mr Les Bunda

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

ANCESTRAL REMAINS PROJECT

Manager

Ms Rachel Lenehan

■ The Ancestral Remains project provides assistance to communities for repatriation

FIELD UNIT

Senior Field officer

Mr Les Bunda

Field Liaison officer

Mr Tom Smith

Field Liaison officer

Ms Annette Kennedy

Human Resources

The Human Resources section coordinates all employment, wages, superannuation, occupational health and safety and workers compensation matters across the NSW Aboriginal Land Council network.

The past year has seen significant improvements in administration of the payroll, streamlining and improving working relationships with our Superannuation providers, finalising an audit on all employee leave and service records and the introduction of policies and procedures that have benefited the overall operation of the human resource function.



A number of long-term employees left the organisation, which resulted in much recruitment action across NSWALC. Senior positions filled included Manager Corporate Services & Standards and Manager Land Rights Unit (for a full listing please refer to the table). The position of Deputy Director was filled on a temporary arrangement and has since ceased.

As a result of the new recruitment action, Human Resources was required to either write or review a variety of Position Descriptions to ensure that they were up to date in reflecting the duties and requirements of the job. This is an ongoing process with more revision planned for the future.

A full time position was created for an Occupational Health, Safety & Rehabilitation Coordinator. As a result of this, an OH&S inspection of all NSWALC premises has commenced with a final report due in the next reporting year. The Coordinator has established a good working relationship with our employees as well as our workers compensation insurer.

This has led to better claim management to the benefit of NSWALC and its employees. Our staff are also making use of NSWALC's Employee Assistance Program with many staff taking advantage of this service across the State.

Farm Foremen employed on the various rural properties that NSWALC owns and operates were placed on contracts that reflect the unique nature of their work. This step was undertaken to better manage the rural property working environment. Further to this, in the absence of a NSWALC Staff Employment Award (to be lodged with the Industrial Relations Commission in the next reporting period), Human Resources ensured that any employees including those on rural properties, whose work was covered by an Award, received the Award conditions and rate of pay.

Human Resources continues to be a contact for Local Aboriginal Land Councils for employee relations matters and provides advice and assistance wherever possible. Over the past 12 months much written information dealing with Industrial Relations practices has been sent to Local Aboriginal Land Councils via the Branch Offices which has led to a noticeable decrease in the number of enquiries received by Human Resources from LALCs.

The past 12 months has focussed on consolidating the Human Resource function in NSWALC and correcting problems as they were identified. With much of this work now behind us, the coming year will see NSWALC, and particularly Human Resources, focus on policies or strategies that will be of further benefit to NSWALC, its employees and the broader Aboriginal Land Council network.

Training

In 1998/99 the Training Unit continued to diversify the type of courses offered to all NSW Aboriginal Land Council network staff and Aboriginal organisations as part of ongoing implementation of training needs identified by the Training Needs Analysis (TNA).

The highlight of 1998/99 was the successful completion of the Pilot Traineeship Project in the Northern Region. 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 the Aboriginal Land Councils which would lead to employment of the trainees by Aboriginal and non - Aboriginal organisations. The DEWRSB supported NSWALC's proposal for the project as part of joint strategy to address high levels of unemployment within the Aboriginal Community.

A presentation night was held to celebrate the successful completion of the project, and to acknowledge the efforts of the Aboriginal trainees and the local employers that participated in the program. Participants gathered with their families, employers and representatives of a number of Aboriginal organisations for the graduation ceremony.

TRAINEES

Administration/Clerical Traineeship

Chris Allan, Mary Brennan, Anna Allan, Jill Anderson and Leonie Sampson

Waste Management Traineeship

Jason Allan, Shane Allan, Guy Nearn, Keith Allan, Owen Nearn, Chris Griffiths, Rick Perry, Mark Smith, Ken Dundas and Kevin Stanton.

Contract Cleaning

Keith Newfong, Margaret Swan, Brett Allan and Harry Allan

Real Estate Traineeship

Tammy Allan

Hospitality Traineeship

Ricky Sullivan

Electrical Traineeship

Nathan Slater

Gardening Trainee

Greg Allan

SPECIAL AWARDS

Certificate of Achievement

Tammy Allan

Certificate of Excellence

Keith Newfong

The traineeships were catered for and delivered by the following businesses and organisations:

OFFICE ADMINISTRATION - TAFE QUIRINDI

Host Employer:

Walhallow Local Aboriginal Land Council

Walhallow Aboriginal Corporation
Walhallow Health Post
Nungaroo Local Aboriginal Land Council
Quirindi Aboriginal Corporation
NSWALC Northern Region Branch
Quirindi Heritage Motel
Browning Motors

WASTE MANAGEMENT/RECYCLING - CRA

Host Employer:

Coonabarabran LALC
Quirindi Aboriginal Corporation

REAL ESTATE - TAFE TAMWORTH

Host Employer:

Raine & Horne - Quirindi

HOSPITALITY - TAFE TAMWORTH

Host Employer:

Commercial Hotel - Werris Creek
Quirindi Heritage Motel

HORTICULTURE

Host Employer:

Quirindi Retirement Homes

CONTRACT CLEANING - TAFE NIRIMBA SYDNEY

Host Employer:

Walhallow Local Aboriginal Land Council
Walhallow Aboriginal Corporation

ELECTRICAL TRAINEESHIP - TAFE

Host Employer:

Guy Beresford Electrical Services

Other highlights of the reporting period include:

■ The presentation of a paper 'Pathways to Employment' by the Executive Director at the Inaugural Aboriginal Employment & Training Conference in April. NSWALC had an excellent opportunity to showcase the initiatives taken in the Pilot Traineeship Program.

■ Keith Newfong, one of the trainees in the Pilot Program, received the 1998 TAFE NAIDOC Trainee of the year award. Keith completed a cleaning traineeship through Walhallow Aboriginal Corporation.



■ The Community Planning Program received the TAFE/NAIDOC 1998 Aboriginal Program Award. The Community Planning Program was also in the finals as the most innovative customised training program for the Western Sydney Institute of TAFE 1998 Excellence Awards.

Community Planning Program is for LALC coordinators to develop and implement 3-5 year plans for LALCs. Two Pilot Programs have been delivered since July 1997 to over 20 participants from 10 regions.

■ The presentation of the second "Partnership Award" at TAFE's Annual NAIDOC awards in July 1999 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 Commission through Western Sydney Institute TAFE and creates an opportunity for excellence in training to be publicly recognised. This award acknowledges the achievements by NSWALC and LALC staff in training and development and also encourages staff undertaking training courses.

The successful nominees for the awards were:

- Tammy Allan (NSWALC Northern Branch) *Real Estate Studies*
- Shane Carriage (Ulladulla LALC) *Community Planning Program*
- Shenane Corporal (NSWALC Head Office) *Certificate II in Business Administration*
- Rhonda Gray (Nungaroo LALC) *Community Planning Program*
- Scott Monghan (Baryulgil LALC) *Information Technology Studies*
- Phillip Mundine (NSWALC Head Office) *Certificate II Business Administration*
- 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 graduated in May 1999.

■ The promotion of the NSWALC training programs resulted in the delivery of the Aboriginal Cultural Awareness training to over 600 employees of the Department of Fair Trading in 1998/99

■ Funding for Workplace English Language Literacy (WELL) received from Department of Education Training & Youth Affairs (DETYA), to support participants in Certificate II Business (Office Administration) Course in Parramatta, Dubbo (Central Region), Taree and Maxwell (Central Coast Region) and Quirindi (Northern Region)

■ The Pilot Program in Property Management (Aboriginal Communities) commenced in April with 24 participants from 7 regions.





Land Rights Unit

Preamble - Aboriginal Land Rights Act (NSW) 1983

Whereas:

(a) Land in the state of New South Wales was owned and occupied by Aborigines:

(b) Land is of spiritual, social, cultural and economic importance to Aborigines:

(c) It is fitting to acknowledge the importance which land has for Aborigines and the need for Aborigines of land:

(d) It is accepted that as a result of past government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation.

Defining the Land Rights Act

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

Under the Act, claimable Crown land is defined as:

(a) Land able to be lawfully sold or leased, or reserved or dedicated for any purpose under the Crown Lands Consolidation Act 1913 or the Western Lands Act 1901.

(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.

(e) Lands that are not subject of an application for a determination of Native

Title or subject of an approved determination of Native Title.

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

The Function and Purpose of Land Claims

The making of a claim and the granting of land is one of the two forms of compensation for dispossession of land available under the Act. The other is monetary compensation in the form of the equivalent of 7.5% of land tax levied in NSW annually for a period of 15 years, concluding in 1998. The total number of land claims granted to land councils since the commencement of the Act is 1789 out of a total lodgement of 6248 land claims. 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 stated:

The land claims process has been undeniably frustrating to NSW Aboriginal people. 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. There are still Aboriginal land claims, lodged in 1985/86, that have not been processed by the Minister.

Aboriginal land claims affecting stock routes appear to be systematically objected to by Rural Lands Protection Boards and refused by the Minister on the grounds that they are under the control of the particular Rural Lands Protection Board, and are still required and used for the movement and agistment of stock.

The Minister determined 355 claims during this period, compared with 259 land claims in the 1997/98 year. As at 30 September 1999, the close of this reporting period, a total of 929 Aboriginal land claims remain outstanding.

Native Title and the NSW Aboriginal Land Rights Act

Section 40AA of the Aboriginal Land Rights Act (ALRA) relates to transfers of land granted by land claims under the Act which are subject to native title. It does not apply to land claimed before 29 November 1994 – the date of the introduction of the Section 40AA and the amendment of section 36(9) and (9A) of the ALRA.

In a similar context, under the Commonwealth Native Title Act, all transfers of land pursuant to land claims under the Aboriginal Land Rights Act are validated if the claim was lodged before 27 November 1994. That is, the non-extinguishment principle applies to these lands.

Land which is granted to Aboriginal Land Councils as a result of claims lodged after 28 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.

Although not provided for in the Aboriginal Land Rights Act, 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 Claim Appeals

The Land Rights Unit has a limited budget for legal expenses which may be used to provide financial support for Local Aboriginal Land Councils wishing to appeal against the refusal of land claims.

The cost of appealing a land claim generally ranges from \$20,000 to \$40,000, particularly if it proceeds to full hearing.

Financing these appeals requires a resolution of the New South Wales Aboriginal Land Council and an agreement being entered into between the Local Aboriginal Land Council and the NSWALC governing the conduct of the appeal. The Local Aboriginal Land Council will also be required to make a contribution to the costs of running the appeal.

In making a decision to finance the appeal, the NSWALC will consider its available resources, the legal merit of the appeal, any legal precedent that may arise from the appeal and why the Local Aboriginal Land Council wishes to appeal.

There continue to be a number of outstanding nature conservation land claim appeals, relating to land at Seal Rocks, Nambucca Heads and Maroota State Forest. The nature conservation land claim appeals were instigated in response to a decision by the Minister for Land and Water Conservation in 1996 to refuse 50 land claims, with the principle reason being the need or likely need of the lands for nature conservation.

To date, the settlement of these cases has been extremely successful for the Land Councils involved and for setting beneficial precedents for future land claim appeals.

In addition to the nature conservation appeals, in this reporting year, NSWALC agreed to provide assistance for land claim appeals in Broulee.

New Local Aboriginal Land Council

The establishment of Dorrigo Plateau Local Aboriginal Land Council was gazetted in the New South Wales government gazette of 10 September 1999. The area covered by the new land council includes land around Dorrigo that was not previously constituted as a Local Aboriginal Land Council area.

Tweed River Entrance Sand Bypass Project Agreements

Between 1988 and 1992, the Tweed Byron Local Aboriginal Land Council appealed



against the Minister's decision to refuse land claims lodged on land at Fingal Peninsula. Following negotiations, the Minister agreed to grant an estate in fee simple for part of the land over which the land claims were made. This decision was subject to an arrangement whereby Tweed Byron Land Council allows the Government to use some of this land for the Tweed River Entrance Bypassing Project (the Project).

The Project involves work to be undertaken by the New South Wales Government to construct, operate and maintain a facility to pump sand from the entrance of the Tweed River to the Southern Gold Coast Beaches.

NSWALC was responsible for working with the government to draft the terms of the Agreements between the Tweed Byron Land Council and the Minister relating to the Project. The Agreements should be finalised early year 2000.

Model Rules Project

The NSWALC provided assistance to the Office of the Registrar in developing and implementing the Model Rules Project. The Project was designed to explore options for decision-making models that may be more appropriate for different Local Aboriginal Land Councils than the current Model Rules under the Aboriginal Land Rights Regulation. The project was initiated following a recommendation of the Independent Commission Against Corruption in April 1998.

A series of workshops were held in each regional area, commencing on 13 April 1999 and finishing on 30 June 1999. The workshops highlighted the fact that the present Model Rules do not meet the total needs of all Local Aboriginal Land Councils.

Following the workshops, Warruah, Worimi and Mogo Local Aboriginal Land Councils agreed to act as "Pilot" Councils to test the efficiency and effectiveness of individual packages of Model Rule changes. These are to be implemented

and monitored by the Local Land Councils and the Registrar's Office over an agreed period of time.

Regional Forest Agreement Process

This process was established as a joint initiative of the State and Commonwealth Governments with the purpose of providing a consultative framework that would recognise Aboriginal cultural values and input in the management of state forest. The RFA process, set up after the Native Title Act came into effect, takes into account the rights of traditional owners as well as land council membership. The process allows for appropriate Aboriginal representation in the form of advisory committees and will conclude with the drafting of formalised legal agreements.

NSWALC received a grant to undertake the consultative process and produce the final reports. Over the last two years consultative committees have been established over most state forest areas.

During this reporting period, it proved difficult to make progress on the Regional Forestry Process and to achieve as many outcomes as initially sought. The process was largely inhibited by lack of resources and by the failure of the Government to recognise NSWALC as being a major stakeholder in the decision-making process. Exchange of information between the parties was consequently adversely effected.

However, on a positive note, the final map for the Upper North East Cultural Mapping Project for negotiation was completed, and now awaits final approval by Elders. The final digitised map will be presented to Government agencies along with a negotiation report and an agreement outlining how the map can be used.

The Lower North East Region has finalised their incorporation. The South Coast Region is experiencing some delay in carrying out their assessment project. The Tumut Region is undergoing a series of

follow up workshops and field trips to finalise their negotiations. This Region and the Southern Region should finalise their work by February 2000.

Negotiations in the Southern and Tumut Regions occurred during November 1999. Three weeks were spent on the South Coast and one on the Tumut Region. A draft Regional Forestry Agreement should be produced early January 2000.

Aboriginal Land Rights Act Review

The NSWALC was an active participant in the review of the Aboriginal Land Rights Act announced by the Minister for Aboriginal Affairs last reporting period. NSWALC was also represented on the Land Rights Act Review Committee. NSWALC contributed to the preparation of a discussion paper for the Aboriginal Land Rights Act Review following consultation with each of the Aboriginal Land Councils in the 13 regions around the State.

The discussion paper is likely to be introduced into Parliament in the first half of 2000. Land Councils and members of the public will have a further opportunity to make submissions on the review of the Act. NSWALC will continue to remain an active player in the amendment process to ensure that members of the land council system are informed of the process and their interests vocalised.

Lake Victoria

Lake Victoria, in Barkindji country in the far southwestern corner of NSW, is a long running heritage protection matter. Lake Victoria is the site of the largest known Aboriginal burial ground in Australia. It is well known and documented that throughout the area there exists a large number of Aboriginal burials, campsites, middens, heaths and scarred trees. The region is also linked to the massacre of the Barkindji people at Rufus River.

Since the 1920s, these significant Aboriginal sites have been subject to destruction by erosion and water coverage

due to the maintenance of artificially high water levels whilst the lake is being used as an off-river storage area as part of the Murray-Darling water management system.

Since 1994, NSWALC has been significantly involved, in consultation with Dareton LALC and the Barkandji people, in implementing measures to protect the site. In 1995, the NSWALC took legal proceedings 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 consideration 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 Murray Darling Basin Commission has applied to the Minister to have its consent to operate the lake varied. Given the importance of this area, the NSWALC, in consultation with interested parties, will continue to actively lobby against any variation of the consent that may further compromise the protection of Aboriginal sites and the environment at Lake Victoria.

Rate Exemption

By the end of 1999, NSWALC had assisted more than 60 LALCs in lodging an application under Section 43 ALRA (1983) to the Minister for Aboriginal Affairs.

Most of these applications have been with the Department of Aboriginal Affairs for more than 12 months, several years in some cases.

To date, only three rate exemptions have been granted by the Minister, which has



been frustrating for the NSWALC as well as the LALCs concerned.

The NSWALC has been informed that the Minister is again reviewing the guidelines and Section 43 in order to determine the process for the granting of exemptions. This process has been continuing for some four years and to date has not gone beyond consideration of granting exemption on vacant land granted through the ALRA.

Applications for rate exemptions for other categories of land have also been made. One such example concerns residential land on former reserves where Shire Councils charge a minimum levy per house. This can create an extraordinary burden of rates for one block of land, which are paid in exchange for the provision of inadequate services to that community. It is important to keep in mind that prior to the vesting of the property in the Aboriginal Land Council, rates were never charged. Many LALCs suffer tremendous financial hardship due to the extraordinary burden of rates on land granted under the ALRA (1983).

The lack of action in processing of applications by the Minister undermines the objectives of the ALRA and remains of serious concern to the NSWALC and LALCs throughout the state. United we urge the Minister to move swiftly in granting rate exemptions for those Aboriginal Land Councils most in need of alleviation of this unfair burden.

The NSW Aboriginal Land Council will continue in its efforts to bring this matter to the Government's attention.

Property

Section 40D Approval 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 purposes 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 NSWALC

During the 1998/99 financial year the NSWALC transferred 24 properties to various LALCs throughout the State. The NSWALC endorsed approximately 33 submissions under s.40D of the ALRA which refers to the transfer of aq property by a LALC to another party. The NSWALC also endorsed approximately 12 submissions under s.40B of the ALRA, which refers to the leasing of a property by a LALC to another party.

Aboriginal Housing

The Aboriginal Land Rights Act 1983 provides that housing is a function of a Local Aboriginal Land Council. The NSW Aboriginal Land Council's role in relation to housing includes insuring that the NSWALC is represented on committees and sub-committees that involve Housing for LALCs. Regional Housing Committees are in place, and are overseen by the Aboriginal Housing Office located in Parramatta. These committees are community based and the boundaries are as per the ATSIC regions.

Through the Human Resources Unit, NSWALC delivers training packages to LALCs in relation to Property Management in general. The NSWALC can also assist a LALC in resolving housing disputes between the LALC and its tenants.

A function of the Land Rights Unit is to assist LALCs with the preparation and drafting of residential leases for their tenants in consultation with the relevant LALC. The Land Rights Unit can also assist a LALC with all applications to disposal of land.

The NSWALC now has a Mortgage Scheme whereby the NSWALC can

allocate funds to a LALC from the Investment Fund, to purchase houses for its tenants. The tenant pays the loan back to the LALC and the LALC repays the loan to the NSWALC at a set interest rate.

National Parks and Wildlife Aboriginal Ownership Act 1986

The first lease under this legislation was signed by the Mutawintji Local Aboriginal Land Council and the Minister for the Environment in September 1998. The New South Wales Aboriginal Land Council was not directly involved in these lease negotiations although it had been involved in the passage of the Bill in 1996. The New South Wales Aboriginal Land Council provided some financial support and assistance to the Mutawintji Land Council in the negotiations.

Council continued to support communities looking to have their lands placed on Schedule 14 of the Act which allows National Parks to be transferred to the local land council and leased back to the Government. Agreement was secured with the NSW Government to have a further six National Parks listed on Schedule 14 in this reporting year. The list currently includes the following:

- Blaminga National Park
- Jervis Bay National Park
- Mungo National Park
- Mutawintji National Park
- Mount Grenfell Historic Site
- Mount Yarrowyck Nature Reserve

We now await action by the government for these National Parks to be transferred to the relevant Land Councils and then leased back to the National Parks and Wildlife Service.

The National Parks and Wildlife Act is currently being reviewed by the Minister for Land and Water Conservation. To date, the NSWALC has participated in discussions with stakeholder groups on issues relating to Part 4A of the Act with a view to ensuring that no amendments are

made to this section that may reduce the rights and interests of Aboriginal people as already included in this section. NSWALC will continue to keep a watchful eye on the direction of the review during the next reporting year.

Boobera Lagoon

Boobera Lagoon is a body of water in north western NSW 15 kms west of Boggabilla, and is regarded as a place of great cultural significance to Aboriginal people. It is recognised as the resting place of the 'Garrya' in the local language, an entity 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 an application was lodged to protect the lagoon from activities such as water-skiing and power boating under the Aboriginal and Torres Strait Islander Heritage Protection Act. This included an application for permanent protection under Section 10 of the Act.

The significance of Boobera was recognised by its declaration in 1984 as an Aboriginal Place under the NSW National Parks and Wildlife Act. In 1986 the Australian Heritage Commission listed Boobera Lagoon in the Register of the National Estate. In this reporting year, the Minister made a declaration to protect Boobera Lagoon from activities such as water skiing. This was a significant outcome and will take effect from July 2000, lasting for 2 years.

Management will be put in place so that Boobera Lagoon may be managed in the future in a way that respects Aboriginal law and tradition, Local Mari traditional ties and environmental needs.

"If reconciliation is to have a meaningful content in the immediate future, it will be in a thousand local accommodations in local communities, as non-Aboriginals show their respect for their Aboriginal neighbours and their willingness to sacrifice some of



their own preferences to make room for Aboriginals to realise things that are important to them."

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

Ancestral Remains Project

The Ancestral Remains Project at the New South Wales Aboriginal Land Council was initiated in 1993 after a round of statewide consultation the year before. 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 ancestral skeletal remains and cultural material currently held in museums, private collections and other institutions.

The Project has four primary roles:

- Access information from museums about the ancestral remains they currently hold from a particular area;
- When requested, provide assistance (financial and administrative) to Local Aboriginal Land Councils;
- 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?

Aboriginal ownership of skeletal remains and cultural material held in museums and other collections is not recognised by either state or federal governments, and no legislation exists which forces museums or collectors to hand back Aboriginal cultural material to its traditional owners.

Rather organisational guidelines and codes encourage, and in some instances insist,

on consultation between Aboriginal people and Aboriginal organisations that may have an interest in this material. The Previous Possessions, New Obligations Policy, adopted in 1993 by 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 on claims of scientific value only.

State museums in Australia collectively contain some one hundred thousand 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.

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.

A meeting was held at the Wee Waa Local Aboriginal Land Council with five Land Councils in attendance: Wee Waa, Mungindi, Walgett, Moree and Pilliga, and Rose Stack, Indigenous Heritage Officer and Dr Denise Donlon, Physical Anthropologist from the Macleay and Shellshear Museums, University of Sydney.

The purpose of the meeting was to discuss the ancestral remains held at the museums and to promote Land Council involvement in the future management of these ancestral remains.

The project assisted in the return and reburial of remains at Koonadan for the Leeton and District Local Aboriginal Land

Councils. The remains had been held at the Griffith's office of National Parks. Darcy Pettit (Sites Officer for the Western Murray River region) and Col Walker (Sites Officer for the Yota Yota LALC and Elder) conducted the ceremony. Over 40 people from the local community attended the reburial and BBQ that followed.

Ancestral remains from the Wilcannia area were returned from the Museum of Victoria. Darcy Pettit collected the remains on behalf of the Wilcannia community. Ancestral remains from the Cummergunja station (Yota Yota LALC) held at the Macleay Museum were collected and reburied by Col Walker.

- Representatives from the Moree LALC collected ancestral remains from the National Museum of Australia in Canberra. The remains were reburied at Terry Hie Hie.

- Mick Leon, Sites Officer Foster LALC, travelled to Balranald LALC to present artifacts handed into Foster LALC by a local person whose family had collected the artifacts from the Balranald area.

- The number of Local Land Councils the Project conducts inquiries on behalf of (regarding the location of ancestral remains in Australian museums and associated organisations) increased from 10 to 13, recent additions being: Metropolitan, Wilcannia and Broken Hill Local Land Councils.

- The 10 Local Aboriginal Land Councils who provided Letters of Authority to the Project all received notification of the location of known ancestral remains in the major Australian museums.

- Co-presented a series of workshops on repatriation to first year archaeology students at the Flinders University of South Australia.

Native Title Unit

The (Cmth) Native Title Act 1993

Native Title is defined 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 or waters where:

- the rights and interests are possessed under the traditional laws and customs observed, by the Aboriginal people or Torres Strait Islanders; and
- the Aboriginal people or Torres Strait Islanders, 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."

The Native Title Amendment Act 1998 (NTAA).

After the High Court Wik decision and a change in government, amendments to the Native Title Act were inevitable. NSWALC played an active role in lobbying the government for positive changes and took part in the public debate. On the 30 September 1998, the amended Native Title Act (NTAA) came into effect, introducing significant changes to the native title regime.

The major changes to the Act are:

- Recognises native title rights and sets down some basic principles in relation to native title in Australia;
- All native title proceedings now commence and are primarily dealt with in the Federal Court;
- Establishes a series of procedural rights for native title claimants including the 'right to negotiate', 'right to be consulted', and the 'opportunity to comment';





- Establishes a higher threshold of evidence to establish the connection of traditional owners to land. The new "registration test" was also to be applied retrospectively to most existing claims and to all future claims within a period of 12 months by the National Native Title Tribunal;

- Requires the NNTT to establish registers of native title claims, native title determinations and native title agreements;

- Provides for the validation of 'past acts' and 'intermediate period acts' which may

have been invalid because of the existence of native title, and confirms the extinguishment of native title over a significant number of land titles;

- Provides for a 'future act' regime which protects native title rights and imposes conditions and procedures on acts affecting native title lands and waters;

- Establishes processes to settle native title through negotiation of agreements known as Indigenous Land Use Agreements (ILUAs);





- Establishes a process where the Commonwealth Minister re-determines what organisations can become Native Title Representative Bodies (NTRBs) and what areas of land these NTRBs are to be responsible for;

- Numerous other technical and procedural amendments.

NSWALC and Native Title

In 1994 NSWALC was confirmed as the sole "representative Aboriginal/Torres Strait Islander representative body" gazetted under the Native Title Act for New South Wales. NSWALC has retained its status as the Native Title Representative Body (NTRB) since that time.

Representative bodies are primarily research and legal agencies who are responsible for servicing the needs of their clients in an effective and equitable manner. Those clients are Aboriginal traditional owners - the persons who hold or may hold native title in their area or part of their area.

The most important criteria for selection of representative body is outlined in Section 203A(d) of the Act:

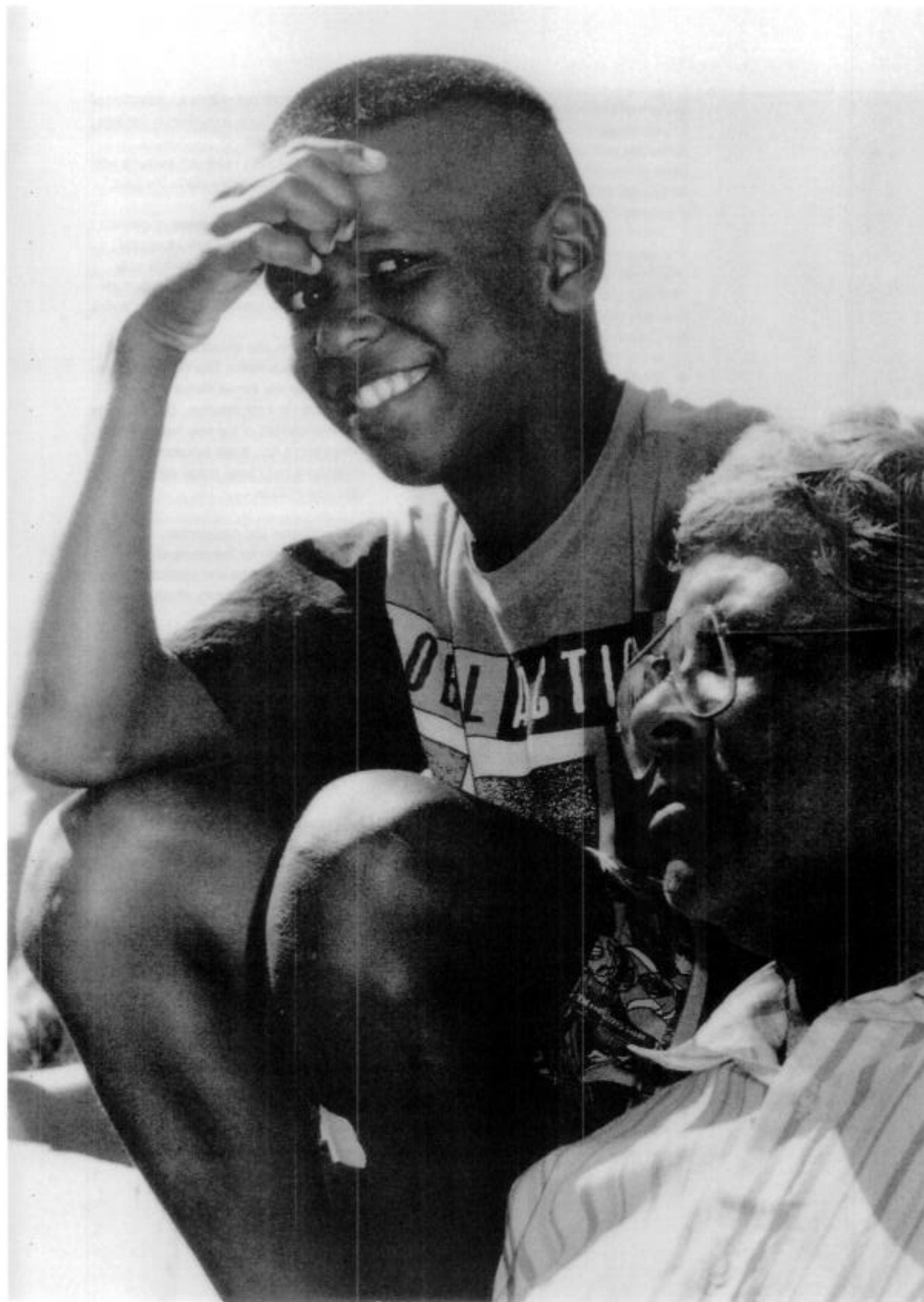
"It will satisfactorily represent persons who hold or may hold native title in the area."

Through a legitimate process of election, NSWALC is one of the few statewide Aboriginal organisations which is truly representative of Aboriginal people from all geographic areas of New South Wales.

The functions and obligations placed on NSWALC as a Native Title Representative Body under the former Native Title Act were open to interpretation. But since the commencement of the new Native Title Amendment Act, these functions and obligations have been made compulsory and now include:

- **Facilitation and Assistance:**
 - ⑥ the research for the preparation of native title claims and applications for compensation for acts affecting native title;
 - ⑦ facilitating and assisting native title bodies corporate and native title holders in consultations;
 - ⑧ mediation, negotiations and proceedings in regard to any native title process;
 - ⑨ consulting and seeking the agreement of native title holders and the broader Aboriginal community in claimant strategies and actions;
 - ⑩ seeking the agreement of claimants to minimise the number of native title applications covering the one area
- **Certification:** The formal certification of claims for determinations of native title by Courts, and for the registration of Indigenous Land Use Agreements. This means that NSWALC tells the NNTT or the Federal Court that all the requirements under the Act have been "in order" that the right traditional owners are properly





authorised to make agreements. NSWALC validates decisions made by a group of native title claimants in relation to their claim or agreement by ensuring that "all reasonable efforts" to contact and identify traditional owners have been made.

This will have been done by a legitimate process of notification, representative meetings and the documents resulting from that process, which in turn certify the authorisation of any decisions.

- **Dispute Resolution:** This includes mediation between Aboriginal and non-Aboriginal parties in claims and mediation between Aboriginal parties involved in claims. NSWALC-NTU assists with agreements between parties to native title processes in making applications, engaging consultants, mediation and negotiations for proceedings, on 'Future Acts', 'Indigenous Land Use Agreements', 'Right of Access', or any other native title process.

- **Notification:** Ensuring proper notification is given to parties in regard to various notification requirements under the Act.

- **Agreement Making:** Including being a party to Indigenous Land Use Agreements made under the Act; negotiating 'Alternate Procedure Agreements' with government; assisting native title parties to negotiate 'Area Agreements' and/or 'Body Corporate Agreements' under the Act.

- **Internal Review:** Including responding to complaints by native title claimants about the NTRB.

Funding for NSWALC to fulfil its functions as NTRB is provided through an annual grant from the Aboriginal and Torres Strait Islander Commission (ATSIC), on a 1 June to 30 July financial year basis. ATSIC, through the application of funding restrictions, currently restricts NSWALC's Native Title Unit to a maximum of 14 personnel. Despite having recently lifted this staff ceiling to 17, ATSIC have not provided the necessary funds to recruit the

additional staff allowable. Given the current staffing restrictions and because of the need to effectively respond to the changed functions under the NTAA, the NTU was restructured during the year.

The Native Title Unit now comprises a Manager, an Administrative Services Group (2 administrative staff and a finance officer), a Legal Services Group (3 legal staff); a Research Group (Anthropologist and Historian), and a Field Services Group (5 Project Officers).

Overview of Claims

Since the commencement of the amended Act, the National Native Title Tribunal planned to subject most existing native title claims to the new and more complicated 'registration test'. This meant that all claims had to go to the Federal Court and the Court through a series of 'Directions Hearings' to get the existing claims into the new regime.

The high volume of claims and this number of Directions Hearings could have had serious implications for native title claimants in NSW, as there was not the necessary level of funding to deal with these new and unplanned-for activities.

The NTU therefore made representations to both the National Native Title Tribunal and the Federal Court to defer these planned actions for up to 12 months. These representations met with limited success but did provide extra time for a claimants to meet the new and stringent requirements being imposed under the amendments.

In the reporting period approximately eight existing claims were submitted to the full registration test by the National Native Title Tribunal. The three claims represented by NSWALC all passed, as did two other claims not represented by NSWALC.

At close of the reporting period there were a total of 114 Native Title claims in NSW and 6 claims pending lodgement.



Although being formal representative of approximately 35 claimant groups (42 claims), NSWALC provided funding and other assistance to 58 claims and 28 non-claimant application responses by Native Title claimant groups.

Of these claims, 13 involved the native title agreements being formalised between indigenous groups, government and industry. Another 19 native title claims involved negotiations being pursued with various indigenous, government and industry groups.

Major Native Title Claims Update

Framework Indigenous Land Use Agreement: This Framework Agreement came about in late 1998 because the NSW government was attempting to re-dedicate some state forests as new National Parks through its Regional Forests legislation. These changes would have been unlawful because they did not take into account the rights of native title holders as defined in the provisions of the NTAA.

NSWALC immediately acted to protect the rights of traditional owners over these state forests. At its meeting of 9 October 1998, the NSWALC determined:

"That NSWALC (NTU) enters into negotiations with the NSW government regarding the past and future declarations of areas of land as National Parks, to secure beneficial outcomes for Aboriginal communities." 153rd meeting/Day 3, session 1

NSWALC began negotiations with the government about the invalidity of the proposed legislation. By late November, the NSWALC was able to secure a policy commitment from the government. The legislation was amended accordingly to ensure that native title rights and interests in all lands affected by the legislation were protected.

Following the passage of the legislation in December 1998, negotiations with the government commenced to establish a process by which all government dealing

(future acts) in all lands affected by the legislation would be negotiated with the relevant native title parties. The subsequent 'Framework Indigenous Land Use Agreement' was signed by the Premier of NSW and the Chairperson of the NSWALC on March 7 1999, two weeks prior to the NSW state elections.

The 'Framework Agreement' is in effect, an 'Alternate Procedures Agreement' that is an alternative to going to the Federal Court for a full determination of native title with associated expense. The Agreement provides the native title parties and claimants of this state with the opportunity for a comprehensive land and water rights area agreement ILUA, and this agreement to become lawfully binding on all parties. The NSWALC's role is to facilitate the agreement making process only if the native title parties wish to enter such agreements with the government.

This Framework Agreement has been widely acknowledged as the first 'whole of government' and 'whole of state' native title agreement made in Australia under the provisions of the NTAA.

Western Lands Lease Test Case: This is an important case, which will be dealing with similar issues to Wik. The issues to be determined do not involve the nature and extent of any traditional connection to the land. Instead, the case involves the determination of a number of separate legal questions relating to the effect of leases issued under the Western Lands Act 1901 on the original native title.

A western NSW leaseholder, Douglas Wilson, launched an action in the NSW Supreme Court seeking a determination that Michael Anderson (the Euahlay-I native title claimant) was not entitled to lodge a native title claim over the area of land that was subject to his lease.

Wilson argues that the issuing of a lease under the Western Lands Act 1901 confers a right of exclusive possession in his favour,

and that the grant of a right of exclusive possession makes his lease different to those considered in the Wik case. He also argues that he should not have to mediate or be subject to the provision of native title. Wilson has resisted all attempts made by NSWALC and the NNTT to seek a mediated outcome.

Anderson and NSWALC successfully sought a stay of proceedings in the NSW Supreme Court against the Wilson proceedings. As a result, Wilson has subsequently commenced proceedings in the Federal Court. The case will be heard in the next six months.

Tumut/Adelong Gold Mine Agreement: In September 1998, this agreement became the first Indigenous Land Use Agreement in Australia to be formally registered by the NNTT. The agreement between the Walgalu and Wiradjuri people (Ningi Aboriginal Corporation) and the Adelong Consolidated Mines NL is now protected at law and binds all parties to the terms of the agreement.

The benefits for local Aboriginal people contained in the agreement included significant shares in the company, a cash settlement for the running of the Ningi Aboriginal Corporation, employment and educational opportunities to be established in the Tumut-Brungle area and environmental monitoring of the site during excavation and restoration.

Powercoal Agreement. On 28 May 1999 an Indigenous Land Use Agreement was negotiated and settled between Powercoal (a Hunter Valley coal mining company) and the Wonnarua and Awabakal people. The agreement resulted in the negotiated benefits in the areas of Aboriginal education and health programs in the Hunter Valley on an annual basis for the next 20 years.

Gilgandra Wiradjuri Agreement: During the reporting period, negotiations between the Gilgandra native title claimants, the NSW Government, a pastoralist (the Pines,

Gilgandra), and NSWALC have been concluded through the establishment of a deed of agreement which results in the land subject to the claim being transferred to the Gilgandra Local Aboriginal Land Council which will then lease the land back to the pastoralist for life. Although complex in its nature, all parties to the agreement have expressed their satisfaction with the outcome.

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 at regular intervals to the Audit Committee, which is made up of Council members 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 24 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.

Undertakings by the Internal Audit Section in this reporting period included:

- detailed recommendations to management in audit reports. The aims of the recommendations were to improve internal controls, systems, procedures and the efficiency and effectiveness of operations of the state, regional and local land councils. Management accepted 170 of the Audit Section's 180 recommendations;



- completion of the Internal Audit Plan which included consideration of requests by Aboriginal Land Councils to conduct audits or investigations;

- release of the NSW Policies and Procedures Manual. The Section also designed and implemented a system for its ongoing revision. The Policies and Procedures Manual has proven to be a benefit to uniformity in procedures throughout NSWALC;

- further development of the Section's audit procedures and reporting to give land councils a better understanding of the audit objectives including benefits they will derive as a result of the audit;

- training and development of audit staff in areas such as mediation skills to assist in resolving conflict as well as in technical areas. Conflicts over the collection of rent and disputes over payments are common. Auditors may recommend the appointment of a mediator. Technical training is needed for areas such as legal compliance and the presentation of financial statements;

- establishment of a complaints unit, which gives the community a formal avenue to lodge grievances on matters relating to the management of Aboriginal Land Councils, including fraud or public misconduct, directly to NSWALC in the first instance. The Complaints Officer's role is to treat all complaints efficiently and effectively whilst observing cultural sensitivity and appropriateness throughout the process. The Section maintains a formal register of complaints and has registered 71 complaints at the end of the period for the part year this has been in operation. A number of these have been successfully resolved through the Complaints Officer. One major complaint containing 39 separate points of issue was satisfactorily resolved. Complaints which were unable to find a suitable settlement between the parties concerned have been directed to the Independent Commission Against Corruption (ICAC);

- establishment of an Inter-agency Committee in accordance with the recommendations of ICAC. The Inter-agency Committee is a new initiative that has been formed to properly address allegations received by NSWALC from various sectors. Members of the Inter-agency Committee are the ICAC, DAA, ATSIC, NSW Audit Office, NSW Police, Ombudsman Office, Registrar and NSWALC.

The Section provides information and audit advice to both the Council Members and Management on issues relating to the audit and operations of Aboriginal Land Councils. Advice may include, for example, how to improve the financial reports or how to prevent errors or fraud.

Independent Commission Against Corruption (ICAC) Report

The Independent Commission Against Corruption (ICAC) investigation into the NSW land council network moved into the final stage during this reporting period. NSWALC was one of a group of agencies including NSW Department of Aboriginal Affairs (DAA), Independent Commission Against Corruption (ICAC) and the Registrar of the Aboriginal Land Rights Act 1983 (ALRA) who were required to respond to the 26 recommendations.

Chairperson, Councillor Ossie Cruse, assisted by Councillor Millie Ingram, supervised NSWALC's responses.

The enquiry's outcomes were grouped into four primary areas :

- Increased accountability
- Improved decision-making
- Proper management of resources, and
- Ongoing strengthening of the Aboriginal land council system.

All parties were required to address ways to further these objectives in their response to ICAC.

Of the 26 recommendations, NSWALC was required to respond to 12. These responses included:

- establishing the position of Complaints Officer, based in the Internal Audits Branch
- publication of NSWALC's Corporate Plan
- development and publication of NSWALC's Code of Conduct
- introduction of TAFE accredited training program for all NSW Local Aboriginal Land Councils (LALCs) staff
- publication and distribution to all LALCs of step-by-step guidelines for appropriate procedures and conduct
- revised publication of NSWALC's Policy & Procedures Manual
- establishment of an internal security program and enhanced audit systems
- establishment of proven investment structures.

Importantly, NSWALC sought – and received – reimbursement of all travel expenditure overpayments.

NSWALC considered the complaints process a priority area for reform and opened the Complaints Officer position in April 1999. The position is located in the Internal Audit Branch and reports to the Internal Audit Section Manager and Internal Audit Committee.

The ICAC investigation prompted the NSWALC to recognise the moral and ethical responsibility implied by the legislation. At the same time, the legislation does not allow NSWALC to investigate disputes or allegations.

The establishment of an interagency committee was another principal outcome of the recommendations. Parties to this Committee, known as ZACC, are NSWALC, NSW Department of Aboriginal Affairs (DAA), Independent Commission Against Corruption (ICAC), Registrar ALRA,

NSW Ombudsman's Office, Aboriginal and Torres Strait Islander Commission (ATSIC), NSW Audit Office and NSW Police Service.

As with other public organisations, NSWALC must report corrupt or potentially corrupt activities to ICAC under Sections 11, 53 and 54 of the Independent Commission Against Corruption Act (1988). NSW Aboriginal Land Council currently reports to ICAC on a quarterly basis.

Serious issues are reported immediately. Some factors of the investigation were of concern to NSWALC. As Local Aboriginal Land Councils (LALCs) are autonomous bodies, the state office cannot impose reforms. This autonomy – right to manage itself – is protected by the Aboriginal Land Rights Act 1983 (ALRA). NSWALC's powers were limited under the Act where industrial and legal obligations were affected when implementing reforms.

ICAC's criticisms throughout the investigation failed to consider these commitments when examining our submissions.

On other occasions, NSWALC was provided with incomplete documentation or allowed inadequate time to respond to requests for information. Media also came to figure critically throughout the enquiry with NSWALC finding itself the subject of negative press on several occasions.

NSWALC fully supports all efforts to eliminate and resist all corruption in our land council network. NSWALC's effective cooperation to achieve this goal was often compromised by the lack of direct consultation and appropriate information throughout the term of the investigation.

NSWALC plans to release a full report on the ICAC outcomes once the enquiry is complete.



Public Relations

By far the biggest announcement made by NSWALC this year was the cessation of land tax funding in 1998, known as the 'Sunset Clause'. NSW Aboriginal Land Council staff and Councillors publicly commemorated the official end of government funding to the land council network in NSW. Chairperson, Councillor Ossie Cruse re-launched NSWALC's Beyond the Sunset document as the Council's blueprint document for our future directions.

High profile issues continued to dominate media interest throughout the reporting year. Native Title and the ICAC investigation were of particular interest to the media which meant media support to the Executive Director and Councillors was of paramount importance. Cr Cruse was required to make extensive media comment on ICAC with the release of each successive report.

NSWALC promoted a number of positive projects in the media including the Aboriginal and Torres Strait Islander youth swimming championships (Young Koori Swimmers Excel at Annual Championships, May 99), the Aboriginal Traineeship Program (Local Aboriginal Employment Program Hailed an Outstanding Success, Mar 99), Walhallow Land Council TAFE Awards (Walhallow Land Council Trainee takes out top TAFE Award) and the opening of the aged care units in Gulargambone (Gulargambone Celebrates Opening of Aged Care Units, Oct 98).

NSWALC worked throughout the year in conjunction with three external public relations firms. Jane Singleton Pty Ltd assisted promotions for the launch of the Home Ownership Scheme (HOUSe). AAG Public Relations provided media training and was media consultant for the Mutawinji project. Taffy Davies & Associates provided media liaison assistance.



Land rights in NSW enjoyed some positive media coverage (Landmark Agreement Between Aborigines and NSW Government Signifies New Era in Land Rights Recognition, Nov 98). And we were proud to announce advancements in Native Title negotiations, particularly with community and mining groups (Western Land Lessees urged to mediate on Native Title, Jan 99; Byron Bay Celebrates Landmark Native Title Agreement, Oct 98; Historic Agreement Between Aboriginal Community and Gold Mining Company Signed Today, Sep 98).

NSWALC gave public support to local communities for cultural issues, such as Boobera Lagoon in the Boggabilla region, which was at the centre of major disputes (Boobera Lagoon, Dec 98).

Our harshest criticism in the press was directed at governments. NSWALC released media statements on the federal government's human rights record and Reconciliation (Australian Government Under Fire in UN Over Human Rights Backdown, Oct 98; Ruddock's Reconciliation Bill blocked by Herron's Attitude, Oct 98). The NSW state government's actions on Regional Forest Agreements were criticised by NSWALC (State Forestry Bill to Breach Commonwealth Racial Discrimination Act, Nov 98; Aboriginal Community Angered by Regional Forest Agreement Talks 'Lock-Out', Oct 98).



In recognising the Koori Mail as a primary information source for our constituents, NSWALC submitted regular articles to the newspaper. We also took an innovative step to aid information delivery to our network by sponsoring one year's subscription for the 117 LALCs and 10 branches.

The Public Relations Section was kept busy with publications. This year included production of the NSW Aboriginal Land Council Annual Report 1997-98, NSWALC's first Corporate Plan, the Policies and Procedures Manual cover design and the revised Beyond the Sunset document (December 1998).

Cultural and community events organised include information stalls for NAIDOC Day at Parramatta, and Survival Concert '99. NSWALC and NSW Department of Aboriginal Affairs (DAA) together coordinated an informal Christmas function to meet with principal media personnel.

Reconciliation Report

The NSW Aboriginal Land Council continued to play an active role in Reconciliation issues. Councillor for Wiradjuri Region, Millie Ingram, represented Council on reconciliation issues throughout the reporting year.

On a local level, NSWALC assisted volunteer reconciliation groups by providing resource information and library access, recommending community and guest speakers and attending local events.

Cr Ingram represented NSWALC on the NSW State Reconciliation Committee (SRC) headed by Linda Burney, former member of the national Council for Aboriginal Reconciliation (CAR). The SRC attempts to maintain relevance for the reconciliation process with a broad NSW perspective.

Cr Ingram chaired the forum at the SRC-organised Talkin' Up Reconciliation convention held at Wollongong Entertainment Centre from 13-15 August and looked at the issue under the themes Youth, Citizenship and Land and Culture. The Convention described itself as "the starting point of reconciliation as a people's movement for the new millennium".

The Talkin' Up Reconciliation travelling road show, which discussed reconciliation in regional towns such as Narrandera, Moree and Wagga Wagga, had mixed results. Rural areas around the state still faced difficulties forming reconciliation groups. Coordinator of West Wyalong LALC received one response when he appealed to the community to form a local reconciliation committee.

NSWALC facilitated Reconciliation in Business luncheon on 26 November 1998, under the theme "Race, Reconciliation and Responsibilities: Mixed Messages". Special guest speaker was Mr Philip Ruddock, federal Minister for Immigration and the Minister Assisting the Prime Minister on Reconciliation. The Native Title focus event brought together Aboriginal speakers and mining and rural industry representatives. The need for Aboriginal people and the rural industry to identify common ground in relation to land values was identified as an important part of the reconciliation process, along with ensuring the general community had access to fact-based information on native title.

The ten year funding allocation Reconciliation process, spearheaded by the national Council for Aboriginal Reconciliation officially concludes on 31 December 2000. NSWALC's participation ensured our network's involvement in the development of the four national strategies, to be presented to the federal government on 28 May 2000.



Financial Statements



New South Wales
Aboriginal Land Council

Finance Report

This financial year is the first following the biggest event since the commencement of the Land Rights Act itself – that is the cessation of funding from NSW Treasury consolidated fund. This means that the Land Council network is now completely responsible for its future funding and its own financial strength.

The investment fund that is held by NSWALC has been managed carefully over the 15 years it has been accumulating. Now it is the major source of income for the Land Council network.

In March 1998, the NSW Trustee Act that governs the operation of the Statutory Investment Fund was amended. The amendment opened the way for organisations such as NSWALC to invest in equities in addition to the allowable classes of investment under the Act.

The Council has appointed an investment adviser and a custodian for investment documents and reporting.

The NSWALC approved of a new investment strategy as recommended by the investment Adviser. The strategy will ensure balanced returns and capital growth.

The Fund is now invested in the following classes:

- Equities: Australian shares, international shares, property unit trusts;
- Fixed interest: Australian fixed interest, international fixed interest (bonds);
- Cash: cash at hand, bank bills, treasury bills, cash management accounts;
- Sundry and miscellaneous.

It is expected that the spread over these classes of investment will provide the Land Council network with an adequate level of funding in addition to a growth in capital equal or exceeding the CPI. The growth in capital is essential to maintain the real value of the fund.



BOX 12 GPO
SYDNEY NSW 2001

INDEPENDENT AUDIT REPORT

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

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 1999. The councillors are responsible for the financial report consisting of the balance sheet, income and expenditure statement and statement of cash flows, together with the notes thereto, and the information contained therein. 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 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 and policy requirements, which could have an impact on the New South Wales Aboriginal Land Council's financial report have been reviewed on a cyclical basis. For this year, the requirements examined comprised compliance with:

- core business activities being in accordance with the *New South Wales Aboriginal Land Rights Act 1983*; and
- the Council's policies and procedures in respect of trust account operations.

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 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.

Qualifications

1. The Council has failed to recognise revenues and expenses arising from investment activities on an accrual basis at balance date. This is a departure from Australian Accounting Standard, AAS1 "Profit and Loss or other Operating Statements" which requires that all items of revenue and expense arising during the year be taken into account in determining the operating deficit for the year. No amounts have been recognised for interest receivable, premiums or discounts and related amortisation in respect of purchases of fixed interest securities to a value of \$430 million and sales of \$198 million. It has not been possible to quantify the financial effect of this departure.

2. During the year, the Council borrowed funds from the Statutory Fund (note 26) and applied the funds towards the administration costs of the Council. The money, along with interest, was subsequently repaid to the Statutory Fund before year end. As a consequence of this, the New South Wales Aboriginal Land Council has not complied with sections 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 was for a total of 155 days to a maximum of \$4.6 million (in 1997-98, borrowings were for 181 days to a maximum of \$5.7 million). The audit report for the year ended 30 September 1998 was similarly qualified.

(b) Because the Council did not keep records on interest accruing up to 31 December 1998, uncertainty exists as to whether additional sums from the Statutory Fund were illegally utilised during the first quarter of the year in breach of sections 29A(1) and (2) of the *Aboriginal Land Rights Act 1983*.
3. Section 29A(3) of the *Aboriginal Land Rights Act 1983* allows the Council to disburse an amount that is not greater than interest accruing after 31 December 1998. Because of the uncertainty as to the amount of interest and investment income and because the Council did not record the amount accrued before and after that date, there is uncertainty as to the level of funds which were available to the Council to disburse after 31 December 1998. It has not been possible to quantify the financial effect of this uncertainty.
4. The NSW Aboriginal Land Council's legislative investment powers require the Council to comply with the *Trustee Act 1925*. The Council made investments of \$99.2m and \$67.6m during the year which, in my opinion, did not satisfy the "prudent person" test of the *Trustee Act 1925*. The investments have been accurately recognised in the NSW Aboriginal Land Council's financial report.
5. Rule 14(3) of the Model Rules issued under the *Aboriginal Land Rights Regulation 1996* states that "a decision of a sub-committee is not a decision of the Council". Therefore, in my opinion, all decisions of the Investment Committee since its initial meeting on 12 January 1999 are unauthorised in that they have not been ratified by the full Council. The value of the investments approved by the Investment Committee approximated \$405 million.

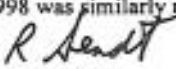
Qualified Audit Opinion

In my opinion, except for the matters referred to in the qualification paragraphs (1), (2a), 4 and 5 and the effects of such adjustments, if any, as might have been required had the limitations discussed in paragraphs (2b) and (3) not existed, 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 1999 and the results of its operations and its cash flows for the year then ended.

Inherent Uncertainty:

Without further qualification to the opinion expressed above, attention is drawn to the following matter. As stated in Note 12(i) within 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. The audit report for the year ending 30 September 1998 was similarly modified.

SYDNEY
5 May 2000


R. Sendt
Auditor-General

Statutory Audit Report



CONTACT NAME
Steve McLeod

PHONE
Tel: 9285 0101

OUR REFERENCE
Ref: 2070/kb

YOUR REFERENCE

Mr Rod Towney
Chairman
New South Wales Aboriginal Land Council
PO Box W125
PARRAMATTA NSW 2150

5 May 2000

Dear Mr Towney

STATUTORY AUDIT REPORT

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

The accounts of the New South Wales Aboriginal Land Council for the year ended 30 September 1999 have been audited as required by section 41C of the *Public Finance and Audit Act 1983* and in accordance with section 34 of that Act.

This report is issued in accordance with Section 43(2) of the Act which requires that I report to the Council, the Minister and the Treasurer the results of the inspection and audit and details of any irregularities or other matters that call for special notice. This report is not the Independent Audit Report that expresses my opinion on the Council's annual financial report.

The audit resulted in the issue of a qualified audit opinion with an emphasis of matter which, together with the financial report, is enclosed. An extract from the Independent Audit Report dealing with each specific qualification follows:

1. The Council has failed to recognise revenues and expenses arising from investment activities on an accrual basis at balance date. This is a departure from Australian Accounting Standard, AAS1 "Profit and Loss or other Operating Statements" which requires that all items of revenue and expense arising during the year be taken into account in determining the operating deficit for the year. No amounts have been recognised for interest receivable, premiums or discounts and related amortisation in respect of purchases of fixed interest securities to a value of \$430 million and sales of \$198 million. It has not been possible to quantify the financial effect of this departure.

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AUDITING IN THE STATE'S INTEREST



2. (a) During the year, the Council borrowed funds from the Statutory Fund (note 26) and applied the funds towards the administration costs of the Council. The money, along with interest, was subsequently repaid to the Statutory Fund before year end. As a consequence of this, the New South Wales Aboriginal Land Council has not complied with sections 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 was for a total of 155 days to a maximum of \$4.6 million (in 1997-98, borrowings were for 181 days to a maximum of \$5.7 million). The audit report for the year ended 30 September 1998 was similarly qualified.

(b) Because the Council did not keep records on interest accruing after 31 December 1998, uncertainty exists as to whether additional sums from the Statutory Fund were illegally utilised during the year in breach of sections 29A(1) and (2) of the *Aboriginal Land Rights Act 1983*.

3. Section 29A(3) of the *Aboriginal Land Rights Act 1983* allows the Council to disburse an amount that is not greater than interest accruing after 31 December 1998. Because of the uncertainty as to the amount of interest and investment income and because the Council did not record the amount accrued before and after that date, there is uncertainty as to the level of funds which were available to the Council to disburse after 31 December 1998. It has not been possible to quantify the financial effect of this uncertainty.
4. The NSW Aboriginal Land Council's legislative investment powers require the Council to comply with the *Trustee Act 1925*. The Council made investments of \$99.2m and \$67.6m during the year which, in my opinion, did not satisfy the "prudent person" test of the *Trustee Act 1925*. The investments have been accurately recognised in the NSW Aboriginal Land Council's financial report.
5. Rule 14(3) of the Model Rules issued under the *Aboriginal Land Rights Regulation 1996* states that "a decision of a sub-committee is not a decision of the Council". Therefore, in my opinion, all decisions of the Investment Committee since its initial meeting on 12 January 1999 are unauthorised in that they have not been ratified by the full Council. The value of the investments approved by the Investment Committee approximated \$405 million.

The emphasis of matter resulted from the uncertainty which currently exists concerning the Council's liability in respect of fringe benefits tax. As the ultimate outcome of this matter cannot be determined with any acceptable degree of reliability, no provision for the fringe benefits tax liability has been recognised in the financial statements.

Audit Objectives

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

- was presented fairly in accordance with the requirements of the Public Finance and Audit Act, applicable Accounting Standards and other mandatory professional reporting requirements; and

- presented a view which was consistent with my understanding of the Council's financial position, the results of its operations and its cash flows.

The Audit Office's annual financial attest audits also assess whether agencies have substantially complied with relevant legislative requirements. As well as reviewing legislative requirements which govern the form or content of the financial report, other legislative requirements which could have a financial impact on the agency, are reviewed on a cyclical basis. The areas subject to review this year were: core business activities being in accordance with the *Aboriginal Land Act 83*, the Council's policies and procedures in relation to trust account operations and the time limits set in the *Annual Reports (Statutory Bodies) Act 1984* for the presentation of the Council's annual report to Parliament. Detail of audit findings relating to the late submission of the annual report has been referred to management as part of the final management letter.

Scope of the Audit

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

An engagement letter for the audit was sent to the Chairman on 17 June 1999. This provided a detailed explanation of the scope of the audit.

Review of Operations

The Council's financial operations will be reviewed in Volume Two of the Auditor-General's Report to Parliament for 2000.

Matters Arising from the Audit

A number of matters identified during the audit have been raised in a draft management letter. These matters include:

- mortgage funds operations
- councillors' expenses
- investment activities
- rural properties
- lack of an employment award for Councillors and Council staff
- inconsistency in some payroll information
- lack of payroll reconciliations
- inadequate segregation of duties with the payroll and human resources functions
- non-ageing of Council debtors and incomplete reconciliation of debtors
- excessive leave balances for staff/Councillors
- inadequate reconciliation of fixed assets register to general ledger
- inadequate documentation in support of some payments including an unsubstantiated amount of \$5,070 processed by the Western Branch for the Appin rural property.

Last year's management letter included various control weaknesses and other issues. In many instances, the undertakings made by line management of the Council in reply to the matters we raise in the management letters are not coming to fruition. The Council's internal control structure can only be improved if recommendations for change are instituted.

Acknowledgment

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

Yours sincerely



R. Sendt

Enc.

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

The Hon. M. R. Egan, MLC
Treasurer
Level 33, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2001

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 executive 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 1999, 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 4th day of May 2000



Rod Towney
Councillor



Robert Lester
Councillor

Balance Sheet

As at 30 September 1999

	Note	1999 \$'000	1998 \$'000
CURRENT ASSETS			
Cash	2	11,850	3,249
Inventories	3	244	299
Receivables	4	9,126	1,684
Investments	5	46,423	348,972
Total Current Assets		67,643	354,204
NON-CURRENT ASSETS			
Property, Plant and Equipment	6	19,340	30,507
Artefacts	7	238	128
Investments		5405,622	113,502
Receivables	4	2,671	2,980
Total Non-Current Assets		427,871	147,117
TOTAL ASSETS		495,514	501,321
CURRENT LIABILITIES			
Creditors	8	1,034	1,978
Employee Entitlements	11	532	570
Total Current Liabilities		1,566	2,548
NON CURRENT LIABILITIES			
Employee Entitlements	11	325	303
Total Non-Current Liabilities		325	303
TOTAL LIABILITIES		1,891	2,851
NET ASSETS		493,623	498,470
TOTAL RETAINED EARNINGS	9	493,623	498,470

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

Income and Expenditure Statement

For the Year ended 30 September 1999

	Note	1999 \$'000	1998 \$'000
INCOME			
Recurrent Allocations – NSW Government	13	497	46,611
Interest and Investment Income	14	24,697	22,173
Rent	15	1,532	1,781
Grants and Subsidies	18	4,363	2,584
Profit on Disposal of Property, Plant & Equipment	17	-	188
Other Income	16	1,199	418
Gross Income		32,288	73,755
EXPENDITURE			
Audit Fees	19	161	169
Bad Debts	17	-	1,151.85
Doubtful Debts	4	1,400	-
Consultants Fees		600	696
Investment Fees	20	399	-
Depreciation and Amortisation	6	1,035	1,189
Loss on Disposal of Property, Plant & Equipment	17	1,983	-
Employee Expenses	21	5,058	5,203
Funding of Regional and Local Aboriginal Land Councils	22	9,822	10,328
Property transferred to Local Aboriginal Land Councils		1,048	1,755
Grants		508	316
Members Expenses and Remuneration	23	1,429	1,189
Legal Expenses		2,017	1,317
Damages Award		519	-
Net Decrement on Investment Revaluation		7,179	-
Motor Vehicle Expenses		450	427
Repairs and Maintenance		317	366
Other Expenses	24	3,167	2,632
Total Expenditure		37,135	25,589
Operating Surplus (Deficit) before Abnormal Items		(4,847)	48,166
Less Abnormal Items	25	-	1,742
Operating Surplus (Deficit) after Abnormal Items (4,847)		46,424	

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 1999

	Note	1999 \$'000	1998 \$'000
Cash flows from operating activities			
Interest and Investment Income		24,892	22,173
Rent and Outgoings		1,532	1,781
Other receipts in course of operations		5,617	3,084
Payments in course of operations		(27,439)	(26,188)
Net cash provided by operating activities	27	4,602	850
Cash flows from investing activities			
(Purchase of)/ Proceeds from Investments		3,250	(49,650)
Purchases of Property, Plant and Equipment		(1,899)	(1,462)
(Purchase of)/ Proceeds from Artefacts		(110)	(6)
Sale Proceeds Property, Plant and Equipment		1,637	4,709
Net cash provided by/(used in) investing activities	2,878	(46,409)	
Cash flow from Government			
Recurrent Allocations		1,121	46,438
Net Cash provided by Government		1,121	46,438
Net increase (decrease) in cash held		8,601	
Cash at the beginning of the year		3,249	2,370
Cash at end of year		11,850	3,249

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 1999

1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

BASIS OF ACCOUNTING

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

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

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

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

(a) Revenue Recognition

Revenue is recognized to the extent that it is probable that the economic benefits will flow to the entity and the revenue can be reliably measured. The following specific recognition criteria must also be met before revenue is recognized:

(i) Income on Investments

Control of a right to receive consideration for the provision of, or investment in, assets has been attained.

(ii) Rent

Control of the right to be compensated for the services has been attained.

(iii) Disposal of Non-Current Assets

Control of the goods has passed to the buyer.

(iv) Grants and Subsidies

Grants and subsidies from other bodies are recognized as revenue when the entity obtains control over the assets comprising the grant or subsidy. Control is normally obtained upon the receipt of cash.

(b) 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 1998-99 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 recognized as amounts receivable at balance date. Collectability of debts 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 1999 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.

(ii) Investments

Current investments comprise short term commercial paper, 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.

Non Current investments comprise units in the Clay Finlay Trust (International Equities), Colonial First State Australian Property Trust, Dresdner RCM International Equities Trust, Equitlink Australian Equities Trust, Perpetual Investments Australian Equities Trust and Deutsche Australian Property Trust, plus individually managed portfolios by AMP International Fixed Interest, Equitlink Australian Fixed Interest and Blacket Securities Australian Equities. Income is earned on these investments on the basis specified in Note 5.

The credit risk is mainly limited to the amount carried on the Balance Sheet except for currency and futures contracts which the investment Managers use to hedge physical positions. With a hedge a gain or loss on the derivative instrument is reflected by the reverse movement in the physical investments held. All gains or losses on these contracts at balance date have been accounted for in the Net Decrement on Investment Revaluation.

(iv) Creditors and accruals

Liabilities (other than for employee entitlements) are recognized 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.

(v) Borrowings

The Council has no borrowing commitments.

(c) 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.

(d) Investments

The Council adopted a new investment strategy during 1998-99 following the finalisation of Treasury funding on 31 December 1998. The new strategy placed an emphasis on investments providing capital growth over the long term. As a result, there has been a movement from current to non-current investments at balance date. All investments are revalued at balance date to market value.

(i) Current investments

All realised gains/losses (interest received) and unrealised gains/losses (revaluation to market value) are recognised in the Income and Expenditure Statement.

(ii) Non Current investments

These investments comprise units acquired in equity and property trust funds and three individually managed portfolios that are wholly owned by the Council.

All revaluations including revaluation of unit prices are brought to account as a revaluation of non current assets in accordance with Australian Accounting Standard 10 (AAS 10) "Accounting for the Revaluation of Non-Current Assets". Distributions by unit trusts (net of management fees) and dividends received by an individually managed equity fund are recognised as income in accordance with industry practice.

In deriving investment income from wholly owned fixed interest security portfolios, coupon receipts recognised as income are subject to adjustment as referred to in the following paragraph.

Following the adoption of a new investment strategy referred to above, a policy was introduced for wholly owned fund portfolios and long term securities acquired directly by the Council. The policy complies with industry practice. These investments are brought to account at cost with amortisation of premiums and accretion of discounts (adjusted for market valuations at balance date) being matched against coupon receipts on a straight line basis over the life of the investment. An interest receivable component is accrued from previous date to date of purchase, sale, or balance date.

Due to lack of detailed information recorded for direct holdings with fund managers, in respect of investment transactions, this policy generally could not be implemented. Accordingly the Statement of Income and Expenditure does not accurately reflect the investment income of the Council for 1998-99.

(e) 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.

(f) 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.

(iii) Annual and Long Service Leave

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

(iii) Sick Leave

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

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

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

(g) Funeral Fund Liability

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

(h) Government Allocation

The Aboriginal Land Rights Act 1983 provides for annual State Funding up to and including 1998. The amount payable for each year is equal to 7.5% of the amount certified from time to time by the Treasurer as having been paid as land tax under the Land Tax Management Act 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.

(i) Depreciation

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

	1999	1998
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

	1999 \$'000	1998 \$'000
Administrative Fund	388	2,181
Statutory Fund	11,279	893
Funeral Fund	183	175
	11,850	3,249

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

	1999 \$'000	1998 \$'000
Livestock	216	298
Grain and Other Rural Stock	28	1
	244	299

4. RECEIVABLES

	1999 \$'000	1998 \$'000
Current		
Council Members	36	76
Other Debtors	341	485
Treasury Allocation Receivable	-	624
Prepayments	-	81
Local Aboriginal Land Councils	1,097	613
Aboriginal Organisations	27	-
Property sale on Exchange of Contracts	7,800	-
	9,301	1,859
Provision for Doubtful Debts	175	175
	9,126	1,684
Non-Current		
Loans and Advances to Local Aboriginal Land Councils	3,922	2,980
Loans to Other Organisations	149	-
	4,071	2,980
Provision for Doubtful Debts	1,400	-
	2,671	2,980

Doubtful debts are raised when doubt as to collection exists. In 1998-99 the large increase in the provision was due to a review of amounts owing by local land councils in respect of rate debtors. Those councils that have not made a reduction in their rate debtor balance in recent years have had 50 percent of the outstanding balance classified as doubtful. Despite this policy this Council intends to vigorously pursue all outstanding debts.

Statutory Fund	7,801	312
Administrative Fund	3,996	4,352
	11,797	4,664

5. INVESTMENTS

	1999 \$'000	1998 \$'000
Current		
Commercial Bills / Promissory Notes	46,066	186,394
Floating Rate Notes	-	77,694
Money Market Funds	355	84,984
	46,423	348,972
Non-Current		
Units in Managed Australian Fixed Interest Pool Fund	-	43,136
Australian Fixed Interest	91,865	58,080
Units in Managed Australian Share Fund	54,215	12,286
International Fixed Interest	153,287	-
Units in International Equities	52,284	-
Units in Australian Listed Property Trusts	35,403	-
Managed Australian Equities	5,634	-
Mortgages	12,925	-
Woolstock Australia Ltd - Administration Investment	9	-
	405,622	113,502

Non-Current investments are revalued to market value, Refer Note 1 (d)(i).

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 4.93%, whilst over the year the weighted average interest rate earned was 5.06%.

(b) Floating Rate Notes

These instruments pay interest coupons at 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 weighting. These instruments were disposed of in April 1999. These instruments over the period which they were held earned a weighted average return of 4.55% per annum.

(c) Money Market Funds

These are short term funds managed by State Street Australia Ltd (our custodian) and earned a weighted average return of 3.96% over the period in which they were invested.

NON-CURRENT

(d) Managed Australian Fixed Interest

Equitlink manage Australian Fixed Interest (Bonds) on behalf of the Council which earn income and produce capital gains, or, losses, both realised and unrealised, in accordance with market conditions.

These instruments over the period in which they were held, resulted in a negative return of 0.23% per annum after taking capital losses both realised and unrealised into account.

(e) Units in Managed Australian Share Fund 30/09/99

The Council has units in the Equitlink Equity Trust and Perpetual Investments Equity Trust. Equities (Shares) earn income (dividends) and produce capital gains, or, losses, both realised and unrealised, in accordance with market conditions.

These investments over the period in which they were held resulted in a negative return of 2.03% per annum after taking net capital losses both realised and unrealised into account.

(f) Managed International Fixed Interest

AMP manage International Fixed Interest (Foreign Bonds) on behalf of the Council which earn income and produce capital gains, or losses, both realised and unrealised, in accordance with market conditions.

These instruments, over the period in which they were held, resulted in a negative return of 0.90% per annum after taking capital losses both realised and unrealised into account.

(g) Units in International Equities

The Council has units in the Dredner RCM Global Investors International Equities Trust and Clay Finley International Equities Trust which earn income (dividends) and produce capital gains, or losses, both realised and unrealised, in accordance with market conditions.

These investments over the period in which they were held, resulted in a positive return of 20.81% per annum after taking capital profits both realised and unrealised into account.

(h) Units in Listed Australian Property Trusts

The Council has units in the Colonial First State Property Trust and Deutsche Asset Management Property Trust which earn income (dividends) and produce capital gains, or losses, both realised and unrealised, in accordance with market conditions.

These investments over the period in which they were held, resulted in a negative return of 3.29% per annum after taking capital losses both realised and unrealised into account.

(i) Managed Australian Equities

Blacket Securities manage Australian Equities (Shares) on behalf of the Council which earn income (dividends) and produce capital gains, or losses, both realised and unrealised, in accordance with market conditions.

This investment was made on 1/7/99 with a deposit of \$5million. At 30/9/99 this investment had grown to \$5,633,954.36 including all unrealised capital profits. It is felt that it would be misleading to express this as an annualised return, in view of the short time that this investment has been exposed to market conditions.

(j) Mortgages

The Council lends funds on first mortgage on real property up to a maximum of two-thirds of independent market valuation. These mortgages have been introduced mainly by mortgage brokers and to a lesser extent have been advanced to Local Aboriginal Land Councils.

Weighted average interest rate on mortgages advanced at 30/9/99 was 6.35% per annum.

(k) Woolstock Australia Ltd

The Council has received stapled securities in Woolstock Australia Ltd as its share in the wool stock pile based on its sales of wool.

6. PROPERTY, PLANT & EQUIPMENT

	Land \$'000	Buildings \$'000	Plant and Equipment \$'000	Motor Vehicles \$'000	Total \$'000
Opening Balance at Cost	8,997	19,969	4,306	2,327	35,619
Opening Balance at Valuation	-	-	-	-	-
Additions	-	-	847	1,489	2,336
Disposals	(4,361)	(7,129)	(281)	(1,647)	(13,418)
	4,636	12,860	4,872	2,169	24,537
Depreciation					
Opening Balance	-	(383)	(3,705)	(1,024)	(5,112)
Charge for the Year	-	(316)	(279)	(440)	(1,035)
Disposals	-	149	247	554	950
Valuation Adjustments	-	-	-	-	-
	-	(550)	(3,737)	(910)	(5,197)
Written Down Value					
1999	4,636	12,310	1,135	1,259	19,340
1998	8,997	19,606	601	1,303	30,507

	1999 \$'000	1998 \$'000
Statutory Fund	11,263	21,663
Administrative Fund	8,077	8,844
	19,340	30,50

The original cost of fully depreciated assets included in the total property, plant and equipment is \$1.5 M (1997/98 \$1.3 M).

7. ARTEFACTS

	1999 \$'000	1998 \$'000
Cost at 1st October	128	122
Additions	110	7
Disposals	-	(1)
Book Value at 30 September	238	128

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

8. CREDITORS

	1999 \$'000	1998 \$'000
Sundry Creditors and Accruals	851	1,537
Funeral Fund - Contributions Refundable	183	175
ATSIC Grant Received in Advance	-	266
	1,034	1,978
Statutory Fund	196	2
Administrative Fund	838	1,976
	1,034	1,978

9. TOTAL RETAINED EARNINGS

	Accumulative Funds		Asset Revaluation Reserve		Total Retained Earnings	
	1999 \$'000	1998 \$'000	1999 \$'000	1998 \$'000	1999 \$'000	1998 \$'000
Opening Balance	489,912	443,488	8,558	7,818	498,470	451,306
Operating Surplus (Deficit) after Abnormal Items	(4,847)	46,424	-	-	(4,847)	46,424
Transfers on Disposals of Revalued Assets	-	-	-	-	-	-
Property Disposals	3,453	-	(3,453)	-	-	-
Investment Disposals	992	-	(992)	-	-	-
Increment on Revaluation of Investments	-	-	-	740	-	740
Closing Balance	489,510	489,912	4,113	8,558	493,623	498,470

10. COMMITMENTS

The Council had no commitments at 30 September 1999 or 30 September 1998.

11. EMPLOYEE ENTITLEMENTS

	1999 \$'000	1998 \$'000
Current Provisions		
Provision for Annual Leave	532	570
State Authorities Superannuation - (see below)	-	-
	532	570
Non-Current Employee Entitlements		
Provision for Long Service Leave	325	303
	325	303

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 June 1999. The superannuation schemes include the State Superannuation Scheme (formerly the State Superannuation Fund), the State Authorities Superannuation Scheme and the State Authorities Non Contributing Superannuation Scheme.

Because there are only four 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 1999 are not material and are not included in the Financial Statements.

12. CONTINGENT LIABILITIES

The Council has no contingent liability as at 30 September 1999 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 \$0.2 M as at 30 September 1999 (1997/98 \$1.2 M) for all outstanding litigation.

13. RECURRENT ALLOCATIONS - NSW GOVERNMENT

	1999 \$'000	1998 \$'000
Administrative Fund Allocations	248	23,306
Statutory Investment Fund Allocations	249	23,305
	497	46,611

14. INTEREST AND INVESTMENT INCOME

	1999 \$'000	1998 \$'000
Administrative Fund	131	69
Statutory Investment Fund	24,641	22,216
	24,772	22,285
Less Elimination of Inter Fund Transactions	75	112
	24,697	22,173

15. RENT

	1999 \$'000	1998 \$'000
Rent Regional Offices	21	33
Administrative Fund	21	33
Statutory Investment Fund	2,165	2,402
	2,186	2,435
Less Elimination of Inter Fund Transactions	654	654
	1,532	1,781

16. OTHER INCOME

	1999 \$'000	1998 \$'000
Enterprise Gross Income	831	389
Other	368	29
	1,199	418

17. PROFIT (LOSS) ON SALE OF NON CURRENT ASSETS

	1999 \$'000	1998 \$'000
Gain (Loss) on disposal of property, plant and equipment		
Proceeds from sale	9,437	1,237
Written down value of assets sold	11,420	1,049
Net gain on disposal of property, plant and equipment	(1,983)	188

18. GRANTS AND SUBSIDIES

	1999 \$'000	1998 \$'000
ATSIC Grants	4,174	2,232
Other Grants	189	352
	4,363	2,584

19. AUDIT FEES

	1999 \$'000	1998 \$'000
Fees paid to Audit Office of New South Wales:		
New South Wales Aboriginal Land Council	172	165
Fees paid to C.J. Abraham re Audit Native Title	9	4
	181	169

The auditors received no other benefit.

20. INVESTMENT FEES

	1999 \$'000	1998 \$'000
Investment Advisor's Fees	165	-
Investment Managers' fees	166	-
Custodian Fees	68	-
	399	-

In addition to the above fees, management fees on unit trusts are included in the value of the trust units and ultimately in the distribution received from these trusts. Therefore, both unit valuations and distributions are net of management fees.

21. EMPLOYEE EXPENSES

	1999 \$'000	1998 \$'000
Salaries, Wages	4,481	4,507
Superannuation	296	282
Leave Expenses	(16)	185
Workers Compensation Insurance	297	229
	5,058	5,203

22. FUNDING OF REGIONAL AND LOCAL ABORIGINAL LAND COUNCILS

	1999 \$'000	1998 \$'000
Regional Aboriginal Land Councils	337	309
Local Aboriginal Land Councils	9,029	10,019
Capital Allocations - Local Aboriginal Land Councils	456	-
	9,822	10,328

23. MEMBERS EXPENSES AND REMUNERATION

	1999 \$'000	1998 \$'000
Salaries	842	806
Superannuation	76	50
Workers Compensation Insurance	67	-
Motor Vehicle Expenses	110	124
Travelling Expenses and Allowances	276	152
Other Expenses	58	57
	1,429	1,189

Council members have no related party transactions with the Council.

24. OTHER EXPENSES

	1999 \$'000	1998 \$'000
Staff Training, Development and Recruitment	485	369
Telephone	301	246
Enterprise and Farm Expenses	493	523
Insurance	36	77
Rates	51	97
Rent and Outgoings	189	99
Advertising	46	35
Public Relations and Publicity etc	96	78
Travel Expenses and Allowances	609	342
Postage, Printing and Stationery	105	125
Office and Administration Expenses	272	272
Property Administration Expenses	37	96
Equipment Hire and Lease	3	1
Meeting Costs	274	198
Refurbishment Expenses	32	-
Other Expenses	156	74
	3,167	2,632

25. ABNORMAL ITEMS

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 1998/99 year.

	1999 \$'000	1998 \$'000
	-	1,742

26. 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.

	Note	1999 \$'000	1998 \$'000
Statutory Fund Opening Balance		485,340	437,012
Add Income			
Treasury Allocation	13	249	23,305
Interest and Income	14	24,841	22,216
Rent	15	2,165	2,402
Expenses (including Net Decrement on Investment Revaluation)		(30,212)	(335)
Operating Surplus for the Year		(3,157)	47,588
Reserves Transfer		-	740
Statutory Fund Closing Balance		482,183	485,340

Statutory Fund Represented by:

Cash	2	11,279	893
Investments Current	5	46,423	348,972
Investments Non Current	5	405,613	113,502
Property Plant & Equipment	6	11,263	21,663
Receivables	4	7,801	312
		482,379	485,342
Creditors	8	(196)	(2)
Net Statutory Fund		482,183	485,340

27. NOTE TO STATEMENT OF CASH FLOWS

	1999 \$'000	1998 \$'000
(a) Cash at Bank and in hand		
For the purposes of the Statement of Cash Flows the Council considers the following as cash:-		
Cash at bank	10,526	2,610
Cash in hand	1	1
11 AM Deposits with banks	991	838
Futures broker at call account	532	-
	11,850	3,249
(b) Reconciliation of net cash flows from operating activities to operating surplus.		
Operating surplus (deficit)	(4,847)	46,424
Depreciation & Amortisation	1,035	1,189
Net Decrement on Investment Revaluation	7,179	-
Employee Entitlements	(16)	185
Loss (Profit) on disposal of non Property, Plant & Equipment	1,963	(188)
Property transferred to Local Aboriginal Land Councils	1,048	-
Cash flow from Government - Recurrent Allocations	(497)	(46,611)
Other Changes in assets and liabilities in respect of operating activities:		
Receivables decrease (increase)	(266)	1,869
Inventories decrease (increase)	55	82
Long Term Debts (increase) decrease	309	(2,322)
Creditors and borrowings (decrease) increase	(1,381)	222
Net cash inflows from operating activities	4,602	850

(c) Credit standby arrangements and unused loan facilities.

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

28. LIABILITY AS TRUSTEE

New South Wales Aboriginal Land Council acts as trustee for various trusts. The assets of the Trusts which lie behind the rights 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 Trusts were sufficient to discharge all the liabilities of the Trusts at 30 September 1999.

The positions of the Trusts are:-

	1999 \$'000	1998 \$'000
CURRENT ASSETS		
Dungutti Elders Council Aboriginal Corporation		
Cash at Bank	826	788
World Indigenous Games		
Cash at Bank	12	-
Gumbaynggir Tribal Aboriginal Elders Co.		
Cash at Bank	9	-
TOTAL TRUST FUNDS HELD	847	789

29. 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

Independent Audit Report

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 1996

	Total	Budget
INCOME		
Capital	145108.50	145108.50
Recurrent	2885950.00	2885950.00
Other - Fees Received		120.00
	3031187.50	3031058.50
EXPENDITURE		
Capital		
Motor Vehicles Change Over	6753.04	10000.00
NTU Relocation	18000.00	86958.50
Plant and Equipment - Photocopier	6790.00	68150.00
Salaries		
Salaries	582752.26	640838.00
ILC Project		
Salaries/Other Project Costs	0.00	60000.00
Motor Vehicles		
Fuel & Oil	17012.12	25000.00
Repairs and Maintenance	4637.89	5000.00
Repairs and Maintenance		
Buildings	22.00	1000.00
Computer Equipment	5170.00	
Office Equipment	429.81	
Services		
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	24960.13	30000.00
Courier Costs	500.00	
Supplies		
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
Travel		
Direct Travel/Allowances	51118.63	20000.00
Implementation Expenditure		
Consultants	459941.61	490603.00
Legal	767545.25	818530.00
Meeting Costs	118366.77	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	
	2378074.80	3128379.50
Surplus/(Deficit)	653103.70	-97321.00

* Amounts included in ATSIC Grant, noting* received and banked on 30 June 1996.

Appendix 1

Location of branch offices and Local Aboriginal Land Councils

Central Branch

Cnr Wingewarra & Darling Sts
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
Narromine LALC
Warren LALC
Wellman LALC
Nyngan LALC
Trangle LALC
Wellington LALC
Gulgandra LALC

Central Coast 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

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

Far North Coast 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
Birriga Gargle LALC
Bogal LALC
Casino Boolangle LALC
Grafton Ngemie LALC
Gugin Gudduba LALC
Jali LALC
Jana Ngalee LALC
Muli Muli LALC
Jumbullum LALC

Ngulingah LALC
Tweed Byron LALC
Yaegl LALC

Murray River 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
Deniliquin LALC
Wamba-Wamba LALC
Yota-Yota LALC
Moama LALC

Western Branch

(now merged with Murray River)
Councillor: William Murray

Merindee LALC
Wilcannia LALC
Broken Hill LALC
Wanaaring LALC
Bakinald LALC
Tibooburra LALC
Ivanhoe LALC
Dareton LALC
Mutawintji LALC

Northern Branch

143 Loder Street
PO Box 327
Quirindi NSW 2343
PH: 0267 461 668
FX: 0267 462 525
Councillor: Wayne Griffiths
Branch Manager: Charles Lynch

Amaroo LALC
Coonabarabran LALC
Nyngaroo LALC
Red Chief LALC
Tamworth LALC
Walhallow LALC
Wanaruah LALC

Northern Tablelands Branch

172a Marsh Street
PO Box 596
Armidale NSW 2350
Councillor: Tom Briggs
Branch Manager: Terry Griffiths
PH: 0267 727 686
FX: 0267 727 342

Anaiwan LALC
Armidale LALC
Ashford LALC
Glenn Innes LALC
Guyra LALC
Moombahlene LALC

North West Branch

87 Wiga Street
PO Box 449
Coonamble NSW 2829
PH: 0268 222 119
FX: 0268 222 322
Councillor: Tombo Winters
Branch Manager: Les Trindal

Brewarrina LALC
Cobar LALC
Collarenebri LALC
Coonamble LALC
Erngonnia (Murrumbidgee) LALC
Goodooga LALC
Lightning Ridge LALC
Moree LALC
Mungindi LALC
Narrabri LALC
Nulla Nulla LALC
Pilliga LALC
Toomelah LALC
Walgett LALC
Wee-Waa LALC
Woolmoring LALC

South East Coast Branch

Chapman House 2-34d Orient
Point
PO Box 388
Batemans Bay NSW 2536
Councillor: Ossie Cruise
Branch Manager: Lana Callaghan

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

South Coast Branch

(now merged with South East Coast Region Branch)
Councillor: Ivern Ardler
Jerringa LALC
Nowra LALC
Ilwarrna LALC

Sydney/Newcastle 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
Bartahbah LALC
Darkinjung LALC
Koompahtoo LALC
La Perouse LALC
Metropolitan LALC
Mindaribba LALC
Worimi LALC

Western Metropolitan Branch

Councillor: Robert Lester

Deerubbin LALC
Tharawal LALC
Gandangarra LALC

Wiradjuri 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

Bathurst LALC
Griffith LALC
West Wyalong LALC
Onerwal LALC Condobolin LALC
Leston LALC
Orange LALC
Wagga Wagga LALC
Cowra LALC
Murrin Bridge LALC
Peak Hill LALC
Tumut Brungle LALC
Hay LALC
Narrandera LALC
Young LALC
Pejar LALC

Appendix 2

Consultants as at 30 September 1999

During the 1998/99 financial year, the NSW Aboriginal Land Council utilised external consultants at a total cost of \$613,146.20. This amount included payments to Native Title consultants valuing \$489,173.95.

Major Consultants utilised and the amounts paid to them are listed below and are included in the above figures.

Tony Simpson	14,146.20
Philip Hall Consultants	4,060.00
Tony Rees	3,904.88
Ambit Technology	1,200.00
Trevor Edgoose Management Services	9,660.00
Paul Newman	15,150.00
Department of Public Works	17,400.00
Grayame Morgan	2,724.50
Michael Leon	2,720.00
Lee-anne Miller	5,600.00
Bruce Callaghan & Associates	2,880.00
Collaborative Solutions Pty Ltd	251,351.61
Damian Lucas	7,034.25
Economic & Energy Analysis P/L	10,082.50
Francis Coorey	3,200.00
Gaynor MacDonald Consultancy P/L	8,000.00
Hoya Communications	3,669.60
Jakelin Troy	79,401.88
Kate Waters	10,694.55
McKeown Yoga & Associates	3,306.62
Michelle Sillar	30,000.00
Peter Sutton	5,212.50
Victor Sharman	19,305.10
Wayne Sines	1,550.00
Wayne Dabrowski	50,715.34

Aboriginal Land Council Regions





