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Our Dreaming 2001



NSW Aboriginal Land Council

by its leadership commits to upholding the spirit of the NSW Aboriginal Land Rights Act, by working with and on behalf of the NSW land rights movement.

It will work for the return of culturally significant and economically viable land.

It will pursue cultural, social and economic independence of its people by proactive political intervention and by voicing the position of Aboriginal people and their relationships and rights to the land

Tracks to the Future - 2000 and beyond

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Tracks to the Future - 2000 and beyond

New South Wales Aboriginal Land Council



30 April 2002

The Hon Dr Andrew Refshauge Deputy Premier Minister for Aboriginal Affairs Level 31 Governor Macquarie Tower 1 Farrer Place Sydney, NSW 2000

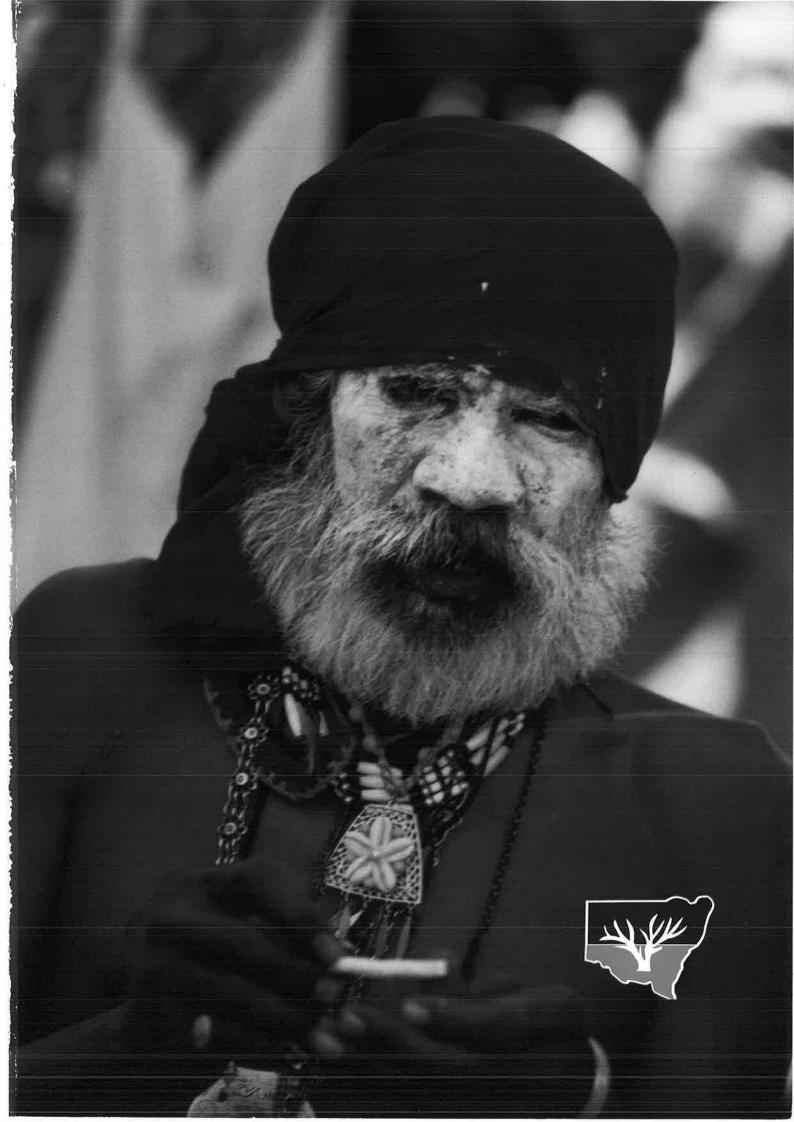
Dear Deputy Premier

I present to you the New South Wales Aboriginal Land Council Annual Report for the year ended 30 October 2001 in accordance with the provisions of the NSW Aboriginal Land Rights Act 1983, the Public Finance and Audit Act 1983 and the Annual Reports (Statutory Bodies) Act 1984.

I regret the delay in submitting this report, compounded by delays in receiving signoff from the Auditor-General's office. On behalf of the Council, I apologise for that delay.

Yours sincerely

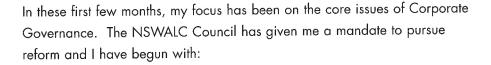
Rod Towney Chairperson



A Statement from the Chief Executive Officer

This is my first Annual Report for NSWALC, following my arrival at the helm on 4 June 2001. It is an organisation with an onerous responsibility to discharge on behalf of the Indigenous peoples of the State of New South Wales and I take very seriously the tasks and obligations that the job involves. It was a highlight of my career thus far to have been selected for this challenging position from a competitive field of interested candidates.

My background in the Land Rights Movement extends back to 1985, through a number of Local Aboriginal Land Councils, and I remain actively involved in grass roots Aboriginal community activities. I have maintained my membership of the Darkinjung LALC and hold the office of Secretary of my local Aboriginal Health Service at Wyong. Most recently before my appointment to this job, I was the Manager of Metropolitan LALC, one the State's largest LALCs (in terms of population and asset holdings, if not in terms of geographic spread).



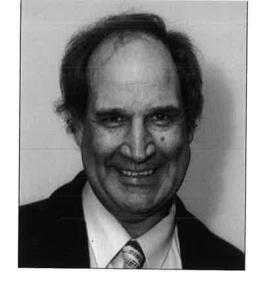
- A review of operations
- A staffing and structures Review, and
- An examination of Corporate Finances

At this time next year, I expect to be able to report on substantial progress with these reforms and detail improved accountability arrangements to both the Parliament of NSW and the Aboriginal people for whom NSWALC exists.



Jeffrey Bradford





It gives me great pleasure to present the NSW Aboriginal Land Council Annual Report for 2000/2001, although in a far different circumstances to those prevailing last year.

Chairperson's Welcome

The World Economy

In stark contrast to the excitement and goodwill of the Sydney Olympic Games of September 2000, this year will forever be remembered for the tragedy of the September 11 terrorist attacks on New York. The whole world has felt the impact of this attack and its aftermath. NSWALC is no exception, with our people sharing the world's dismay at the human cost. The calculated impact of those attacks also rippled across the world's financial markets, with NSWALC investments suffering the same fate as those of the rest of the world. Signs of recovery are, however, emerging.

Overview of the NSWALC Investment Strategy

The year ended 30 September 2001 was generally poor for the financial markets caused mainly by a slow down in the United States economy. Other countries were either in recession, or, their economies were slowing down.

The terrorist attacks on the World Trade Centre Buildings and the Pentagon on the 11 September 2001 sent financial markets into a tailspin which showed only slight signs of recovery by 30 September 2001.

In an endeavour to stimulate the United States economy, their Federal Reserve Board lowered official cash rates from 6.5% to 3% during the reporting period. Since 30 September 2001 the US Federal Reserve Board has lowered official cash rates to 2%, the lowest level in more than 40 years. Other countries including Australia, have lowered their official cash rates, but not to the same levels as the United States.

This global environment was very negative for both Australian and International equities, where benchmarks recorded negative returns of 4.36% and 21.32% respectively.

On the positive side the environment was very beneficial to bonds (fixed interest where the interest rate set by the issuer at time of issue is fixed until maturity) for both Australian and International bonds where benchmarks recorded positive returns of 10.68% and 10.64%respectively.



Australian listed property trusts performed well where the benchmark was a positive return of 16.25%. The reason for the positive return was that rental income in times of weakening economic growth is viewed as far more stable than corporate earnings engaged in other industries. Hence investors switched part of their equity holdings into listed property trusts, providing further stability to that sector.

NSWALC's investment portfolio is balanced, with a good spread of funds to protect it in periods of downturn. Cash and short term investments are not subject to market fluctuations to any large extent, but, over the long term, inflation would make serious inroads into the value of these investments. NSWALC is not risk adverse, but it maintains a balanced portfolio and conforms to the "prudent persons test" as laid down in the Trustee Act.

The value of NSWALC's portfolio has recovered in just a month from \$499.8 million at 30 September 2001 to \$511.2 million at 31 October 2001, which is a strong sign of recovery.

On a happier note, I am able to report on some achievements which will have a lingering but positive impact on the goals of the NSW land rights movement.

A Valuable Precedent for Future Land Claims

During the reporting year, NSWALC supported successful appeals against two rejected land claims, both of which have the potential for substantial impact on future claims. In essence, one appeal saw through objections based on "likely need for an essential public purpose", with the NSW Court of Appeal determining that the Government would need to establish and document probability (rather than possibility) of public use before being able to reject a claim on those grounds.

In the second appeal, the Land & Environment Court found that land "needed for residential purposes" was not, in fact, needed for that purpose and awarded that part of the land to the Local Aboriginal Land Council.

It has also been our wish to work more closely with Local Government Authorities in NSW to achieve the "full value" of successful land claims. The practice of "opportunistic" levying of Local Government rates on undeveloped former Crown land granted to local Aboriginal communities has been counterproductive and the cause of huge financial hardship for many communities.

A Better Working Relationship with Local Government

The Local Government Association of NSW agreed in August 2000 to admit NSWALC representatives to membership of their organisation and 26 representatives (13 councillors and 13 locally elected Regional representatives) were eligible to attend and to vote at the August 2001 Annual Conference. A highlight of this meeting was the resolution in relation to Planning and Environment issues. Members agreed to consult Aboriginal communities when considering land use issues. In particular, when considering the zoning of former Crown lands that had been granted to a local Aboriginal Land Council, Councils agreed to give consideration to the fact that these are now Aboriginal lands and that no decision regarding restriction of use under local planning laws should be made without prior consultation with the local Aboriginal community.



One of the areas of focus during this last year has been to step up the pace and range of training and development opportunities for our people. To this end, it is indeed gratifying to note that the NSWALC Training Unit received a Certificate of Recognition at the NAIDOC 2001 Awards for its unstinting commitment and contribution to Education, Employment and Training.

This year also saw the re-activation of a campaign for a Treaty as a better way to help enshrine recognition of Aboriginal rights and I am pleased to see that the Aboriginal community is taking the initiative.

Demanding A Voice On Treaty

Aboriginal people from around the State gathered in their hundreds at Australian Hall in Sydney on June 2, 2001, for the launch of "Talking Treaty" by the NSW Aboriginal Land Council.

After a series of regional workshops across NSW, the Land Council was urged by its membership at its State conference in Nowra, to take a leading role in the push for a Treaty, in order to ensure ownership of the debate by Aboriginal communities and not

by government agencies.

Launching a statewide community consultation process, NSWALC Chairman Rod Towney said Land Councils across NSW were calling for recognition of their rights. "Not just their rights as people, but their rights as Australia's FIRST people. The Constitution does not recognise or protect Indigenous rights, but a Treaty could."

"Aboriginal people in NSW are desperate to preserve what is left of their culture and heritage and to restore their language, law and traditions."

"They're telling us they want to retain a distinct Aboriginal identity, and to take control of their own destiny."

"Most importantly, they're saying they would not be satisfied with a feel-good document full of platitudes. A Treaty, if that is what it is eventually called, must ensure delivery of those things other Australians take for granted... healthcare, housing, education and employment opportunities."

"These are all issues we will continue to discuss, along with the forms a treaty or treaties could take, and how we might involve the broader community and governments of all levels in the debate," Chairman Towney said.

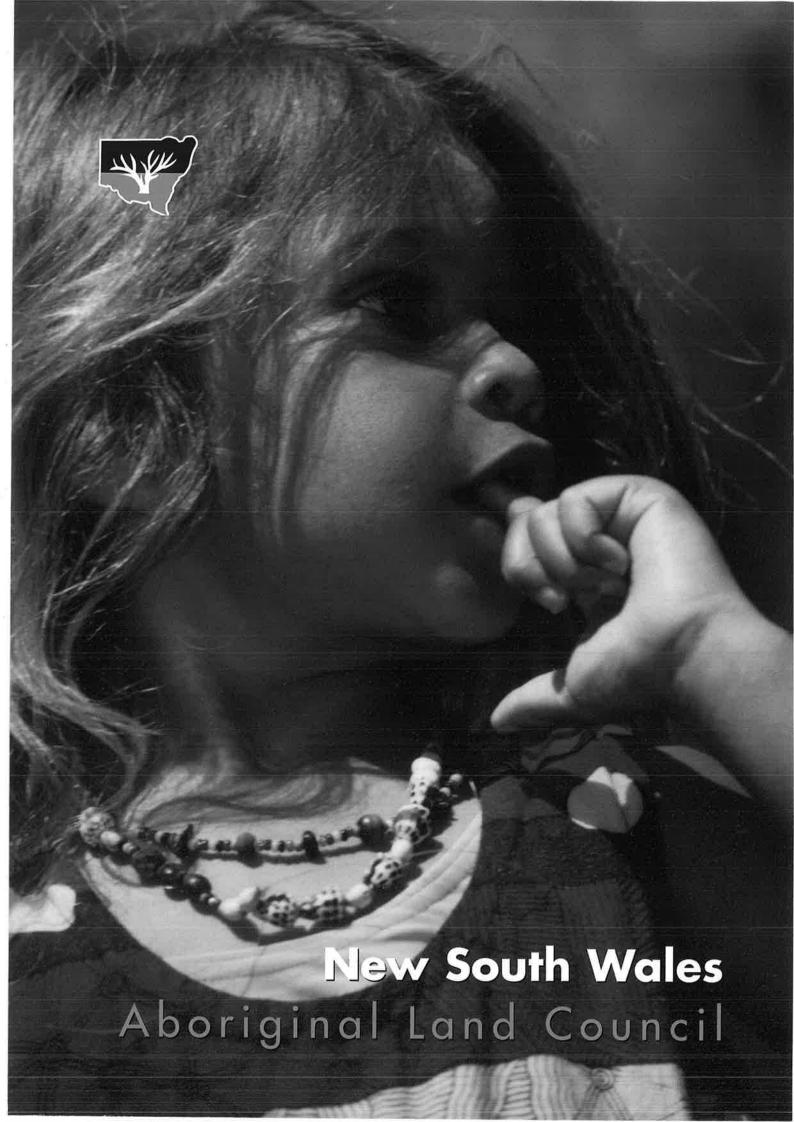
The launch was held in the historic Australian Hall in central Sydney – the very same place where on Australia Day in 1938, Aboriginal leaders declared a day of mourning and made a list of demands for equal rights. Those demands were ignored by the political leadership of the day. "But I am confident that in this day and age, Governments which ignore the original owners of this country will do so at their peril."

Chairman Towney urged those present to participate in the Treaty debate to ensure today's Indigenous voices could not be ignored. NSWALC has now entered a partnership with ATSIC to facilitate more than 100 community forums across the State, in a bid to access the full range of Indigenous views on a Treaty or Treaties.



I want to again thank my fellow Councillors for their efforts during the year and place on record my appreciation for the work of our Chief Executive Officer, Jeffrey Bradford and his team and commend this report to your attention.

> Councillor Rod Towney Chairperson



New South Wales Aboriginal Land Council

It is important to place in context the way in which this organisation came into being and to make clear for the benefit of the wider community – both indigenous and non-indigenous – what it is that the Land Council system in New South Wales is designed to do and how it goes about doing that.

This report covers the activities and financial dealings of the New South Wales Aboriginal Land Council for the financial year 1 October 2000 to 30 September 2001. It provides a summary and highlights of our activities and achievements during that period, as well as the financial and other reports required under the NSW Government's Annual Reports (Statutory Bodies) Act 1984.

Background

The New South Wales Aboriginal Land Rights Act 1983 gives the New South Wales Aboriginal Land Council (NSWALC) the mandate to provide for the development of Land Rights for Aboriginal people in NSW. The Council is committed to the ongoing provision of high quality support and advice to the Local Aboriginal Land Council network and empowerment of Aboriginal communities through:

- Land acquisition either by land claim or purchase
- Establishment of commercial enterprises to create a sustainable economic base for Aboriginal communities
- Maintenance and enhancement of Aboriginal culture, identity and heritage (including the management of traditional sites and cultural materials within NSW).

In addition, NSWALC acts as an advisor to and negotiates with Governments at all levels to ensure the preservation of Aboriginal rights.

Our Clients

The Council consists of 13 democratically elected members who represent the 13 Aboriginal land council regions in New South Wales. The Council is supported in its work by a Head Office, located in Parramatta, headed by a Chief Executive Officer with the delegated authority of the Council to assume responsibility for all aspects of the day to day operation of the Council's affairs.

Most Regions have a Branch office to support the Council's work, with a total of 11 Branch Offices supporting 13 Regions. The principal client of the NSWALC is the network of 118 Local Aboriginal Land Councils which collectively manage the range of support services delivered at local level to their communities. These services include housing, legal, employment, training and property acquisition and management.



Aims & Objectives

The NSWALC is empowered under legislation to:

- 1 administer the NSWALC Account and Mining Royalties Account
- 2 grant funds for payment of the administrative costs and expenses of Regional and Local Aboriginal Land Councils
- 3 acquire land on its own behalf or on behalf of, or to be vested in, Local Aboriginal Land Councils
- determine and approve/reject the terms and conditions of agreements proposed by Local Aboriginal Land Councils to allow mining or mineral exploration on Aboriginal land
- 5 make claims on Crown lands, either on its own behalf or at the request of Local Aboriginal Land Councils
- 6 with the agreement of the particular LALC, manage any of the affairs of that Council
- 7 conciliate disputes between Aboriginal Land Councils or between Councils and individuals or between individual members of those Councils
- 8 make grants, lend money to or invest money on behalf of Aborigines
- 9 hold, dispose of or otherwise deal with land vested in or acquired by NSWALC
- 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
- ensure that elections for the Chairpersons and other officers of Regional and Local Aboriginal Land Councils are conducted in accordance with the Act
- 12 advise the Minister on matters relating to Aboriginal land rights
- 13 exercise functions conferred or imposed by the Commonwealth Native Title Act, and
- exercise such other functions as conferred or imposed on it by or under the Aboriginal Land Rights Act (1983) or any other Act.

The key aims within this framework for NSWALC in 2000/2001 were as follows:

- to further develop the economic management skills of staff and councillors to support NSWALC's investment strategy and healthy financial operation
- to conduct a comprehensive review of staffing and structures to ensure an optimal delivery of services to clients
- to review basic financial arrangements and practices to ensure the most prudent and timely handling of accounts and the avoidance of potential conflicts of interest
- to review Rural Property holdings with a view to establishing more efficient management practices and production techniques to improve productivity
- to establish a number of strategic precedents in land rights claims upon which to build a model for future claims
- to build on a resolution by the Local Government and Shires Association of NSW in August 2000 to admit NSWALC representatives into membership of the LGSA, and
- to continue to provide a comprehensive range of suitable training and development programs for Local Aboriginal Land Councils and our own staff.

Regional Aboriginal Land Councils (RALCs)

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

The RALC is a statutory authority with the responsibility to:

- compile and maintain a register of all Local Aboriginal Land Councils within its area
- 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
- assist Local Aboriginal Councils in the establishment and keeping of accounts and submission of budgets and financial reports
- provide advice and further assistance as required by Local Aboriginal Land Councils in its area
- assist the NSWALC to conciliate any disputes between Local Aboriginal Land Councils, or between those councils and individuals, or between individual members of Councils, and
- exercise such other functions as are conferred or imposed on it by or under the Aboriginal Land Rights Act (1983) or any other Act.

Regional Aboriginal Land Councils operated during 2000/2001 from the following locations:

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



Local Aboriginal Land Councils (LALCs)

Local Aboriginal Land Councils are located across New South Wales. The number within each Region varies and ranges from three to 16, and the current total is 118. Each LALC elects its own office bearers (chairperson, secretary and treasurer) and also elects two regional representatives to attend meetings at their RALC. Staff and members are encouraged to access advice, information and support from the NSWALC.

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 page 98.

Branch Offices of NSWALC

NSWALC provides support to LALCs directly and also through a network of Branch Offices, located in such a way as to ensure that support services are more readily available to all 118 LALCs across NSW.

Council Structure & Membership

The New South Wales Aboriginal Land Council's elected arm consists of 13 Councillors, democratically elected by Local Aboriginal Land Council members to serve four year terms. The Council itself elects office bearers.

During 2000 - 2001, these positions were filled as follows:

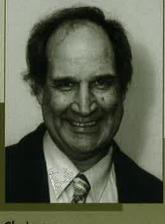
Chairperson Rod Towney

Secretary Veronica Graf

Treasurer Robert Lester - until September 2001

Ivern Ardler - from September 2001





Chairman Councillor Rod Towney Central Region

Rod was elected Chairman of NSWALC in December 1999 and sees an independent economic base that sustains cultural and financial independence as the key priority for NSWALC. Rod maintains a keen interest in Council portfolios including International Issues, Native Title, Heritage and Culture and Employment and Training. Rod has an extensive involvement with Aboriginal Land Councils, dating back to 1985. He was motivated to take on a leadership role in the community from his early years when he saw the poor treatment of Aboriginal people by the police and in schools.

Rod is a member of the Wiradjuri Nation as were his mother and father and lives in Dubbo. Rod is a qualified 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.



Secretary Councillor Veronica Graf Sydney Newcastle Region

Veronica Graf has been involved in Aboriginal affairs for 25 years, is a strong believer in Land Rights, and is a staunch supporter of Aboriginal art, encouraging Aboriginal artists in her region.

Veronica was elected to NSWALC in 1999 and currently serves as State Secretary as well as Councillor for the Sydney Newcastle region. Prior to her election, Veronica served 11 years with the Sydney Newcastle Office in Gosford.

In addition to her work with the Land Council Network, Veronica established the first Aboriginal Homework Centre in Gosford and founded the first medical service at Wyong, for which she is now Chairperson.

She secured funding for Darkinjung Local Aboriginal Land Council's Community Development Enterprise Project (CDEP) employment programme, and currently serves as the CDEP Project Chairperson.



Treasurer (from September 2001) Councillor Ivern Ardler South Coast Region

Ivern has served NSWALC in various capacities since 1983, joining the Nowra LALC as Secretary, and progressing through election to the job of Councillor in 1996, culminating in election as NSWALC Secretary for 1998/99. He currently serves NSWALC as Treasurer. 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

Ivern 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, moving to Nowra in 1997. Ivern believes that land is central to the functions of all land councils and created the first land needs strategy for NSWALC.



Treasurer (until September 2001) Councillor Robert Lester Western Metropolitan Region

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 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

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.



Councillor David Clark Murray River Region

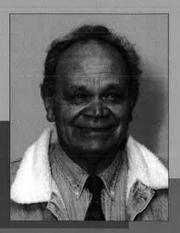
David has maintained active involvement in Aboriginal Affairs since the age of 18.

David strongly believes that Governments are only paying lip service to the many Aboriginal social problems. He maintains that Land Rights in NSW is the best piece of legislation to assist Aboriginals overcome the social barriers before them.

David's long-held vision of private home ownership for Aboriginal people resulted in the 'First homes for the first people' housing scheme, launched in 1999.

David also sees youth and Police relations as an important issue in NSW

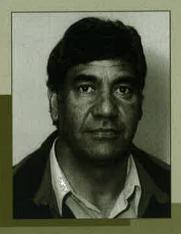
David was born and raised in Willcannia, western NSW. He moved to Albury in 1974 where he resides with wife Justine and is the proud parent of five children and ten grand children.



Councillor Ossie Cruse South East Coast Region

Ossie has served NSWALC in various capacities since 1983, culminating in his term as Chairman during 1998/1999. He oversaw the difficult period of transition where the Sunset Clause took effect, ending the land tax income stream and placing NSWALC on the path to financial independence. Ossie now maintains active portfolio interests in International Issues, ICAC and Housing, having represented Indigenous issues at a number of international forums, such as the United Nations, as well as at the grass roots local level.

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.



Councillor Tom Briggs Northern Tablelands Region

A member of the Gumbaynggirr Nation, 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 and Aboriginal community development initiatives. Tom's community involvement includes roles within Local Government and the NSW Aboriginal Justice Advisory Committees. He is also a Foundation member of the A.M.S. Armidale and the Armidale CDEP, one of the largest and most successful in NSW.

Tom believes that the effective and prudent management of the Network's Investment Fund is the major priority issue. He sees relevant training and career development opportunities and strengthening of resources to the region as key strategies for land councils in the new independent phase.

Tom Briggs lives in Armidale and is married to wife Cynthia and has 3 children and 2 grandchildren.

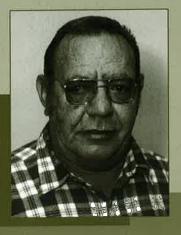


Councillor James Morgan Wiradjuri Region

James Morgan has been actively involved in the Land Council Network in NSW since the inception of the Land Rights Act 1983. James was elected to NSW Aboriginal Land Council at the 1999 election. Prior to his term as a Councillor, he was Branch Manager at Wagga Wagga for eight years. James also served as Chairperson of the Tumut / Brungle Local Aboriginal Land Council for two years. James was an ATSIC Councillor in Wiradjuri Region (prior to changing its name to Binaal Billa Region.

A major concern for James is the continuation of the Investment Fund for NSW Aboriginal Land Council to create ongoing funding for the many Land Councils within NSW.

James is totally committed to providing support and assisting the sixteen Local Aboriginal Land Councils within the Wiradjuri Region to achieve their goals and objectives.



Councillor Manul Ritchie
Central Coast Region

Manul Ritchie is a long serving Councillor having been elected to the first Council in 1984. A member of the Dunghutti and Goombaingirr 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. Manul was involved by association with the Federal Council of Aboriginal and Torres Strait Islanders (FCAATSI), a key organisation in national Aboriginal affairs.

Manul believes the NSW Land Rights Act and the Native Title Act, in conjunction with ATSIC & ILC, can be used together to extend Aboriginal rights and to increase the amount of land claimable and purchasable in NSW. He believes native title can also revive culture and language in the Aboriginal communities and restore pride to the Elders in each area. Manul has served NSWALC previously as both Chairperson (1991-1995) and Treasurer (1996-1997).

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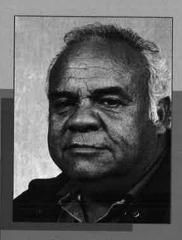


Councillor Wayne Griffiths Northern Region

The son of veteran land rights activist, George Griffiths, and a member of the Corben clan (Namoi 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.



Councillor William Murray Western Region

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 Les Trindall North West Region

Les Trindall was elected
NSWALC Councillor for the
North West Region at the 1999
election. While a first term
Councillor, his association with
the region and the Land Council
network dates back another 11
years, during which time Les
served as North West Region
Branch Manager at Coonamble,
offering support to a large
number of Local Aboriginal Land
Councils. Prior to his Land
Council career, Les worked as a
drover and fencing contractor.



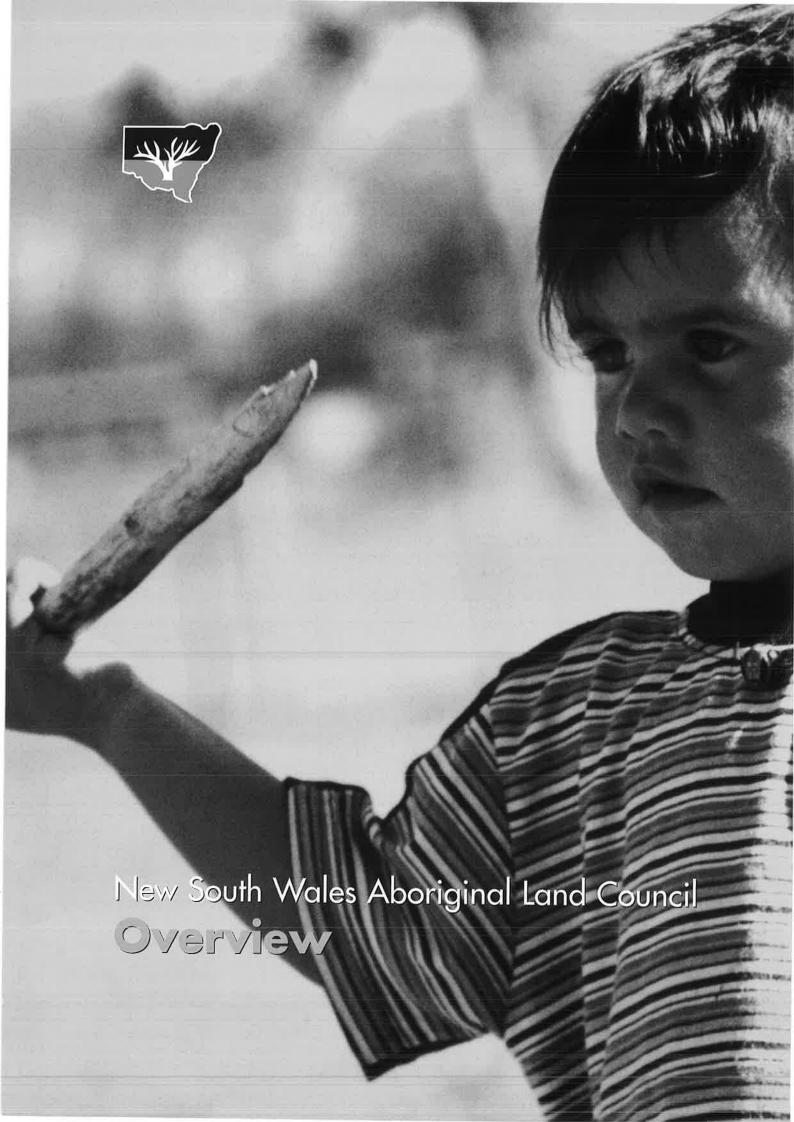
Councillor David Brown Far Northern Coast Region

Councillor David Brown belongs to two of the north coast's largest language nations, through his mother's Gumbaynggirr people and the Bundjalung people of his father. David has spent all of his life on his traditional country. He has been involved with Land Councils since 1989.

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 further success of land councils in the Far North Coast region.

Councillor Attendance At Meetings 2000 - 2001 NO. ATTENDED NO. MEETING DAYS COUNCILLOR **ELIGIBLE TO ATTEND** 53 I. Ardler 56 47 56 T. Briggs 56 47 D. Brown 48 56 D. Clark 40 56 O. Cruse 53 V. Graf 56 54 W. Griffiths 56 51 R. Lester 56 44 56 J. Morgan Medical leave of 27 W. Murray 56 absence - 4 months. 56 53 M. Ritchie 54 56 R. Towney 56 40 L. Trindall



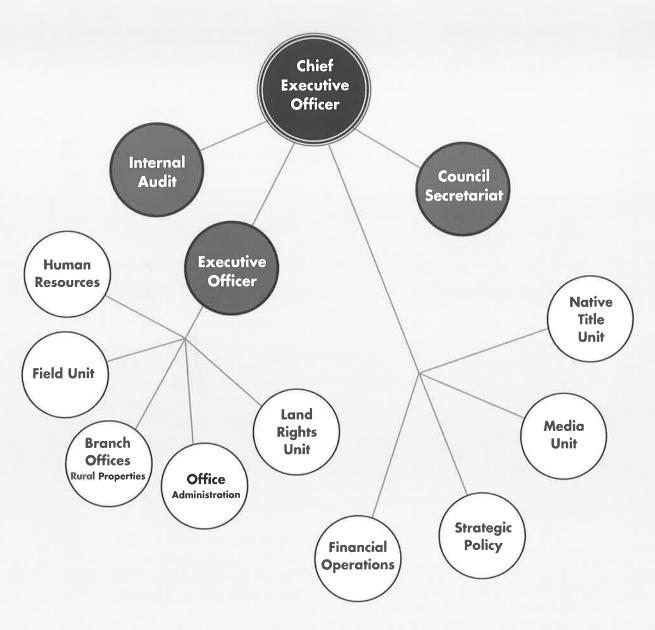
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Organisation Structure

Organisation Chart Year 2000 - 2001



Aboriginal Land Council



New South Wales Aboriginal Land Council



The NSWALC is arranged in functional areas relating to the core business of the Council - namely, Land Rights, Native Title, and Investment. There is a range of management and support areas including Executive, Human Resources, Training & Development, Accounts, Purchasing, Fleet Management, Field Liaison and Internal Audit.

During the reporting period, a major review of staffing structures was undertaken, with detail provided later in this report.

During the year, staffing averaged 110 persons with 32 of these functioning in 13 Branch Offices.

Executive

During 2000/2001, the NSWALC had only one position at a level of Executive Officer. That position, Chief Executive Officer (originally Executive Director) was created in 1994 and although not part of the NSW Public Sector Senior Executive Service, was established at a level equivalent to SES Level 2.

The position was occupied by Ms Kerri Wilkinson until June 2001 in an acting capacity until the appointment of Mr Jeffrey Bradford who commenced with the NSWALC on 4 June 2001.

The positions of Councillor are established under the NSW Aboriginal Land Rights Act, 1983 with salaries currently determined by the Statutory and Other Offices Remuneration Tribunal for Public Office Holders.

Media Unit

In April 2001, NSWALC appointed a full time Media Manager to perform publicity and promotional tasks. This move was made in response to an identified need to better manage media issues - both positive and negative. With the joint aims of improving the

organisation's profile as well as facilitating improved communication with the broader community and also within the Land Council network, the Media Unit has an important role in the ongoing development of NSWALC. The Media Unit's functions include:

- Monitoring of Indigenous issues in the media
- Responding to daily media inquiries
- Responding to requests for information from community and government bodies
- Liaising with community and government organisations
- Providing media advice and briefings for Councillors and key staff
- Initiating positive stories
- Responding to negative reports
- Organising events and promotional activities

Human Resources Unit

The Human Resources Unit exists to provide an extensive range of services to internal staff and Councillors and to Regional & Local Aboriginal Land Councils.

Within NSWALC, the Unit is responsible for all matters relating to all payroll functions including meeting legislative requirements in respect of taxation and superannuation. Occupational Health & Safety is another key responsibility with constant legislative changes requiring the Unit's continued awareness and capacity to adapt to new requirements.

Recruitment and selection of staff is a critical function of the Unit as is the accurate maintenance of all staff and establishment records, the conduct of performance appraisals, counselling and the processing of all conditions of employment.

The Unit provides advice to management and council on new and emerging issues to ensure NSWALC is informed and is proactive in dealing with change, particularly in the area of industrial and employee relations.

One of the major responsibilities of the Unit is the provision of an extensive range of Training and Development opportunities to staff and management of NSWALC and to Local and Regional Aboriginal Land Councils. Training & Development needs are constantly analysed and reviewed to ensure client needs are being met with the introduction of new and modified courses and programs.

Internal Audit Section

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. Internal Audit Section reports to the Audit Committee, which is made up of Council members and senior NSWALC staff representatives. The Audit Committee met 7 times during the year.

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

 Audits, reviews and projects conducted by the Section

During the year the Internal Audit Section issued detailed recommendations to Council and management in audit reports. This is the principal function of the Section. The aim of the recommendations is to improve internal controls, systems, procedures and the efficiency and effectiveness of operations of the state, regional and local land councils. The audits included investigations into possible fraud and corruption issues, systems performance evaluations and the provision of advice to Local Aboriginal Land Councils. Internal Audit advice assisted managers solve accounting and audit problems.

 Preparation of the approved annual Internal Audit Plan

The plan included consideration of requests by Aboriginal Land Councils to conduct audits or investigations. The plan for the 2002 year is to include the audits of Branches, Head Office Sections, Regional and Local Aboriginal Land Councils and special projects.

- The further development of the Section's audit procedures and reporting and the training and development of audit staff. The Internal Audit Section is committed to the continuing development of staff in both their understanding of the Land Council System and skills in technical auditing. Technical development is an ongoing task undertaken to better assist management to improve procedures.
- Support of the complaints officer and the complaints process

The Complaints Officer, an officer of the Field Section, processes complaints with the assistance of the applicable Branch or Section to which they relate. The complaints officer 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. Internal Audit monitors progress in relation to the complaints and acts as a reviewer of the action undertaken. Many of the complaints were directed through the Independent Commission Against Corruption (ICAC) and are referred in some cases to Internal Audit for investigation or advice or are referred from NSWALC to ICAC as a result of audits conducted. The manager of Internal Audit also acts as the Coordinator under the Protected Disclosures Act.

 Information and audit advice to the Audit Committee

The Section provides on an ongoing basis information and audit advice to both the Council Members and Management on issues relating to the audit and operations of NSWALC and Regional and Local Aboriginal Land Councils. This is either in the form of



formal written reports or discussions or interviews during or after the audits. Issues include the improvement of the presentation of financial reports and other Council records and advice on how to prevent errors or fraud.

The Audit Committee

The Audit Committee meetings consider and action reports prepared and submitted to management on all audits undertaken in accordance with the audit plan. The Audit Committee provides a means of attention being focused on recurring problems and believes that emphasis should be placed on working with Management to improve management systems and procedures. The Audit Committee also seeks to encourage positive and open relationships with other authorities that have responsibilities in relation to the complaints process or legal compliance. It has encouraged dialogue and cooperation with organisations such as the Ombudsman, the ICAC, the Department of Aboriginal Affairs and the Minister's Office, the Police and the Audit Office of NSW. The Committee has the continuing positive support of Council in the promotion of accountability and transparency within the Land Council System.

The Accounts Unit

The Accounts Unit deals with all financial reports to management and also looks after the debtors and creditors of NSWALC. The Unit also assists branches and locals with accounts queries and allocations to LALCs. Accounts section also deals with grants including funeral assistance to the Aboriginal community in NSW as per council approval.

Land Rights Unit

At the centre of NSWALC's operations is the issue of Land Rights and the Unit has worked tirelessly during 1999/2000 to support LALCs in their pursuit of claims wherever there are reasonable grounds and at every stage to seek to have the large number of unresolved claims determined by Government.

The Unit not only provides technical support and assistance to LALCs in lodging claims under the ALRA, but is responsible for overseeing the Ancestral Remains Project whereby research is conducted and proper procedures put in place to repatriate ancient skeletal remains and cultural material currently held in museums, private collections and other institutions. When invited, NSWALC negotiates on behalf of and alongside of LALCs to achieve a return of remains for reburial and handover of artifacts to the Aboriginal communities from which they were taken.

In addition, the Land Rights Unit is a resource to LALCs in relation to land management, providing both policy and legal advice to LALCs concerning a wide range of land management issues.

Native Title Unit

The functions and obligations placed on NSWALC as a Native Title Representative Body under the former Native Title Act were open to interpretation. However, since the commencement of the new Native Title Amendment Act (1998), these functions and obligations have been made compulsory and now include:

Facilitation and Assistance

- research for the preparation of native title claims and applications for compensation for acts affecting native title
- facilitating and assisting native title bodies corporate and native title holders in consultations
- mediation, negotiations and proceedings in regard to any native title process
- consulting and seeking the agreement of native title holders and the broader Aboriginal community in claimant strategies and actions, and
- 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 National Native Title Tribunal (NNTT) or the Federal Court that all the requirements under the Act have been "in order" and 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. The Native Title Unit 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, and

Internal Review

Including responding to complaints by native title claimants about particular Native Title Representative Bodies. 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 July to 30 June financial year basis.



2000 - 2001 Review of Operations



Review of Operations

The various operational areas of the Council conduct regular internal reviews of their operations, as well as being subject to external review by a range of bodies. The following is a summary of major business items transacted during the reporting period.

Achievements in Media

Since the appointment of the Media Manager, NSWALC has achieved a higher profile, receiving widespread coverage in metropolitan and regional press, television and radio outlets on issues including:

- Mining and Exploration Protocol with the NSW Minerals Council
- NSWALC membership of Local Government Association
- Nowra State Conference
- NSWALC's "Talking Treaty" community consultations
- Announcement of joint Treaty workshops with ATSIC
- Dual Naming Policy (English/Aboriginal) for NSW landmarks
- Land Clearing near Narromine
- Amendments to Aboriginal Land Rights Act, 1983
- Grant to the Far West Children's Health Scheme for work with Aboriginal children
- Armidale Assault Case
- Auditor General's Report
- Indigenous Fishing Strategy
- National Parks issues

Media events conducted during the reporting period included :

- "Talking Treaty" Launch Australian Hall 2
 June 2001
- Protocol Signing NSWALC Offices 26 June 2001
- NAIDOC Week "Building Partnerships" Awards - Powerhouse Museum 12 July 2001

(Joint Awards - NSWALC, DAA, ATSIC and DEET)

At the completion of the reporting period, the Media Unit was in the process of recruiting an additional Media/Information Officer and a

Web Master. Projects now in train include

- the development of a quarterly newsletter
- education and information packs for students, educators, media and community groups
 and
- the development and launch of a NSWALC web site.

Achievements in Human Resources

There were several major achievements by the Human Resources Unit during the reporting period:

Salary Sacrifice

In 2001 the Human Resources
Unit implemented Policy &
Procedures for Salary Sacrifice
for Superannuation Purposes for
staff of the NSWALC. This
provided staff with the
opportunity to make additional
Superannuation contributions at
the gross salary rate resulting in











short-term taxation benefits and, more particularly, improved long-term individual financial security for many employees in their future retirement.

Chief Executive Officer

The Unit was responsible for coordinating an extensive national recruitment program that attracted a wide field of highly qualified indigenous applicants for the position of Chief Executive Officer. As a result of this action and the subsequent selection process, Mr Jeffrey Bradford was appointed as Chief Executive Officer of NSWALC effective from 4 June 2001 for an initial 5 year term.

Position Evaluation

During the 2001 year the Unit coordinated and participated in a program involving consultation with external consultants that enabled the creation and evaluation of a significant number of new positions within the NSWALC. The positions were of a diverse and complex nature requiring research and negotiation.

As a result of this process, detailed position descriptions were established, positions evaluated, and recruitment action implemented resulting in the appointment of a number of highly qualified and experienced employees.

Achievements In Occupational Health & Safety, Workers' Compensation & Rehabilitation

Policies, procedures and programs which had been developed and approved in the previous reporting period, continued to be implemented. A program of visits to Branch Offices and properties was commenced by the Occupational Health Safety & Rehabilitation Co-ordinator (Laurie Coleman) to give a presentation to managers & staff about the new initiatives and to discuss and advise on particular OH&S and Workers' Compensation issues. This will continue into the next reporting period.

The new Occupational Health & Safety Act 2000 and the Occupational Health & Safety Regulation 2001 were introduced in NSW effective from 1 September 2001. There are significant changes which will impact on all employers. However a period of 12 months is allowed for NSWALC to implement changes for compliance as a larger employer, and 2 years for LALCs as small employers.

Changes to the Workers' Compensation legislation have also been introduced. Strategies will need to be developed and implemented in 2001/2002 for NSWALC to comply with the legislative changes.

In fact, so great is the rate of change that in order to keep abreast of the latest developments, Laurie Coleman attended five OH&S/Workers' Compensation seminars or conferences during the reporting period.

Organising accredited First Aid training for NSWALC staff and members of LALCs continued in 2000/2001. Courses were conducted at Parramatta, Far North Coast and Northern Tablelands. There were 18 NSWALC staff who were successful in gaining the Senior First Aid certificate. It is intended to encourage further participation in First Aid courses in 2002.

The Parramatta OH&S Committee had been inactive since 1999. A new Committee was appointed in 2001 after nominations were called. The members are Ruth Andrew, Diane Lee, Diane Van Aken & Jason Watts. The management representative is Kerri Wilkinson and Laurie Coleman will be a member of the committee in an advisory capacity.



Achievements in Staff Development

The Training Unit had a very busy year with the delivery of a large number of training programs for Local Aboriginal Land Councils across the State.

Community Planning Program

The Community Planning Program involves 6 one week workshops over a 12 to 18 month period. Throughout the reporting period, the training unit continued with the Community Planning Programs that were already in operation. The workshops during 2000/2001 were held in Albury, Dubbo, Mollymook, Queanbeyan, Rooty Hill and Cobar.

A total of seventeen (17) ALC participants completed the Statement of Attainment in Community Management and were awarded NSWALC certificates of Achievement from Chairman Rod Towney and Secretary Veronica Graf at a formal presentation ceremony on 22 June 2001. By way of proof of the application of their skills, participants presented NSWALC with a copy of a LALC Community Plan developed over the life of the program.

The participants were:

- Christine Ferguson (Birrigan Gargle)
- Cynthia Coxon (Northern Branch)
- Erica Mercy (Purfleet/Taree)
- Graham Purcell (Yaegl)
- Lois Towney (Gilgandra)
- Loma Paulson (Forster)

- Marie Mohammed (Gilgandra)
- Michael Randall (Yaegl)
- Natasha Davis (Purfleet/Taree)
- Norma Freeman (Young)
- Patricia Laurie (Birrigan Gargle)
- Phillip Wright (Coonamble)
- Rena Clements (Cobar)
- Robert Carroll (Griffith)
- Stephen Oxley (Forster)
- Warren Ingram (Leeton)
- Wayne Fernado (Coonamble)

Property Management Program

The Property Management Program conducted during the reporting period involved 4 one week workshops to be completed over a 12 month period. Two programs were delivered with support funding from the Department of Education Training and Youth Affairs (DETYA), under the Workplace English Language Literacy (WELL) program.

The Property Management Program workshops this year were held in Dubbo, Murrumbidgee, Coffs Harbour, Orange, Warwick Farm, Tamworth & Ballina to enable participants to visit different communities to see how they manage their housing,

A total of thirty five (35) participants completed the Certificate II Property Management (Aboriginal Communities) and Real Estate Practice.



following students, TAFE teachers and artists of the Living in Harmony Project, for their great efforts and contributions.

• THE STUDENTS:

Barbara Mangan, Belinda Jenkins, Jamie Mack, Kelly Pinder, Kylee White, Lex Harding, Mary Labbad, Rebekah Noble. Sal Rogers, Simon Grealy & Toli Stewart

- TAFE FACILITATORS (WSIT): Clare Stapleton & Jenny Khan
- ARTISTS:

Sigrid Herring, Holly Herring & Dean Bell

The Living in Harmony Project consisted of both a steering and a working committee. The following people are to be acknowledged for their time, effort and contribution towards the project.

STEERING COMMITTEE

Elaine Telford

Australians for Reconciliation

Gil Maher

Dep Immigration & Multicultural Affairs

Heather Porter

Nirimba College of TAFE



Peter Lalor

NSW Aboriginal Land Council

Tamara Constantine

Department Fair Trading

WORKING COMMITTEE

Anne Sattler

Forster Local Aboriginal Land Council

Clare Stapleton

Nirimba College of TAFE

Jenny Khan

Nirimba College of TAFE

Sue Knox Davis

Nirimba College of TAFE

Paul Newman

Paul Newman Consulting

Lorensz Herft

NSW Aboriginal Land Council

Marlene Nasr

NSW Aboriginal Land Council

Cultural Awareness Training Package

As part of the Living in Harmony project, Paul Newman Consulting was engaged to develop an Aboriginal Cultural Awareness Training Program to complement the information kits. The addition of this cultural awareness training program provides a comprehensive learning and teaching resource for schools and community organisations.

The Cultural Awareness training program consists of a one-day theory session delivered in a workshop environment and a one-day field visit of local sites and Aboriginal organisations.

Aboriginal Cultural Awareness Pilot Programs

The Aboriginal Cultural Awareness Training Program was piloted in Taree, Quirindi and Parramatta this year as part of the Living in Harmony program.

Pilot Programs were held in Taree on 29 November 2000, in Quirindi on 4 April 2001 and in Parramatta on 29 May 2001, promoting the Aboriginal Cultural Awareness Program and the ALC information kits.

The main aim was to bring together the local business and community groups to discuss issues which concern the Aboriginal Community in an effort to build links and create cultural awareness. The program also focussed on cross-cultural employment issues and included representatives from Public, Private and Community organisations including: employees from TAFE, RSL, Local Government, K Mart, Coles, Woolworths, Clints Crazy Bargains, Mission Employment, Spotlight, BiLo, GoLo, the Police Service and NSWALC.

The aim of the workshop was to facilitate communication between local businesses and the Aboriginal Community with a view to increasing the employment of Aboriginal people in Taree. The program was a success with both local business people and members of the Aboriginal community agreeing that the program was of great benefit to them and created a greater awareness of current issues.

At the end of the pilot program in Quirindi, the group was satisfied and successful in gaining further understanding of the issues affecting Indigenous people and after discussing local strategies for the local area, they hoped to form an inter-agency committee.

The Living in Harmony project is still in progress with the Aboriginal Cultural Awareness manual in its final stages of review and amendment. The Training Unit is anticipating launching the Aboriginal Cultural Awareness manual and information kits on Aboriginal Land Councils during 2002.

Mapping of ALC students

The Training & Development unit together with the Western Sydney Institute of TAFE conducted a comprehensive "mapping" of students' results from various Office Skills training courses conducted over recent years. Participants were from Parramatta, Dubbo, Taree, Macksville, and Quirindi. The Office Administration mapping project for ALC training participants

in the Workplace English Language Literacy (WELL) supported program is now completed, and the project achieved the following:

- Identified which Office Administration modules individual training participants have completed.
- Identified which Office Administration modules individual training participants need to complete in order to achieve course completion.
- Identified where individual training participants have completed modules in other course, relevant to the areas NSWALC offers training.

The project has been gathering information on ALC participants in NSWALC/TAFE training programs since 1993. This covers all ALC students trained across the state by NSWALC/TAFE. Students' previous studies have been accredited into current courses and their studies across various areas have been coordinated where possible into a single course.

As a result of this process, 288 students will receive awards as follows:

- 213 students will receive a Statement in Business Services
- 52 students will receive a Statement of Attainment Computing Skills for the Office
- 10 students will receive a Certificate I Business (Office Skills)
- 12 students will receive a Certificate II Business (Office Administration)
- 1 student will receive a Statement of Attainment in Reception skills.

Development Of Microsoft Access Data Base For Training Records And Results

The development of Microsoft Access Data Base project conducted during the reporting period has achieved the following outcomes:

1. The database will hold a record of all currently identified individual NSWALC training participants who have completed TAFE training courses through the NSWALC Training and Development Unit.



- 2. The database records all relevant information regarding the nature of training in which each trainee has been engaged.
- 3. The database will be able to provide a number of management reports, including:
- Individual participant record of completed training, for example all training completed by an individual training participant.
- Completed training by region represented, for example the number of NSWALC participants in the Wiradjuri who have undertaken training.
- Completed training by course area, for example, the number of training participants in the NSWALC network who have completed Property Management training.

In this way, the Training Unit hopes to work toward continuous improvement in the development and recording of skills acquired by ALC staff and volunteers across the State.

Achievements of the Land Rights Unit

The passage of the Aboriginal Land Rights Act (NSW) 1983 by the Wran Government marked a watershed in recent Aboriginal history. Quoting from the Preamble, we see the essential intent of the Act:

"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 Aboriginal 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 - the right to ownership of their own land in Australia, from which they were dispossessed by white settlement. Aboriginal people have been able to make land claims since the commencement of the Act in 1983. Land councils lodge land claims over NSW Crown land, which are then determined by the relevant Minister or on appeal through the NSW legal system.

Under the Act, claimable Crown land is defined

- 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
- Land that is not lawfully used or occupied
- Lands which are not, in the opinion of the Minister administering the Crown Lands Act, needed or likely to be needed as residential lands.
- Lands which are not needed or likely to be needed for an essential public purpose.
- Lands that are not subject of an application for a determination of Native Title or subject of an approved determination of Native

If land satisfies the above tests, it is granted to the claimant land council. Land councils have a right of appeal against 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 now the sole remaining form of compensation for dispossession of land available under the Act. This follows the sunset of a provision of the Act which for 15 years made available to NSWALC an amount equivalent to 7.5% of land tax collected in NSW, of which half has been invested on behalf of the Aboriginal peoples of this state to help secure our economic, social and cultural future.

Claims Progress

Over the period 1983 to end September 2001 there have been 1964 claims land granted out of a total lodgement of 6620, with more than 3,200 declined. The total area of these granted properties comprises 76,120 hectares with an estimated value of \$636,724,216. Even though the preamble of the Aboriginal Land Rights Act 1983 states that land in New South Wales was traditionally owned and occupied by Aborigines and that land set aside for Aborigines has been progressively reduced without compensation, there is still only a 30 per cent success rate in reclaiming Crown land from the Government. In the year 2000/2001, statistics show that a total of 106 claims were lodged. As at 30 September 2001, 942 claims were still outstanding (down from just over 1,000 last year) but with 75 of these outstanding claims having been lodged with the Minister before June 1990.

Functions and Responsibilities of the Land Rights Unit

The statutory responsibilities carried out by the LRU under the Act are:

- Land Claims;
- Disposal, leasing, purchasing and changing the use of LALC land pursuant to S40D, S40B, Reg 24 & S40B of the ALR Act, respectively;
- NSWALC Policy relating to property matters within the ALRA regarding LALCs, RALCs and NSWALC;
- Management & disposal of NSWALC

- properties including transfers to LALCs and investment properties;
- Safekeeping of the Common Seal;
- Rates policy including exemptions and S44A debts;
- Policy matters relating to interaction with Federal, State, and Local Government;
- Interaction between Land Rights and Native Title issues;
- Monitoring & advising the Council on legislative change;
- Planning law issues on LALC properties and where proposed development affects Aboriginal people;
- Protection of Aboriginal Cultural Heritage matters and policy;
- Areas of NSW not constituted by LALCS;
- Policy and representation regarding Government advisory committees;
- Briefing external professionals such as Solicitors and ensuring co-ordination with LALCs;
- Natural resource issues such as mining, hunting & gathering agreements, fishing rights and policy regarding forestry issues;
- NSWALC housing policy (including the Housing disposal Project) and involvement with the Aboriginal Housing Office;
- Assistance with negotiations under the Aboriginal Ownership of National Park provisions of the National Park & Wildlife
- Applying for external grants for specific projects including ILC, Regional Forest Agreement process, Indigenous protected areas and Landcare;
- Providing advice to LALCs on all of the above areas as well as general inquiries including legal.

Legal Matters on hand

The major current legal matter is the review of the ALR Act, which is detailed at page 46 under the heading "Legal Changes". There are, however, also a number of significant legal appeals which were pursued during the reporting period. At the time of writing, the Land Rights Unit was assisting over thirty (30) Local Aboriginal Land Councils with internal and external legal advice.



Review of the Aboriginal Land Rights Act 1983 (NSW)

Proposed amendments are currently awaiting Cabinet's approval and are expected to be tabled in Parliament before the end of 2001. Details are at Legal Changes on page 46.

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 NSWALC and an agreement being entered into between the Local Aboriginal Land Council and 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, 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. The following appeals have been progressed during the reporting period.

LALC: Wanaruah Local Aboriginal Land Council land claim

PPTY: Muswellbrook Common Land Claim

- Wanaruah LALC lodged a claim over the Muswellbrook Common. Part of the claim was granted and part was refused by the Crown Lands Minister for several reasons. The Minister alleged that some of the land was needed for residential purposes, for an electricity transmission line, for a trigonometric station and access road, etc.
- With the assistance of NSWALC, Wanaruah LALC appealed against parts of the Minister's decision. The appeal focused on the land the Minister said was needed for residential purposes. The Wanaruah LALC said the land was not needed for residential purposes and should therefore be granted to the LALC.

- The LALC was successful on this point: the Land and Environment Court found that the land was not needed for residential purposes.
- The matters outstanding:
 - Wanaruah LALC has to choose its preferred route for access to the trigonometric station as agreed to in the court orders.
 - NSWALC needs to consider whether it wants Minter Ellison (the solicitors) to consider the likelihood of success in NSWALC obtaining some or all of its costs in these proceedings.

LALC: Deerubbin Local Aboriginal Land Council

PPTY: Maroota Forest Nature conservation appeal

- Land Claims made by Deerubbin LALC over parts of the Maroota Forest were initially rejected by the Minister administering the Crown Lands Act, citing a number of reasons for opposing the land claims including that the land was "likely to be needed for an essential public purpose".
- In 1996, with the technical and financial assistance of NSWALC, Deerubbin LALC lodged an appeal in the Land and Environment Court against the Minister's rejection of the Land Claims and in 1999, Deerubbin won their case.
- The Minister sought and was granted leave to appeal by the Supreme Court and duly lodged an appeal with the NSW Court of Appeal,
- The appeal was dismissed in February 2001 resulting in the majority of the land claimed being transferred to the Deerubbin LALC.
- Some important points of law were decided and won on behalf of Deerubbin LALC in the Court of Appeal. Importantly, the Court raised the level for the Government to assert that the land was "likely to be needed for an essential public purpose". It needed to be "more probable than not" that the Government needed the land, and it needed to be a documented decision at the level of Executive Government that the land would probably be needed.



Rates Exemption

Rates exemption applications for vacant land owned by Local Aboriginal Land Councils are now being accepted by the Minister for Aboriginal Affairs, Dr Andrew Refshauge. The Minister has announced a new set of guidelines for Section 43, NSW Aboriginal Land Rights Act, (1983), in order to apply for rates exemption on vacant land. These guidelines assist in the determination of applications by Local Aboriginal Land Councils for vacant land claimed through the NSW Aboriginal Land Rights Act.

The Department of Aboriginal Affairs has written to all Local Aboriginal Land Councils advising of the new guidelines and the process for making a determination. (See Appendix 5 on page 91, and Appendix 6 on page 92 for more information.)

Fifty one (51) Local Aboriginal Land Councils have applied for rates exemption under the new guidelines in the past twelve months. Four hundred (400) determinations have been made by the Minister to date granting rates exemption to the value of approximately \$430,000 per year. Exemptions may only be claimed for a maximum period of five years at this stage.

The NSW Aboriginal land Council strongly encourages all Local Aboriginal Land Councils to make application for rates exemption on all vacant land to assist in relieving at least some of the unfair burden of Local Government rates. As Crown Land, Local Governments were unable to charge rates, yet once title passes to a LALC, many Local Government Authorities have opportunistically invoiced for rates even though the land is unserviced and non-income producing.

The NSW Aboriginal Land Council will also continue to seek further relief from rates for various other forms of land use including residential rates on former reserves, community facilities (e.g. Schools), etc. The NSW Aboriginal Land Council will continue to lobby for these changes and is hopeful of being able to bring news of favourable outcomes with

respect to these negotiations in a future annual report.

Involvement with various committees and forums on behalf of the NSW **Aboriginal Land Council**

The Land Rights Unit, on behalf of the NSW Aboriginal Land Council, is invited to participate on many varied committees, to represent Indigenous concerns.

The following is a list of Committees and forums in which the Land Rights Unit staff are involved:

- Great Artesian Basin Advisory Committee
- Resource and Conservation Advisory Committee
- Various Local Shire Council Aboriginal Advisory Committees
- Local Government Aboriginal Network Conference
- Local Government Annual Conference
- Paroo Wetlands Committee formed by the World Wide Fund For Nature
- Geographical Names Board
- Native Vegetation Advisory Council
- Water Advisory Committee
- National Indigenous Working Group
- Sydney Wetland Action Committee
- Natural Heritage Trust Assessment Panel
- State of the Environment (2003 Report) Advisory Committee

The Land Rights Unit also carries the responsibility to organise endorsement of Local Indigenous participants to a wide variety of forums and State Government committees including native vegetation, water, river, ground-water and forests committees.

Native Vegetation

The NSW Aboriginal Land Council (NSWALC), through the Land Rights Unit, is represented on the State Native Vegetation Advisory Committee. This committee was formed as an outcome of the Native Vegetation Conservation Act (NVC Act) 1997. The objects of the NVC Act are:



- to provide for conservation and management of native vegetation on a regional basis.
- To encourage and promote native vegetation management in the social, economic and environmental interests of the State.
- To protect native vegetation areas of high conservation value.
- To improve the condition of existing native vegetation.
- To encourage the re-vegetation of land and rehabilitation of the land with appropriate native vegetation.
- To prevent inappropriate clearing of native vegetation.
- To promote the significance of native vegetation, according to principles of ecological sustainable development.

The NVC Act established 8 Regional Native Vegetation committees throughout NSW. A requirement within the NVC Act was that the State Advisory Committee include 2 Aboriginal representatives nominated by the NSWALC. (See Appendix 2 on page 84, and Appendix 7 on page 93 for more information.)

The Regional Native Vegetation Committees are also required to include 2 Aboriginal representatives nominated or endorsed by the NSWALC. Support for any nominations is first sought through the Local Aboriginal Land Council or by the Regional Aboriginal Land Council. The nominations are then formally endorsed by NSWALC.

The main business of the State Native Vegetation Advisory Committee has been to develop a Strategic Plan on Native Vegetation Conservation. At the time of writing, this report was at Draft stage and due for endorsement by all stakeholders by December 2001.

In conjunction with the strategy, each Region is also to prepare a Regional Management Plan for Native Vegetation The Strategic Plan (Draft) Native Vegetation Conservation Strategy contains a number of issues for Aboriginal communities to be aware of, including:

- Our right as people indigenous to this land to be involved and participate in decision making processes and management of Native Vegetation Conservation and our intellectual property rights of the knowledge of Native Vegetation and its role within the social, cultural and economic aspects for Aboriginal people
- Cross-cultural awareness programs for non-Aboriginal involved in native vegetation planning
- Aboriginal participation in revegetation programs and monitoring of clearing rates
- Aboriginal input into Aboriginal cultural practices with caring for country practices
- Aboriginal participation in combating the salinity problem
- Aboriginal participation in education and public awareness programs on native vegetation conservation
- Inspection for sites of significance for proposed land clearing applications
- Appraisals of properties on native vegetation assets before purchase of or acquiring of lands
- Consideration of intellectual property rights to native vegetation production and management.



Land Owners making application to the Dept Land &Water Conservation (DLWC) for clearing native vegetation must provide the following information for a development consent:

- reasons for clearing the area
- Trade-offs for re-vegetation or declaring high conservation areas
- Provide a report from the Aboriginal Land Council on sites of significance within the proposed area
- Description of flora and fauna habitat in the proposed area.

The process of site inspections for significant or cultural important places is a concern to the DLWC. Guidelines for processes and procedures need to be set in place. This would include:

- initial request for a site inspection should be through the Local Aboriginal Land Council
- a recommended fee on an hourly basis needs to be set
- the persons doing the inspection need to have appropriate expertise and qualifications
- an appropriate reporting on the inspection needs to be required.

The DLWC suggests that guidelines be implemented for the inspection of proposed lands to be cleared for inspections on significant areas or items of cultural significance. The guidelines should include:

- the local Aboriginal land council is the contact to arrange for a site inspection,
- the person doing the inspection needs to have accreditation or expertise in assessment of areas or items of cultural significance,
- a reasonable base for fees needs to be established.

The problem remains as to who is responsible for the endorsement of these guidelines. The National Parks and Wildlife Service have the legal responsibility for culture & heritage but also give consent to destroy.

The DLWC has released a precise date record on the type of vegetation existing by computer

mapping. This is available on the DLWC website, VegNet.

To December 2000, 323 breaches of the NVC Act were reported, 3 stop work orders were given, 5 directions for remedial work and 58 warning notices were given. At the time this report was compiled, a number of alleged breaches were under investigation by the Crown Solicitors.

Attached is a FACT sheet from the NCC which highlights the concerns of land clearing within NSW. (See Appendix 1 on page 82 for more information.)

The Land Rights Unit is planning to conduct a workshop with all Aboriginal representatives on the Native Vegetation and Water Catchment Committees for each region. The workshops are to assist and support the role of the representatives and encourage feed back to the Aboriginal community on the issues which may affect the local Aboriginal interests.

Salinity Strategy

Following on from a State Government summit conducted at Dubbo in May 2000 on the subject of Salinity, NSWALC prepared a submission to the Parliamentary Select Committee on behalf of the Aboriginal stakeholders. The basis of the submission indicated opportunities for the ongoing participation of Aboriginal people in the Salinity Strategy. This included:

- expansion of the existing nursery projects operated through land councils or CDEPs, and
- Aboriginal partnerships with other land care groups in the re-vegetation programs.

Water Catchment Board

The NSWALC is represented on the Water Advisory Council of NSW. The Council is Chaired by Mr John Kerin. The NSWALC member is Councillor Rod Towney. There are 8 regional Water Catchment Committees. This also includes Aboriginal representation on the Groundwater Regulated Committees and the Unregulated Committees

In January 2001, the NSW Water management Legislation became effective. The



Act provides for the protection, conservation and ecological sustainable development of the water sources of the State and for other purposes. The legislation is designed to give priority to domestic consumption, substitute basic landholder rights for riparian rights and establish fully tradeable access licenses for the commercial use of water.

NSWALC made a submission to the proposed Bill. The outcomes for the Aboriginal community were:

- geographical and other features of indigenous significance should be protected (s.5(2)(e)
- at least 2 Aboriginal persons appointed to represent the Aboriginal interests on the Water management Committees at the regional level
- at least 2 Aboriginal persons appointed to the State water Advisory Council to represent the interests of Aboriginal people
- Native Title rights and interests are able to be exercised by native title holders without the need for an access license. But this only includes nonexclusive rights to take and use water for personal, domestic and noncommercial purposes (including drinking, food preparation, washing, manufacturing artifacts, watering domestic gardens, hunting, fishing and gathering and recreation, cultural and ceremonial purposes).

There are a number of considerations for the Aboriginal community:

- Those communities which hold water access licenses should regard them as a major asset. If they expire it may be difficult to renew them.
- Remember they are tradeable or able to be leased to another landholder for periods.
- Our rights to economic use of water through native title will need to be assessed from a full determination of native title for claimants. The legislation is considered a future act in regard to the Native Title Act.
- The Minister has the power to grant an access license. Aboriginal groups/individuals may also apply to the

- Minister for a license. The cost for a license would be in the range of \$20,000 to \$50,000 for 1 hectare of irrigation agriculture.
- Our representatives on the water catchment boards will need technical training and infrastructure support to be effective on the committees.
- The NSWALC is to maintain information and community education programs concerning the new legislation.

The Land Rights Unit has been planning for some time to bring together all of those Aboriginal groups, including land councils, individuals or other Aboriginal groups which hold water extraction licenses for a workshop to further explain the outcomes of the water management reforms and implications. A problem has been setting a suitable date, venue and costs. However, the LRU is confidant of holding such a forum in the coming year.

In the meantime, the Land Rights Unit is convening a meeting among all Aboriginal representatives on the Water Catchment and Ground water committees within each region.

Great Artesian Basin Advisory Committee

This committee was established over growing concerns for the sustainability of water being wasted from the Artesian Basin.

A major activity of the committee is to educate people about the need for conservation and management of this rich water resource which affects Queensland, NSW, South Australia, Western Australia and Northern Territory.

A major initiative is the encouragement for landholders with bores to recap or regulate the



flow of artesian water from the outlets. The NSWALC representative on the committee is Mr Gerald Brennan, member of the Narrabri Local Aboriginal Land Council.

Lake Victoria Advisory Committee

The burial ground at Lake Victoria is the largest known Aboriginal burial ground in Australia. Throughout the Lake Victoria region there exists a large number of burials, middens, campsites, heaths and scarred trees. The region is also linked to the massacre of a large number of Barkinji people at the Rufus River, which runs into the lake.

Since the 1920s, these significant sites have been subject to destruction by erosion, wind and water. The water storage is owned by South Australia Water and is managed by the Murray Darling Basin Commission (MDBC). In 1994, NSWALC began legal proceedings in the Land & Environment Court against the MDBC to prevent the raising of the water level of the lake which damaged the skeletal remains.

In 1995 the MDBC began negotiations with the NSWALC and the Barkinji people from Dareton. In 1996 the National Parks & Wildlife Service informed the MDBC that it needed a consent under s. 90 of the NPWA before raising the water level of the lake above 23.6 meters.

In 1998, the NP&WS directed that the MDBC may vary the water level with the approval of the NP&WS. The levels are only for a period of 6 weeks between 24 meters to 27 meters.

The Barkinji Elders and the Lake Victoria Advisory Committee have worked through to resolve the following:

- an operational plan for regulating the water levels is in place
- a cultural landscape management plan is near completion
- when the lake level is at its lowest, maintenance work and monitoring of the protection of the sites is conducted



- an Aboriginal environment and cultural officer is employed
- Barkinji Elders are involved in monitoring and maintenance work
- Barkinji people have access for camping
- Discussions are being held for the Aboriginal community to be involved in the re-vegetation program around the lake
- The Barkinji people are involved in the planning for water troughs around the properties bordering the lake to keep stock from the lake edge
- The Environmental Defenders Office is involved in the monitoring process of the Consent Conditions.

In all, the involvement of the NSWALC in the Lake Victoria matter has proven to be beneficial in that it supported the voice of the Barkinji people in the protection of the burials at the lake. It also proved a good outcome for all parties through cooperative negotiations and consultations processes which are essential in dealings between Aboriginal, government agencies and land holders.

Regional Forestry Agreements

In 1999, NSWALC received funding from the State Government through the Resource and Conservation Division (RACD) of the Dept. Of Urban Affairs and Planning. The assessments were being done through the NP&WS, NSW Forests, DL&WC, DAA NSWALC and the NSW Heritage Office.

The project co-ordinator conducted community workshops to provide input to the state wide Comprehensive Regional Assessment (CRA), which is the scoping process for developing the



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NSW Regional Forests Agreement between the Commonwealth and the NSW Government.

NSWALC co-ordinated Aboriginal Management Committees for the Upper North East region, the Lower North East region, the South Coast region and the Tumut region.

The Regional Forestry Agreements were to define how forests and their natural resources will be managed for the next 20 years. This will include:

- what land tenures will need to be changed to protect certain environmental values,
- what lands will be available for economic development, eg; forestry, mining, ecotourism,
- monitoring of natural resources,
- how cultural resources (Aboriginal and nonAboriginal) will be managed and monitored, how Aboriginal values will be managed,
- what government agency will be responsible for management and monitoring of resources,
- how Aboriginal people will be involved in management of land, natural and cultural resources.

Each Aboriginal Management Committee submitted reports on the outcomes from the workshops and the requirements and considerations for Aboriginal participation in the Regional Forestry Agreements.

The Regional Forestry Agreement for the Southern region is now available for public comment. The outcomes for the Aboriginal communities are:

- NSW agrees to develop guidelines and a package of measures that will be implemented to ensure appropriate management of Aboriginal heritage including the maintenance of traditional historic uses and values and to facilitate ongoing involvement in the management of the Southern region.
- This Agreement is not intended to influence either current or future Native Title claims in

any way. The parties acknowledge that if any implementation of the Agreement affects Native Title rights and interests such implementation must be in accordance with the Native Title Act 1993 (Cwealth).

- The NP&WS will fund the employment of 91 positions for conservation and Aboriginal heritage management of the Southern reserves. Four of these positions will be as Aboriginal Cultural Heritage officers.
- Assessments are to be done on Aboriginal cultural heritage on State Forests in the Southern region.
- Two Cultural Heritage Officers employed by State Forests will foster close working partnerships between the Aboriginal community and the NSW government forestry program.

Meetings are being convened at Tumut, the South Coast, Upper North East and the Lower North East areas, to make comment on the stated outcomes of the RFA. The NSWALC is concerned that there is no indication from NP&WS or Forestry as to how Aboriginal issues from the outcomes will be implemented. The initial process will be to formalise area working committees involving the Aboriginal community, NP&WS and the NSW Forestry to develop and implement the strategies.

Aboriginal Ownership of National Parks

(Part 4A of the National Parks and Wildlife Act)

In 1996 the NSW Government passed amendments to the National Parks and Wildlife Act 1974 and the Aboriginal Land Rights Act 1983 setting out a process for:

- Registering people as Aboriginal Owners; and
- Allowing culturally significant national parks, nature and historic reserves and state recreation reserves to be "returned to Aboriginal ownership".

1. Register of Aboriginal Owners

To be placed on the Register of Aboriginal

Owners, a person must apply to the Registrar of the Aboriginal Land Rights Act and be able to satisfy a test set out in the Aboriginal Land Rights Act. The "test" is in section 49C(2) of the Land Rights Act and says an Aboriginal person must not be entered in the register unless the person:

- is directly descended from the original Aboriginal inhabitants of the cultural area in which the land is situated, and
- has a cultural association with the land that derives from the traditions, observances, customs, beliefs or history of the original Aboriginal inhabitants of the land, and
- has consented to the entry of the Aboriginal's name in the register.

Section 49D deals with requests for entry of names in the Register and says:

- Any Aboriginal person may make a written request to the Registrar to enter the name of an Aboriginal in the register.
- A request must specify the cultural area with which the Aboriginal nominated for inclusion in the register has a cultural association.
- A request must not be made without the written consent of the Aboriginal nominated for inclusion in the register.

The attached information sheet from the Registrar's office sets out more information about the Registrar's process. (See Appendix 3 on page 86 for more information.)

2. Returning Culturally Significant National Parks to Aboriginal Ownership

When the amendments to the National Parks and Wildlife Act were made in 1996 five (5) parks were identified as being culturally significant. These parks are listed on **Schedule 14** of the National Parks and Wildlife Act and include:

- Mount Grenfell Historic Site near Cobar in the North West Region
- Mutawintji National Park in the Western Region
- Jervis Bay in the Illawarra Region
- Mount Yarrowyck Historic Site near

- Armidale in the Northern Tablelands Region and
- Mungo National Park in the Western Region

In 1998 Biamanga and Gulaga National Parks near Bega in the Far South Coast Region were added to the list. Mutawintji National Park is the only park to be handed back so far. It was returned to its Aboriginal owners in September 1998. The Registrar has commenced research projects for Mount Grenfell and Biamanga and Gulaga National Parks to identify Aboriginal owners for these areas.

The Aboriginal National Parks Steering
Committee, involving the NSW Department of
Aboriginal Affairs, the Registrar's Office,
National Parks & Wildlife Service and the
NSW Aboriginal Land Council, has been
formed to coordinate community and
government negotiations to process
applications for Aboriginal ownership of
National Parks which have been listed.
Negotiations have progressed throughout the
year for the hand back of Mt Grenfell historic
site.

The land is leased back to the NPWS, but managed by a Board of Management which has a majority of Aboriginal owners. The relevant LALC also gets a seat on the Board of Management. The Aboriginal owners essentially control the decision making about how the park is run, within the parameters established by the National Parks and Wildlife Act.

Ancestral Remains Project Consent

During the reporting period, the Ancestral Remains Project (ARP) received authority to act on behalf of five (5) new Local Aboriginal Land Councils (LALCs) and one Direct Descendants group. These groups were: Dubbo LALC, Narromine LALC, Trangie LALC, Windradyne LALC, Ivanhoe LALC and Wirrimbah Direct Descendants Aboriginal Corporation. The addition of the five new groups brought the number of Aboriginal Community Groups represented by the ARP during the reporting period to twenty-two.



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With the consent of the groups, the ARP conducted a search of Australian museums in order to locate any ancestral remains from the respective areas. All Groups were provided with the results of the ARP search, indicating where ancestral remains, if any, were currently held. Of the six new Groups, the ARP found that ancestral remains from three, are currently held in Australian museums. After receiving the results of the ARP search, all Groups were contacted to discuss the future management of the remains and whether repatriation was sought as an option. At this stage all Groups were again informed about the assistance the Project provides to Communities seeking to repatriate their ancestral remains.

Repatriation & reburial activities

In the reporting period, the ARP provided assistance to several NSW Aboriginal Communities seeking the return of their ancestral remains, from Australian museums, to Country for reburial. These Communities included Moree, Walgett and Windradyne LALCs.

In the case of Moree LALC, the ARP provided financial assistance to facilitate the return and reburial of ancestral remains originally collected from Myall Creek Station in northwestern NSW. The remains, thought to be those of a young woman, were removed to the University of Edinburgh's Anatomical Museum sometime around 1888. The remains were only returned to Australia in 1991 (with 'Part One' of the Edinburgh Collection), after intense political pressure from ATSIC and other Aboriginal organisations. Renewed political lobbying saw 'Part Two' of the Edinburgh Collection returned to Australia in June 2000. The Collection is currently being housed in the National Museum of Australia in Canberra, awaiting repatriation.

The return of the remains to Country occurred in February 2001. Reburial occurred at the Myall Creek Memorial on Myall Creek Station, and was timed to coincide with the unveiling of the most recent addition to the Memorial. The ceremony occurred at dawn, in accordance with local protocol, with Kamilaroi man, Billy

Priestly overseeing the reburial of the remains. The lead-up to, and subsequent reburial of the Myall Creek remains was closely followed and respectfully documented by local and regional print media.

Also to occur during the period was the repatriation of a number of ancestral remains to Walgett LALC. Shortly after their discovery in 1975, the Walgett remains were sent to the NSW Institute for Forensic Medicine in Sydney. The Institute identified the remains as Aboriginal which meant (under the NSW National Parks & Wildlife Act 1974) that they became the custody of the Crown and were accordingly transferred to their official repository under the Act, the Australian Museum in Sydney.

The return of these remains to the Walgett Community marked the culmination of almost two years of negotiations involving Walgett LALC, the ARP and the NSW National Parks & Wildlife Service (NPWS). The formal handover of the remains took place in late September 2000 at the NPWS head office in Sydney. Two representatives of the Walgett LALC travelled to Sydney to take custody of the remains, which were handed over in a ceremony officiated by the Minister assisting the NSW Minister for the Environment, Ms Carmel Tebbitt.

Shortly after the handover, the remains were returned to Walgett where they were reburied in a ceremony attended by a significant section of the Walgett Aboriginal Community. According to the wishes of Walgett Elders, the remains were reburied in a ceremony at a culturally significant property outside Walgett.

The ARP also provided financial assistance during the reporting period to Windradyne LALC to support the return and reburial of ancestral remains from the Bathurst area. The remains were found during January 2001, in the backyard of a residential property at Newport on Sydney's northern beaches. Through an investigation involving the Police and the NPWS, it was discovered that the remains were Aboriginal and had originated from the Bathurst area. The former owner of the property had apparently collected the remains during a trip to the Bathurst area many years ago. The remains were souvenired and taken back to the Newport residence where they remained until the recent death of the property owner, when they were subsequently 're-discovered' and handed to the NPWS.

Due to the absence of information about the origin of the remains, Windradyne LALC decided to rebury the remains on nature reserve estate near Bathurst. The reburial occurred in April 2001 and was attended by members of Windradyne LALC and Bathurst Aboriginal Community.

Meetings

During the reporting period, the Ancestral Remains Project organised a program of meetings in the western region of New South Wales, in accordance with activities outlined in the Project's operational plan for the 2000/2001 financial year. These meetings occurred with Ivanhoe LALC, Menindee LALC, the Barkindji Elders Committee/Dareton LALC, and Deniliquin LALC and Community. While ARP meetings in the western region were organised in response to specific requests for assistance, the organisation of follow-up meetings to facilitate further discussion about repatriation proved difficult. While the ARP will prioritise assistance to far north coast Communities during the coming financial year, further meetings will also be sought with several western region Communities.

Other ARP Community meetings during the period included meetings with Dubbo LALC and the Snowy Mountains Elders Group. The latter occurred in Tumut and was attended by the ARP Coordinator at the request of the Snowy Mountains Elders Group and regional Cultural Heritage staff working for the NPWS. The meeting, organised by the NPWS, was

arranged to discuss the repatriation of ancestral remains from the area held under the NPW Act 1974 (held in the Australian Museum). The ARP Coordinator was invited to attend the meeting to discuss the work of the Project and the financial assistance provided to facilitate repatriation. While certain repatriation will occur, the Elders are yet to decide how the process will proceed and whether it will include all ancestral remains from their area held in Australian museums. Further meetings will be required to clarify these and other issues.

Land Rights Unit Council Reports

A Report from the Land Rights Unit is presented to every Council Meeting. Inclusions in these reports during the 2000/2001 reporting period consisted of:

- 24 x Section 40B Submissions (to do with lease back and use of land owned by LALCs)
- 36 x Section 40D Submissions (to do with disposal of land by LALCs)
- 27 x Environmental issues reports
- 25 x Information only reports
- 69 Other Matters, including
 - ◆ Internal & External legal advice
 Amendments to Acts
 - ◆ Other property matters (conveyancing, maintenance, acquisitions, disposals & valuations)
 - ◆ Joint Ventures
 - Feasibility studies of proposed commercial activities
 - ◆ Rate matters.

Achievements of the Native Title Unit

The Commonwealth Native Title Act 1993 defines Native Title 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

- 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 Native Title Amendment Act (NTAA) came into effect, introducing significant changes to the native title regime.

The major changes to the Act were:

- 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 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 National Native Title Tribunal 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 which 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, although it must be noted that the recognition of all NTRBs was withdrawn in early 2000. NSWALC re-applied and was eventually successful in gaining re-recognition under the new requirements.

The Strategic Plan

The Native Title Unit has now settled upon a Strategic Plan for the next three years. The Strategic Plan was prepared in consultation with ATSIC and has been approved by the Minister.

The Strategic Plan sets broad goals for progressing native title matters and seeks to ensure community representation and involvement in those matters. The Plan grapples with the difficult issue of how to provide the very wide range of functions of an NTRB with the clearly inadequate level of funding received from the Commonwealth. Accordingly, difficult decisions have had to be made on a number of fronts and it will be an important task for the Native Title Unit to ensure the reasons for those decisions are adequately explained to our affected constituents.

The Claim Prioritisation Process

Previously funding support for many of the native title claims has been supplied in an



atmosphere of crisis management which has led to inconsistent approaches to different matters. In the last year, the Native Title Unit has, under the auspices of the Change Manager, undertaken a comprehensive Statewide review of all native title applications and assessed each claim against specified criteria to decide what priority should be accorded to each claim.

Some of those criteria included:

- whether the claim was affected by any overlapping claims;
- whether the land was affected by any historical acts that might have extinguished native title;
- whether there were any disputes within the claimant group; and
- whether the outcome of the claim was likely to significantly progress native title law in NSW;

As a result of this lengthy process, four claims have presently been identified of being high priority such that significant resources are now being devoted to preparing those claims for trial.

There are limited resources available for other claims which have not been accorded high priority. These claims will be dealt with on a case by case basis and limited assistance may be provided by internal staff of the Native Title Unit in the mediation of such claims that have merit. However, given the tight financial constraints, it will only be in very exceptional circumstances that expenditure on external consultants (such as lawyers, anthropologists, historian etc) would be provided to support these claims.

In summary, this prioritisation process has been very successful and has now enabled all claimants to know where they stand in relation to the types of assistance that the Native Title Unit can provide to their claims. While understandably this has not met with universal approval for those claimants whose claims have not been accorded high priority, at least claimants have an appreciation of the

difficulties ahead and can make more informed decisions about how best to approach these issues.

Streamlining of Claims

Since the passing of the Native Title Act in 1993, literally hundreds of native title claims have been lodged throughout the country. Many of those claims were ill-conceived, without merit or lodged without proper consultation. The result has been a confusing overlay of claims and a degree of consternation within the community, both indigenous and non-indigenous. A very substantial effort has gone into resolving these issues and a large measure of that success has been the considerable decrease in the number of claims. NSW has had considerable success in this regard.

As at 30 September 1998 there were well over a hundred claims in NSW. That figure has now been reduced to just over 70 (as at 30 September 2001) and the Native Title Unit is still working to further streamline the claims on hand and liaise with those persons whose claims are ill-conceived or without merit. This important work will ensure that those claims which are well grounded will have a considerably higher chance of meeting successful outcomes.

Western Land Leases

The Native Title Unit has been funding a test case that is now before the High Court of Australia. The outcome of this case will be very important both for the development of native title law generally but more particularly for claimants whose lands may have been affected by the issuing of leases under the Western Lands Act 1901. The State of NSW has argued that such leases extinguished native title while the Aboriginal parties have been arguing that native title continues to exist in accordance with the principles laid down by the High Court in the Wik case.

Mining

Negotiations have been proceeding on a variety of specific mining projects that may have an impact upon native title rights and interests. An important document was signed



that may assist such negotiations in the future. The document was signed between NSWALC and the NSW Minerals Council and is entitled Protocol for the Negotiation of Agreements for Exploration and Mining for New South Wales. The document does not bind native title claimants to commit to any specific mining proposal as only the native title holders themselves have that power. However, the document sets out broad principles about how each party will conduct themselves in exploration and mining negotiations and provides important statements of principle by

which miners recognise Aboriginal people as important stakeholders in mining developments and NSWALC recognises the legitimate rights of miners under the laws of NSW. It is hoped that this document will lead to the building of a better and fruitful relationship between the mining industry and Aboriginal custodians of the land.

Funds Granted to Community Organisations

There are two major categories of funds, the first and by far the largest category is the annual allocation of funds to Regional and Local Aboriginal Land Councils, totalling some \$12.31m in 2000/2001 (\$0.45m to RALCs and \$11.86m to LALCs). These allocations are used as a contribution toward the annual operational expenses of the Councils.

The second category is grants to community organisations and individuals, totalling some \$2.17m in 2000/2001 (up from \$786,984 in 1999/2000 but including some "one-off" bad debt write-offs). Aggregated details of grants less than \$5,000 are provided below, as well as a listing of individual grants of \$5,000 or more and a brief description of the purpose of each of these grants.

Note that a number of difficult decisions regarding bad debts were made during this financial year, including the unanimous agreement by Council to forgive some long-standing debts by treating previously outstanding loan amounts as one-off grants, rather than repayable loans. This move will ensure that NSWALC and the community organisations involved can both move forward without the burden of a substantial debt over their heads.

Category of Grant	Number of Grants Made	Total Amount Paid \$
Hardship	45	45,783
Sports	44	34,932
Travel	7	5,157
Education	12	17,207
Medical	2	2273
Council Approved Projec Grants*	ts & 97	90,939
Councillor -Discretionary	# 81	24,663
Funeral	464	491,339
Total	752	712,292

= Written proposals submitted to Council seeking specific amounts for one-off purposes.

= Small grants made at Regional level in response to local emergency requests.

Payee	Purpose	Amount \$
Hardship		
Shane Joe Hurst	Monument to E Coffey	15,000
Kempsey LALC	Refurbish Flood Damage	12,072
Education		
Goobah Goobah	Support Bunjalong Gathering	5,000
Ulladulla LALC	Upgrade Cultural Trail	5,000
H Hudson	Law Degree	5,700
Sport Nambucca Rams	Support for running costs of sporting event	19,131
NAIRLAA	Forgiven outstanding debt	190,739
NARLA	Forgiven outstanding debt	33,318
AIRLAC	Forgiven outstanding debt	127,116
NSWARLA	Sporting Costs	25,346
Shannon Anderson	Softball	5,493
Gunbooka Aboriginal Corp	Dubbo NARLA	5,040
McDermott Development Lloyd Team	Assisting Aboriginal participants in South Africa Rugby League	5,000
Medical		
Beverly & Errol Saunders	Modify House	6,000
Royal Far West Children's Health Service	Grant to assist with running costs	10,000
Council Approved Projects		
Northern Tablelands Youth Program	Running Costs	17,981
Dorrigo Plateau	Purchase of Vehicle	31,947
Council Approved Grants		
Bathurst LALC	Purchase of Office	187,850
Nambucca Shire Council	Transfer of Dwellings	119,667
Birpai LALC	Removal of 3 Houses	49,091
Ngulingah LALC	Feasibility Studies on two properties	25,000
Deniliquin LALC	Preserve & Occupy Dwelling	6,000
Anne Gillin	Purchase Office NHALC	220,000
Young LALC	Purchase of Office	125,500
Coonamble LALC	Purchase of Vehicle	8,500
NAIDOC Day Celebration	Running costs	7,070
Bahtabah LALC	Repair to Roof	14,249
Eden LALC	Keeping Place	176,000
Dubbo LALC	Repair to homes from Storm Damage	
Total of Major Grants		458,305



Category	Number	Amount \$
Hardship	47	72,855
Sports	53	446,116
Travel	7	5,157
Education	15	32,907
Council Approved Projects & Grants	111	1,079,288
Councillor – Discretionary	81	24,663
Medical	4	18,272
Funeral	464	491,339
Total	488	2,170,597

Legal Changes

Review of the Aboriginal Land Rights Act 1983 (NSW)

The NSW Minister for Aboriginal Affairs, Dr. Andrew Refshauge MP, announced the review of the Aboriginal Land Rights Act 1983 (NSW) in February 1997.

The terms of reference for the review focus on amendments to increase the accountability of office-bearers and Councillors to their members as a response to recommendations of the Independent Commission Against Corruption Inquiry into the NSW Aboriginal Land Council

NSWALC has approached the Minister to include extra amendments to the ALRA that may allow NSWALC to establish a Funeral Fund for members of the land council network and also amendments relating to subsections 36 (1) (d) and 40AA.

The amendments were derived from the consultation workshops conducted by the NSW Department of Aboriginal Affairs (DAA) in June and July 2000 and subsequent discussions between DAA and NSWALC. At the workshops, members commented on the reform options raised in DAA's Discussion Paper for the Review of the ALRA. Transcripts of these meetings can be obtained through the Land Rights Unit.

The proposed amendments are currently awaiting Cabinet's approval and are expected to be tabled in Parliament before the end of

Economic Factors

The major influence on NSWALC investments was the terrorist attack on the twin World Trade centre buildings in New York, the ramifications of which were felt in share market falls across the globe. Fortunately, NSWALC has a diverse portfolio and early signs in the new reporting year are that losses sustained in the immediate wake of the attack will be recovered in the short term. Care will continue to be required to ensure recovery is maintained and radical changes to the Investment Strategy are avoided.

Management and Activities

The 2000/2001 reporting year saw the successful recruitment of a new Chief Executive Officer, Mr Jeffrey Bradford, who took up the position in June 2001. He immediately set about establishing a review of the organisation's operations and at the time of writing, had completed a staffing structures review, examined the corporate finances, and moved to encourage the Council to take some hard decisions in relation to bad debt write-off. The impact of the latter is apparent in the



attached financial statements which reflect the one-off impact of removal of lingering debt from the bottom line.

Plans for an organisational restructure will be progressed in consultation with line managers and staff with a view to ensuring the maintenance of services to NSWALCs core client group at all times.

Research & Development

A major part of NSWALC's effort in relation to research and development concerns three main areas:

- the investigation and preparation of claims for Native title and applications for compensation for acts affecting native title,
- the examination of proposed legislation and proposed amendments wherever it may impact on land rights, and
- the location, identification and negotiation for repatriation of ancestral remains and return of cultural artifacts to their rightful owners.

All three aspects of this work are addressed under the Review of Operations above.

Human Resources

Apart from the appointment of a new CEO, NSWALC also engaged consultants to examine the appropriateness of the current staffing structure and delegation arrangements. A substantial report was received containing a series of recommendations relating to moves over the previous two years to devolve a number of NSWALC core activities. As a result of the acceptance of these recommendations, management determined to discontinue moves to devolve some of the aspects of NSWALC's core functions to Branches as it was felt economies of scale and the increased risk of diffusing scarce expertise outweighed the advantages of having some functions performed at a Branch level.

In 2002, work will continue with a skills audit, gap analysis (based on the new job descriptions) and lead to the re-profiling of some positions and the provision of additional support staff in others.

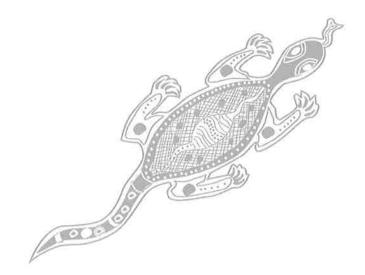
Industrial Relations Developments

NSWALC Conditions of Employment Award

Ongoing and extensive negotiations with Union representatives have resulted in the NSWALC Conditions of Employment Award progressing to the final stages of ratification. It is anticipated that the Award will be operational by the end of 2001.

Hearing Before the Industrial Relations Commission

NSWALC was joined in an action by the PSA concerned about the direct negotiation by Council with a staff member of a separate set of employment conditions which could not be accessed by the remaining staff. Although it was acknowledged that the circumstances were unusual, NSWALC resolved not to engage in any further such negotiations outside of the provisions of the draft new Award, and in return for that undertaking, the PSA withdrew its complaint.



List of Consultants

During 2000/2001, NSWALC engaged consultants on a total of 41 projects at a total value of \$946,518. The major areas of work in general terms were anthropological research and financial advice. The following breakdown is supplied in accordance with the requirements of the Annual Reports (Statutory Bodies) Act 1984, as amended.

Name of Consultant (Projects \$30,000 & above)	Title of Project A	mount Paid \$
Tom Rees	Financial Advice to North West Branch	60,915
Cal Davis	Advice on Distribution of Head Office functions to Branches	41,818
Boulevard Connection P/L	Financial Advice to Treasurer	64,486
Ferrier Hodgson	Staff/Financial Review	80,782
Price Waterhouse Coopers	Review of Mortgage Loan Practice	es 123,820
Smith Hancock	Receiver's Fees	92,761
The One Umbrella	Operational General	50,764
McKeown YGOA & Assoc	Tweed River Historical Society Museum	50,634
Sue Rosen & Associates	Legals -Gamilaroi NC 96/26 & NC 97/11	110,193
Michael Niblet	Preparing Twofold Bay NT Report	36,195
Total Amounts Paid \$30,000 & above	10	712,368
Consultancies < \$30,000	Number of Consultancies	Total Paid \$
	31	234,150
Total All Consultancies	Number of Consultancies	Total Paid \$
	41	946,518



EEO

NSWALC continued to be successful in promoting the participation of women and Aboriginal people in senior management positions and more generally within the organisation during 2000/2001

Year	1997/98	1998/99	1999/2000	2000/2001
Executive & Senior Management				
Male	16	13	13	15
Female	2	5	5	7
Total Senior Management	18	18	18	22
Aboriginal	13	16	15	17
Administrative Staff				
Male	51	48	43	45
Female	53	47	48	43
Total Administrative	104	95	91	88
Aboriginal	56	56	47	46
All Staff				
Male	67	61	56	60
Female	55	52	53	50
Total Staff	122	113	109	110
Aboriginal	69	72	62	63
NESB	5	5	4	4
Disability	6	5	5	4

Land Disposal

No land valued at more than \$5m was disposed of by means other than public auction during the reporting period.

Promotion

With the creation of the Media Unit in April 2001, NSWALC was better equipped to conduct an appropriately mounted promotional campaign designed to ensure that NSWALC's constituency and the general community were made better aware of NSWALC activities and achievements during the year. As mentioned earlier, the role of the unit includes disseminating information to Aboriginal people, educating the broader community about indigenous issues through media liaison,

speech writing and the organising of public forums and community events. The Unit furthers NSWALC's aim of giving Aboriginal people a voice on matters that affect them including justice, welfare and issues pertaining to human rights.

The Media Unit has commenced development of a number of new communications initiatives including an official website, a quarterly magazine and community information packs.

The objective of the website, which will go live early in 2002, is to supply accurate and up-to-date information to NSWALC members and the broader community of media, educators and students. The website will detail NSWALC's objectives, resources and contact details, will



keep indigenous people abreast of LALC activities and supply community service information such as consumer and legal advice and upcoming grants and courses specifically targeted at indigenous people.

A quarterly magazine (Pen -Wurru) is also being created for distribution to LALC members. The magazine will provide human interest stories, promote the work and achievements of NSWALC and serve to reach those people and communities who may not be comfortable with or have ready access to the Internet. The first issue is scheduled for distribution in mid December, 2001.

The NSWALC information packs will be ready for distribution by the end of the year. The information packs aim to teach the broader community - especially students and educators about the Land Council Network and the people it represents. They will detail the history, reveal the facts and dispel myths about Aboriginal culture and life in NSW.

Service Standards

In September 2000, partly in response to recommendations flowing from the ICAC's work on potential corrupt practices, NSWALC management agreed to develop a set of service

standards for both internal and external clients so as to ensure that matters such as complaints, general correspondence and requests for information, for example, were dealt with in a consistent and more timely manner. Following the completion of the staffing and structures review in late 2001, further work on service standards will be undertaken.

Accounts Payment Policy & Practice

During the previous reporting period, a number of measures were adopted to improve the timeliness of payment of accounts. As a result, it is now Unit policy to process all accounts received within 14 days of receipt so as to ensure receipt of payment within 30 days by at least 90 per cent of creditors.

During the current reporting period, NSWALC has taken a number of further steps to expedite payments. The most notable of these has been encouragement of regular service providers to register for EFT payment of their accounts, making prompt payment more readily achievable for our most regular suppliers and service providers.

Risk Management / Insurance

NSWALC holds the following insurance:

Umbrella (anything not covered below)	20,000
Industrial Special Risks	24,500
Motor Vehicle (80 vehicles)	Replacement Value
Professional Indemnity, D&O liability	20,000
Personal Accident	200
Machinery Breakdown	50
	Industrial Special Risks Motor Vehicle (80 vehicles) Professional Indemnity, D&O liability Personal Accident



Occupational Health & Safety

Since joining the Human Resources Section as the Occupational Health, Safety & Rehabilitation Co-ordinator in August 1999, Mr Laurie Coleman has continued to work through a series of improvements to OH&S policy and practice within NSWALC.

The adoption of all of the various recommendations made by Mr Coleman in his report to Council has resulted in a far higher level of compliance with relevant legislation. All 28 of the recommendations were put into practice during the current reporting period and the results are measurable improvements to the number of claims and far improved handling of claims, resulting in more positive outcomes.

All documentation required under relevant legislation is now current and its existence well known to both management and staff: The key documents produced in support of the NSWALC OH&S policy are:

- Occupational Health, Safety and Rehabilitation Policy
- Accident/Injury Reporting System
- Accident Investigation Procedure
- Workers Compensation Claims Procedure
- Return to Work Program for Injured Workers

In 2000/2001, there was no increase in the number of Work Related Injuries/Illnesses (15) reported, compared with the previous year. However, there was a 40 per cent decline in the number of workers' compensation claims arising out of the reported injuries/illnesses compared to the previous year, indicating a decline in the seriousness of injuries reported. Completed cases which involved rehabilitation and/or return to work plans were on par with the previous reporting period. Refer to Tables 1 - 3.

Table 1

WORK RELATED INJURY & ILLNESS	No.
Number Reported	15
Nature of Accidents	
Slips, Trips & Falls	4
Striking Object	5
Motor Vehicle Accident	3
Mental Health (Depression/Anxiety)	1
Spills (Hot Liquid)	1
Occupational Overuse	1
Total	15
Where Injuries Occurred	
At the workplace	6
At recess away from the workplace	2
On the journey to/from work	2
At work on a break	2 2
At work away from the workplace	4
Total	15

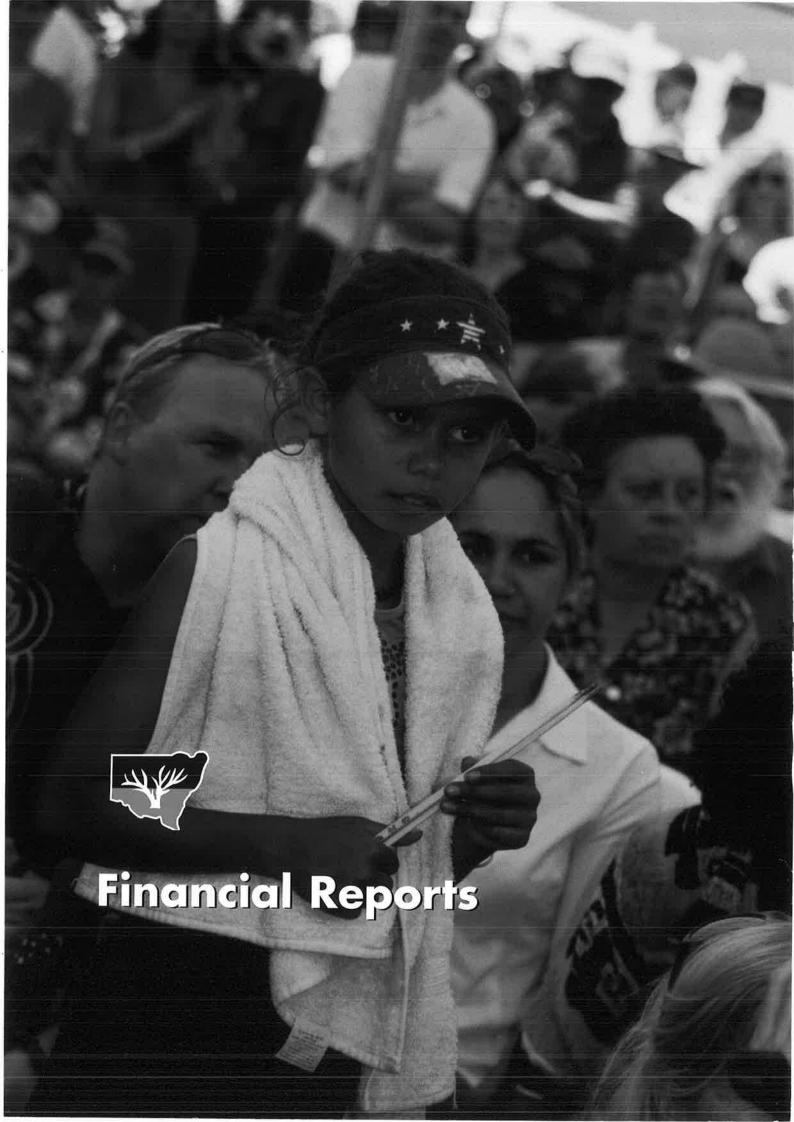
The Human Resources section manages all aspects of workers' compensation claims, rehabilitation/return to work plans and has established an ongoing working relationship with GIO, the workers' compensation insurer for NSWALC.

Table 2

WORKERS' COMPENSATION CLAIMS	No.
Claims brought forward from 1999/00	6
New Claims this reporting period	6
Total	12
Claims status at 30.9.01	
Claims finalised	2
Claims declined/under investigation	3
Claims accepted & continuing	7
Total	12
Open claims carried forward to 2001/2002	10

Table 3

Table 3	
REHABILITATION & RETURN TO WORK PLANS	No.
Cases brought forward from 1999/00	5
New cases this reporting period	2
Total	7
Cases completed	5
Cases continuing & carried forward	2
Total	7



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INDEPENDENT AUDIT REPORT



GPO BOX 12 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 2001. The councillors are responsible for the financial report consisting of the statement of financial position. statement of financial performance 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 (the Act).

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

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 Act, Accounting Standards and other mandatory professional reporting requirements, in Australia, so as to present a view which is consistent with my understanding of the Council's financial position, the results of its operations and its cash flows.

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

Qualification

As detailed in note 1(d) the Council did not recognise revenues and expenses arising from investment activities on an accrual basis for the year ended 30 September 1999. This was a departure from Australian Accounting Standard, AASI "Statement of Financial Performance" which requires that all items of revenue and expense arising during the year be taken into account in determining the operating surplus/deficit for the year. No amounts were recognised for interest receivable, premiums or discounts and related amortisation in respect of purchases and sales of fixed interest securities. Since the closing interest receivable balance enters into the determination of the results of operations for the year ended 30



September 2000 there was also a departure from the Accounting Standard in that year. It was not possible to quantify the financial effects of these departures and accordingly my audit opinion on the financial report for the year ended 30 September 2000 was qualified.

Qualified Audit Opinion

In my opinion, except for the effects on the comparatives for 2000 of the matter referred to in the qualification paragraph, the financial report of the New South Wales Aboriginal Land Council complies with section 41B of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Council as at 30 September 2001 and the results of its operations and its cash flows for the year then ended.

Inherent Uncertainty Regarding Fringe Benefits Tax

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 circumstances are such that the ultimate outcome of the matter cannot presently be determined with an acceptable degree of reliability, and accordingly no provision for fringe benefits taxation that may be assessed has been made in the financial report. My audit report for the year ending 30 September 2000 was similarly modified.

R J Sendt

Auditor- General

L Senst

SYDNEY

1 February 2002

STATUTORY AUDIT REPORT



GPO BOX 12 SYDNEY NSW 2001

> Ref: S Mcleod Tel: 9285 0101

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

1 February 2002

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 2001 have been audited as required by section 41C of the Public Finance and Audit Act 1983 (Act) 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 the qualification follows:

"As detailed in note1(d) the Council did not recognise revenues and expenses arising from investment activities on an accrual basis for the year ended 30 September 1999. This was a departure from Australian Accounting Standard, AAS1 "Statement of Financial Performance" which requires that all items of revenue and expense arising during the year be taken into account in determining the operating surplus/deficit for the year. No amounts were recognised for interest receivable, premiums or discounts and related amortisation in respect of purchases and sales of fixed interest securities. Since the closing interest receivable balance enters into the determination of the results of operations for the year ended 30 September 2000 there was also a departure from the Accounting Standard in that year. It was not possible to quantify the financial effects of these departures and accordingly my audit opinion on the financial report for the year ended 30 September 2000 was qualified."

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

Council representations to the Audit Office indicate that following changes to the Aboriginal Land Right Act 1983, advice has again been sought from the Australian Taxation Office (ATO) on the Council's eligibility for classification as a public benevolent institution. In the event that the advice provided by the ATO is again unfavourable, it is the Council's intention to seek a legally binding private ruling.



Audit Objectives

The overall objective 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 Act, applicable Accounting Standards and other mandatory professional reporting requirements in Australia; 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 that govern the form or content of the financial report, other legislative requirements that could have a financial impact on the agency, are reviewed on a cyclical basis. This year, we tested whether the Council complied with extended leave provisions of the Premier's Department Personnel Handbook, which it chooses to follow.

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 that could materially affect the financial report.

An Annual Client Service Plan for the audit was sent to you on 29 June 2001. This provided a detailed explanation of the scope of the audit.

Review of Operations.

The Council's financial operations will be reviewed in Volume One of the Auditor-General's Report to Parliament for 2002. This will be tabled in Parliament in early March.

Matters Arising from Audit

A large number of matters have again been identified during the audit and will shortly be forwarded to management in a draft management letter.

It is of concern that while a small number of issues has been resolved, many other issues, which have been referred to as repeat issues, have been raised now over a number of years. The effort taken in this period to resolve the repeat issues appears to be minimal.

The major issue for the Council is the losses incurred from mortgage operations. During 2000-2001 an amount of \$4.5m that was previously provided as doubtful, was written off. Losses were in respect of two loans that were settled in the year following the sale of the mortgaged properties. The consideration received was significantly less than the mortgage balance. A further amount of \$3M was provided this year for possible future losses from other mortgages in default. The bulk of the latter amount relates to Kestral Industries P/L (\$1.845M).

Council representations in relation to Kestral Industries P/L indicate that the best prospect for recovering the large mortgage balance outstanding (\$8.5M at year end) is to complete the construction of the building to lock-up stage. It is currently 80 to 85 per cent complete. However, this will involve the Council in additional costs, with a consequent increase in the mortgage balance outstanding of between \$3.5 million and \$5.5 million.

Other significant matters include:

- councillors expenses
- councillors' debts
- funding of local land councils
- funeral fund
- rural properties
- lack of an employment award for councillors and Council staff
- inadequate segregation of duties with some payroll functions
- excessive leave balance for staff/councillors
- incomplete records for physical counts of fixed assets
- numerous reconciling items in the reconciliation of fixed assets register to general ledger
- 1999 and 2000 Annual Reports not tabled in Parliament

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. \blacksquare

Your sincerely

R. J Sendt Auditor-General

L Senst

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:

- 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 2001 and transactions for the 12 month period then ended.
- 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 24th day of January 2002

Chairperson

Chief Executive Officer

STATEMENT of FINANCIAL POSITION

As at 30 September 2001

		2001	2000
	Note	\$'000	\$'000
CURRENT ASSETS			
Cash	2	2 3,885	
Inventories	3	364	448
Receivables	4	1,573	1,299
Other Financial Assets	5	136,871	188,659
Total Current Assets		142,693	199,102
NON-CURRENT ASSETS			
Property, Plant and Equipment	6	20,958	19,233
Artifacts	7	239	239
Other Financial Assets	5	349,145	306,979
Receivables	4	3,090	2,803
Total Non-Current Assets		373,432	329,254
TOTAL ASSETS		516,125	528,356
CURRENT LIABILITIES			
Payables	8	1,739	1,568
Employee Entitlements	10	555	486
Total Current Liabilities		2,294	2,054
NON CURRENT LIABILITIES			
Employee Entitlements	10	459	357
Total Non-Current Liabilities		459	357
FOTAL LIABILITIES		2,753	2,411
NET ASSETS		513,372	525,945
EQUITY			
Reserves	9	6,005	24,325
	9	507,367	501,620
Accumulated Funds	7	307,307	301,020

The above statement of financial position should be read in conjunction with the accompanying notes.

STATEMENT of FINANCIAL PERFORMANCE

For the twelve months ended 30 September 2001

	Note	2001 \$'000	2000 \$'000
Revenues from ordinary activities			
Interest and Investment Income	13	33,881	33,264
Increment on Investment Revaluation	14		4,850
Rent	15	189	722
Profit on Disposal of Property, Plant & Equipment	17	•	196
Prepaid Superannuation	10		269
Bequests		540	
Grants		174	283
Other Income	16	2,240	2,134
		37,024	41,718
Revenues from government			
Grants and Subsidies	18	4,242	3,441
Total Revenues		41,266	45,159
Expenses from ordinary activities			
Audit Fees	19	188	192
Bad Debts		42	162
Doubtful Debts	4	975	400
Consultants Fees		946	536
Investment Fees	20	743	790
Depreciation and Amortisation	6	1,142	949
Provision for Loss on Mortgage Investments	5	2,957	4,500
Employee Expenses	21	5,159	5,158
Funding of Regional and Local Aboriginal Land Councils	22	12,306	11,271
Grants		2,113	920
Members Expenses and Remuneration	23	1,241	1,165
Legal Expenses		1,93 <i>7</i>	2,194
Loss on Disposal of Non Current Investments		2,777	
Loss on Disposal of Property Plant & Equipment	1 <i>7</i>	328	d.
Net Decrement on Investment Revaluation		6,297	*
Motor Vehicle Expenses		344	424
Repairs and Maintenance		213	231
Other Expenses	24	3,483	4,157
Total Expenses from ordinary activities		43,191	33,049
Operating Surplus (Deficit) from ordinary activities		(1,925)	12,110
NON-OWNER TRANSACTION CHANGES IN EQUITY			
Net Increase/(Decrease) in asset revaluation reserve		(10,648)	20,212
Total revenue, expenses and valuation adjustments recognised directly in equity		(10,648)	20,212
Total changes in equity other than those resulting from transactions with owners as		(12,573)	32,322

The above Statement of Financial Performance should be read in conjunction with the accompanying notes.

For the financial year ended 30 September 2001

	Note	2001 \$'000	2000 \$'000
Cash flows from ordinary activities			
interest and investment income		33,881	33,068
Rent and Outgoings		189	722
Other receipts in course of operations		3,774	2,339
Cash flows from government		4,242	3,315
Payments in course of operations		(31,250)	(26,047)
Net cash provided by ordinary activities	26	10,836	13,397
Cash flows from investing activities (Purchase of)/ Proceeds from Other Financial Assets		/14 0401	(00.001)
Purchases of Property,Plant and Equipment (Purchase of)/ Proceeds from Artifacts Sale Proceeds Property,Plant and Equipment		(14,949) (1,671) - 973	(23,031) (2,518) (1) 8,999
Purchases of Property, Plant and Equipment (Purchase of) / Proceeds from Artifacts Sale Proceeds Property, Plant and Equipment Net cash provided by/(used in)		(1,671)	(2,518) (1)
Purchases of Property,Plant and Equipment (Purchase of) / Proceeds from Artifacts		973	(2,518) (1) 8,999
Purchases of Property, Plant and Equipment (Purchase of) / Proceeds from Artifacts Sale Proceeds Property, Plant and Equipment Net cash provided by/(used in) investing activities		973 (15,647)	(2,518) (1) 8,999 (16,551)

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 2001

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 Statement of Financial Performance and Statement of Financial Position 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, except for the change reported in note 1(i).

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

(a) Revenue Recognition

Revenue is recognised 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 recognised:

(i) Income on Other Financial Assets

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 recognised 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, other financial assets or payables.

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

(i) Cash at bank

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

(ii) Receivables

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

All amounts due at 30 September 2001 have been reviewed and are considered to be collectable, other than the amounts provided at note 4.

Receivables include rates paid on behalf of Local Aboriginal Land Councils in accordance with Section 44A of New South Wales Aboriginal Land Rights Act and approved loans.

(iii) Other Financial Assets

Current other financial assets comprise short term commercial paper, Investment Managers' short term investments and cash holdings, if any, and International Fixed Interest Securities which are actively traded. Interest is earned on all these other financial assets on the basis specified in Note 5.

Non Current other financial assets comprise units in the Clay Finlay Trust (International Equities), Colonial First State Australian Property Trust, Dresdner RCM International Equities Trust, Aberdeen Australian Equities Trust, Perpetual Investments Australian Equities Trust, Perpetual Industrial Share Trust, Deutsche Australian Property Trust, Deutsche Australian Equities Trust and Citigroup Australian Fixed Interest Trust plus an individually managed portfolio by Aberdeen (formally Equitilink) of Australian Fixed Interest. Income is earned on these other financial assets on the basis specified in Note 5.

The credit risk of other financial assets is limited to the amount carried on the Statement of Financial Position at 30 September 2001.

(iv) Payables and Accruals

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

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

(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) Other Financial Assets

(i) Current Other Financial Assets

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

(ii) Non Current Other Financial Assets

These other financial assets comprise units acquired in fixed interest, equity and property trust funds, an individually managed portfolio that is wholly owned by the Council and a mortgage fund.

All revaluations to market value, including revaluation of unit prices are brought to account as a revaluation of non current assets in accordance with Australian Accounting Standard 38 (AAS 38) "Accounting for the Revaluation of Non-Current Assets".

Distributions by unit trusts (net of management fees) received are recognised as income in accordance with industry practice.

In deriving other financial assets income from the wholly owned fixed interest portfolio, coupon receipts subject to the amortisation of premiums and accretion of discounts, are recognised as income. This policy was followed in the 1999-2000 financial year however due to the lack of detailed information recorded for direct holdings with fund managers, in respect of investment transactions for the year ended 30 September 1999, this policy generally could not be implemented in that year. Accordingly the Statement of Financial Performance does not accurately reflect the interest and investment income or the net decrement on investment revaluation expense of the Council for the previous year comparative figures. Additionally there was no interest receivable figure recorded at 30 September 1999 which has affected interest and investment income for the year ended 30 September 2000.

(e) Property, Plant and Equipment

Land and buildings are revalued within five 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 State Valuation Office of New South Wales Department of Public Works and Services as at 30 March 2001.

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) **Employee Entitlements**

Superannuation

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

(ii) Annual and Long Service Leave

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

(iii) Sick Leave

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

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

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

(g) **Funeral Fund Liability**

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

(h) Mortgages

(I) Provision for Loss on Mortgages

Note 5(i) refers to a number of mortgage loans made by the Council as part of its investment operations. Where settlement date has passed and the loan is considered to be in default, the Council provides for a loss on these mortgages on the basis of the difference between the mortgage balance owing and the advised likely realisable value obtained at a mortgagee sale.

(ii) Interest and Costs

Once a mortgage loan has defaulted, the council does not continue to accrue interest charges on the balance outstanding. Similarly, where the margin between recent valuations of the mortgaged property and the balance outstanding is narrow, or in deficit, legal and other costs associated with investigating and negotiating settlement of balances owed to the Council are not accrued as part of the balance outstanding.

Statutory Fund (i)

All income and expenses of the Statutory Fund and its assets and liabilities are reported in Note 25 of the Financial Statements. The Statutory Fund is established under the New South Wales Aboriginal Land Rights Act and is consolidated with the financial statements of the Council for financial reporting purposes.



(i) Depreciation

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

	2001	2000
Building:		
Head Office	4.00%	2.50%
Buildings	2.857% to100%	2.50%
Motor Vehicles	20.00%	20.00%
Computer Equipment	33.33%	33.33%
Other Equipment, Furniture & Fittings	20.00%	20.00%

2. CASH

	2001 \$'000	2000 \$'000
Administrative Fund	3,495	8,241
Statutory Fund	186	262
Funeral Fund	204	193
	3,885	8,696

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 4.77%

3. INVENTORIES

11 17 21 11 311 20		
	2001	2000
	\$'000	\$′000
Livestock	347	435
Grain and Other Rural Stock	17	13
	364	448
RECEIVABLES		
	2001 \$'000	2000 \$'000
Current		
Council Members	18	9
Other Debtors	984	502
Other Debtors - Prepaid Superannuation - (Note 10)	174	269
Prepayments	144	1
Local Aboriginal Land Councils	399	640
Aboriginal Organisations	54	53
	1 <i>,77</i> 3	1,474
Less Provision for Doubtful Debts	200	1 <i>7</i> 5
	1,573	1,299

Non-Current

	3,090	2,803
Less Provision for Doubtful Debts	2,750	1,800
	5,840	4,603
Loans to Other Organisations	182	153
Loans and Advances to Local Aboriginal Land Councils	5,840	4,450

Doubtful debts are raised when doubt as to collection exists. A review of amounts owing by local land councils in respect of rate debtors is undertaken annually. Those councils that have not made a reduction in their rate debtor balance in recent years have been classified as doubtful. Despite this policy this Council intends to vigorously pursue all outstanding debts. All other debtors have been reviewed as to whether they are collectable and a provision has been made accordingly.

571	205
4,092	3,897
4,663	4,102
	4,092

5. OTHER FINANCIAL ASSETS

	2001 \$'000	2000 \$'000
Current		
Commercial Bills / Promissory Notes	22,686	19,163
Money Market Funds	7,788	13,845
International Fixed Interest Securities	106,397	155,651
	136,871	188,659

Given the nature of other financial assets, the Council considers the book value to be a fair approximation of the market value. - Refer Note 1 (d)(i).

Non-Current

	349,145	306,979
Provision for Loss on Mortgages (Refer Note 5(I) Mortgages)	(3,000)	(4,500)
	352,145	311,479
Woolstock Australia Ltd - Administration Other Financial Asset	9	9
Mortgages	14,518	22,162
Units in Australian Listed Property Trusts	54,881	36,278
Units in International Equities	43,646	81,969
Units in Managed Australian Share Fund	105,663	73,928
Units in Australian Fixed Interest	41,626	
Australian Fixed Interest	91,802	97,133

Non-Current Other Financial Assets are revalued to market value - Refer Note 1 (d)(ii).

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 4.935% [1999/2000 6.324%], whilst over the year the sum of monthly weighted averages interest rates was 5.60% (1999/2000 5.735%) The Reserve Bank of Australia reduced the official overnight cash rate by a total of 1.5% during the year under review (1999/2000 increased by a total of 1.5%).

(b) Money Market Funds

These are short term funds managed by New South Wales Treasury Corporation and First Nations Advantage Credit Union. The sum of monthly weighted average returns over the period in which they were invested with each manager is as follows:

New South Wales Treasury Corporation -	5.76%	(1999/2000	5.53%)
First Nations Advantage Credit Union -	6.36%	(1999/2000	5.509%)

(c) Managed International Fixed Interest Securities

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 year under review resulted in a positive return of 9.59% (1999/2000 6.761%) per annum after taking net capital profits both realised and unrealised into account.

Non-Current

(d) Managed Australian Fixed Interest

Aberdeen 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 year under review resulted in a positive return of 11.31% (1999/2000 5.734%) per annum after taking net capital profits both realised and unrealised into account.

(e) Units in Australian Fixed Interest

The Council has units in the Citigroup Fixed Interest Trust which earn income and produce capital gains, or, losses, both realised and unrealised, in accordance with market conditions.

Those other financial assets over the year under review resulted in a positive return of 16.48% per annum after taking net capital profits and losses both realised and unrealised into account.

(f) Units in Managed Australian Share Fund

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

These other financial assets over the year under review resulted in a negative return of 4.51% (1999/2000 positive 13.302%) per annum after taking net capital profits and losses both realised and unrealised into account.

(g) Units in International Equities

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

These other financial assets over the year under review resulted in a negative return of 27.22% (1999/2000 positive 56.777%) per annum after taking net capital profits and losses 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 other financial assets over the year under review resulted in a positive return of 15.49% (1999/2000 9.225%) per annum after taking net capital profits both realised and unrealised into account.

(i) Mortgages

The Council lent 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 return on mortgages advanced at 30/9/01 was negative 16.32% (1999/2000 positive 8.98%) per annum, including amounts written off as bad. Where delinquent mortgages have been placed in the hands of solicitors for collection, these mortgages are regarded as non performing loans and interest is no longer accrued, but, all effort is made to collect this interest as well as the principal.

At 30 September 2001, the balance outstanding amounted to \$14.5M. Of this amount, advances totalling \$11.5M had passed their settlement date and were considered to be in default. The Council assessed these mortgages, comparing each balance outstanding to a current valuation of the mortgaged property, in order to provide for possible losses.

Th \$3M provision for doubtful mortgages related to five mortgages where a possible loss was noted. The major instance involves a property where the Council holds a first mortgage as security for a loan with a balance outstanding of \$8.5M at 30 September 2001. The property is the site of a major building construction approximately 80% complete at balance date. Based on professional advice, the Council believes that in order to maximise the opportunity for full



recovery of Council outlays, a further amount currently estimated at between \$3.5M and \$5.5M should be expended to complete construction. On current estimates it is anticipated that on a worst case scenario Council losses would not exceed \$1.845M. Accordingly the contribution to the provision for doubtful mortgages in 2000-2001 includes an amount of \$1.845M for this mortgage.

During the year, Council recovered \$1.5M from mortgages with a book value of \$6M. The shortfall of \$4.5M, which was provided for in 1999-2000 was offset to the provision for doubtful mortgages.

Of advances totalling \$25.6M made since the inception of the scheme, the Council advanced \$11.7M to eight mortgagees, including one advance of \$32,000 in 2000-2001, without obtaining independent valuations of the properties. This action does not comply with Section 18(2) of the Trustee Act 1925 which requires the value of the property used as security for the mortgage loan to be subject to a valuation by a registered valuer instructed and employed by the mortgagee.

(i) 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	Buildings	Plant and Equipment	Motor Vehicles	Total
	\$'000	\$′000	\$′000	\$'000	\$′000
Opening Balance at Cost		100	5,188	2,299	7,587
Opening Balance at Valuation	4,636	12,860			17,496
Revaluation adjustments	2,259	(1,386)	**		873
Additions	477	244	246	1,309	2,276
Disposals	(253)	(78)	(890)	(1,116)	(2,337)
	7,119	11,740	4,544	2,492	25,895
Depreciation					
Opening Balance		(861)	(4,006)	(983)	(5,850)
Revaluation adjustments	- 0	1,019	140		1,019
Charge for the Year		(434)	(401)	(307)	(1,142)
Disposals	-	2	759	275	1,036
		(274)	(3,648)	(1,015)	(4,937)
Written Down Value					
2001	<i>7</i> ,119	11,466	896	1,477	20,958
2000	4,636	12,099	1,182	1,316	19,233
				2001 \$'000	2000 \$'000
Statutory Fund				11,511	10,812
Administrative Fund				9,447	8,421
				20,958	19,233

The original cost of fully depreciated assets included in the total property, plant and equipment is \$3.5M (1999/2000 \$3.9M).

In term of the Aboriginal Land Rights Act, 1983 the NSW Aboriginal Land Council is able to lodge land claims with the Crown Lands Minister. The Minister may grant all or part of the claim.

Where it is the intention of the NSW Aboriginal Land Council to transfer property granted by the Minister to the Local Aboriginal Land Council in which the property is situated, the property is therefore not regarded as an asset of the NSW Aboriginal Land Council in the period before the transfer is effected.

At 30 September 2001 the Council held title to 42 properties with a total value of \$300,000 approximately, which were awaiting transfer to Local Aboriginal Land Councils. A further 30 properties granted by the Minister were awaiting transfer of title to the NSW Aboriginal Land Council before their transfer to Local Aboriginal Land Councils.

7. ARTIFACTS

	2001 \$'000	2000 \$'000
Cost at 1st October	239	238
Additions	<u> </u>	1
Disposals		
Book Value at 30 September	239	239

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

8. PAYABLES

	2001 \$′000	2000 \$'000
Sundry Payables and Accruals	1,535	1,375
Funeral Fund - Contributions Refundable	204	193
	1,739	1,568
Statutory Fund	113	9
Administrative Fund	1,626	1,568
	1,739	1,568



9. TOTAL EQUITY

	Accumul	ative Funds		evaluation erve	Total	Equity
	2001 \$'000	2000 \$'000	2001 \$'000	2000 \$'000	2001 \$'000	2000 \$'000
Opening Balance	501,620	489,510	24,325	4,113	525,945	493,623
Changes in Equity - transactions with owners as owners						
Total	501,620	489,510	24,325	4,113	525,945	493,623
Changes in Equity - other than transactions with owners as owners						
Operating Surplus (Deficit) after Abnormal Items	(1,925)	12,110	:•:	,	(1,925)	12,110
Transfers on Disposals of Revalued Assets Property Disposals	•	*	74¢			
Other Financial Assets Disposals	7,672		(7,672)		6.5	
Decrement on Revaluation of Other Financial Assets			(12,540)	¥	(12,540)	
Increment on Revaluation of Other Financial Assets			*	20,212	120	20,212
Increment on Revaluation of Property		*	1,892		1,892	9
Total	5,747	12,110	(18,320)	20,212	(12,573)	32,322
Closing Balance	507,367	501,620	6,005	24,325	513,372	525,945

10. EMPLOYEE ENTITLEMENTS

	2001 \$'000	2000 \$'000
Current Provisions		
Provision for Annual Leave	555	486
	555	486
Non - Current Employee Entitlements		
Provision for Long Service Leave	459	357
	459	357

The Superannuation Schemes relating to Council employees are State Superannuation Scheme (SSS), State Authorities Superannuation Scheme (SANCAS), and First State Superannuation Scheme (FSS).



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The assessed liability for the Council at 30 June 2001 and funds held in the reserve accounts at the Superannuation Administration Authority (including accrued income) are:

Superannuation (Liability)/ Prepaid **Superannuation Contributions** SASS **SANCS** FS₅ Totals Number of contributors Monetary Value \$'000 \$'000 \$'000 \$'000 Assessed Liability (38)(25)(132)(195)Less Estimated Reserve Account Closing 55 56 258 369 (Net Liability) Prepaid Contributions 17 31 126 174

The 2001 assessment of SANCS, SASS and FSS is based on the full requirements of AAS25 "Financial Reporting by Superannuation Plans." This requires that a market determined risk adjustment discount rate be applied as the valuation interest rate in the calculation of the value of accrued benefits. The financial assumptions that have been applied for the calculations for 2001 and thereafter are:

	Year 2001/2	Year 2002/3	Year 2003/4
Rate of Interest per annum	7.00%	7.00%	7.00%
Rate of Salary Increase per annum	3.00%	6.50%	4.00%
Rate of Increase in CPI per annum	2.50%	2.50%	2.50%

Assumptions with regard to the rates of mortality, resignations, retirement and other demographics are as for the 2000 triennial valuation.

11. COMMITMENTS

Commitments in relation to non concealable operating leases are payable as follows:

	2001 \$000	2000 \$000
Not later than one year		
Between one and two years	44	
Between two and five years	67	
Later than five years		
Total Operating Lease Commitments (including GST) 111	

These operating leases are not recognised in the financial statements as liabilities.

12. CONTINGENT LIABILITIES

The Council has no contingent liability as at 30 September 2001 other than those stated below:

(i) Fringe Benefits Tax

The Australian Taxation Office (ATO) provided an advice in January 2001 that the Council is not a benevolent institution and section 57A of the Fringe Benefits Tax Assessment Act does not apply. However, the ATO suggested that an objection can be lodged be way of applying for a private ruling for exemption. If necessary the Council will apply for a private ruling for exemption.



However, in view of changes to the Aboriginal Land Rights Act, which is expected to be assented to by Parliament in 2002, the Council has submitted a new application under section 57A of the Fringe Benefits Tax Assessment Act. The changes to the Aboriginal Land Rights Act include objectives that more fully describe the Council's roles as a benevolent institution.

In view of other precedents, the advice obtained from a Queens Counsel in 1996 and changes to the Aboriginal Land Rights Act, the Council believes that it has a strong case to obtain an exemption from fringe benefits tax (FBT). As this matter is now in the hands of the Council's attorneys, no liability for FBT hss been recognised in the financial statement and no attempt has been made to calculate liability.

(ii) Litigation

The Council's solicitors have advised that the maximum possible legal claims and costs may amount to \$1.420 M as at 30 September 2001 (1999/2000 \$0.13 M) for all outstanding litigation.

13. INTEREST AND OTHER FINANCIAL ASSETS INCOME

	2001 \$'000	2000 \$'000
Administrative Fund	540	279
Statutory Investment Fund	33,341	32,985
	33,881	33,264

14. OTHER FINANCIAL ASSETS AND PROPERTY REVALUATIONS

In accordance with Australian Accounting Standard 38, revaluations of non current other financial assets that result in increments are credited to an asset revaluation reserve, except to the extent that the increment reverses a revaluation decrement previously expensed. In these circumstances the increment must be recognised as income.

Revaluations in the 2000-2001 year resulted in a decrement of \$18.8M for Other Financial Assets (non current investments) and a \$1.9M increment for Property. Following investment sales during the year and transfers of \$7.7M from Asset Revaluation Reserves to Accumulated Funds, \$12.5M was available in the reserve for investments to meet the current year decrement. The remaining \$6.3M was recorded as expenditure.

15. RENT

	2001 \$'000	2000 \$'000
Administrative Fund		
Regional Offices	29	32
State Office	93	
	122	32



Head Office	825	1,353
	947	1,385
Less Elimination of Inter Fund Transactions	758	663
	189	722
16. OTHER INCOME		
	2001 \$'000	200 0
Enterprise Gross Income	557	887
Investment Managers Fees Rebates	831	928
Other	247	319
Assets not identified previously	605	-
	2,240	2,134
	2001 \$'000	
Gain (Loss) on disposal of property, plant and equipmer Proceeds from sale	\$'000	2000 \$'000
Gain (Loss) on disposal of property, plant and equipmer Proceeds from sale Written down value of assets sold	\$'000	\$′000 1,199
Proceeds from sale	\$'000 at 973	1,199 (1,003)
Proceeds from sale Written down value of assets sold	\$'000 at 973 (1,301)	1,199 (1,003)
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment	\$7000 at 973 (1,301) (328)	1,199 (1,003) 196
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment	\$7000 at 973 (1,301) (328)	1,199 (1,003) 196
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment	\$7000 at 973 (1,301) (328)	1,199 (1,003) 196
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment 18. REVENUES FROM GOVERNMENT	\$'000 at 973 (1,301) (328) 2001 \$'000	1,199 (1,003) 196
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment 8. REVENUES FROM GOVERNMENT Commonwealth Government Grants & Subsidies	\$'000 at 973 (1,301) (328) 2001 \$'000 4,185	1,199 (1,003) 196 2000 \$'000
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment 18. REVENUES FROM GOVERNMENT Commonwealth Government Grants & Subsidies New South Wales Government Grants & Subsidies Total Revenues from Government	\$'000 at 973 (1,301) (328) 2001 \$'000 4,185 57	1,199 (1,003) 196 2000 \$'000
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment 18. REVENUES FROM GOVERNMENT Commonwealth Government Grants & Subsidies New South Wales Government Grants & Subsidies	\$'000 at 973 (1,301) (328) 2001 \$'000 4,185 57	1,199 (1,003) 196 2000
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment 18. REVENUES FROM GOVERNMENT Commonwealth Government Grants & Subsidies New South Wales Government Grants & Subsidies Total Revenues from Government	\$'000 11 973 {1,301} (328) 2001 \$'000 4,185 57 4,242	1,199 (1,003) 196 2000 \$'000 3,441
Proceeds from sale Written down value of assets sold Net gain on disposal of property, plant and equipment 8. REVENUES FROM GOVERNMENT Commonwealth Government Grants & Subsidies New South Wales Government Grants & Subsidies Total Revenues from Government	\$'000 11 973 {1,301} (328) 2001 \$'000 4,185 57 4,242	1,199 (1,003) 196 2000 \$'000 3,441

188

192

The auditors received no other benefit.

20. INVESTMENT FEES

	2001 \$'000	2000 \$'000
Investment Advisor's Fees	100	118
Investment Managers' fees	393	582
Custodian Fees	250	90
	743	790

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. In accordance with the investment fund contract a number of management fee rebates, charged in the previous year, were received in 2000-2001 (refer Note 16).

21. EMPLOYEE EXPENSES

	2001 \$'000	2000 \$'000
Salaries , Wages	4,405	4,465
Superannuation	447	286
Adjustment to Provision for Leave Expenses	171	41
Workers Compensation Insurance	136	341
Redundancy Payments		25
	5,159	5,158

22. FUNDING OF REGIONAL AND LOCAL ABORIGINAL LAND COUNCILS

	2001 \$'000	2000 \$'000
Regional Aboriginal Land Councils	446	283
Local Aboriginal Land Councils	11,843	10,710
Capital Allocations - Local Aboriginal Land Councils	1 <i>7</i>	278
	12,306	11,271

22(a). INDIVIDUAL SIGNIFICANT ITEMS

Included in Funding of Regional and Local Aboriginal Land Councils for year ended 30 September 2001 is \$1.239M which relates to retrospective adjustments to allocations to Local Aboriginal Land Councils for 1998/99 and 1999/2000.

23. MEMBERS EXPENSES AND REMUNERATION

	2001 \$'000	2000 \$'000
Salaries	879	853
Superannuation	70	66
Adjustment to Provision for Leave Expenses	-	(55)
Workers Compensation Insurance	29	75
Motor Vehicle Expenses	120	114
Travelling Expenses and Allowances	57	47
Other Expenses	86	65
	1,241	1,165

Council members have no related party transactions with the Council.

24. OTHER EXPENSES

	2001 \$'000	2000 \$'000
Staff Training, Development and Recruitment	662	598
Telephone	319	329
Enterprise and Farm Expenses	322	532
Insurance	98	133
Rates	16	25
Rent and 77	51	146
Advertising	59	45
Public Relations and Publicity etc	87	258
Travel Expenses and Allowances	579	500
Postage, Printing and Stationery	167	99
Office and Administration Expenses	174	129
Property Administration Expenses	37	11
Equipment Hire and Lease	30	4
Meeting Costs	354	239
State Wide Conference	350	301
Workshop and Conference Costs	67	
By Election Costs		318
TRIP Contribution		250
Refurbishment Expenses	15	4
Council Approved Projects	61	12
Administrators Costs	11	
World Indigenous Expenses	14	
Other Expenses	25	236
	3,483	4,157

Statutory Fund Opening Balance

Net Statutory Fund		498,162	506,908
Payables	8	(113)	
		498,275	506,908
Receivables	4	571	205
Property Plant & Equipment	6	11,511	10,812
Other Financial Assets Non Current	5	349,136	306,970
Other Financial Assets Current	5	136,871	188,659
Statutory Fund Represented by: Cash	2	186	262
Statutory Fund Closing Balance		498,162	506,908
Gain on Real Property Revaluation Transferred Reserves		1,123	
Revaluation of Other Financial Assets Transferred Reserves	9	(20,212)	20,212
Reserves Movements			
Operating Surplus for the Year		10,343	4,513
Expenses (Including Transfers to the Administrative Fund, Provision for Loss on Mortgages, Loss on Mortgages written off and Net Decrement on Other Financial Assets Revaluation)		(22,814)	(35,608
Fee Income on Mortgages	16	4	
Investment Managers Fees Rebates	16	831	928
Rent	15	825	1,350
Increment on Investment Revaluation	14		4,850
Interest and Other Income on Other Financial Assets	13	33,341	32,98

2001

\$'000

506,908

Notes

2000

\$'000

482,183

2001	2000
\$'000	\$'000

a. Cash at Bank and in hand

For the purposes of the Statement of Cash Flows, the Council considers the following as cash:

•	3,885	8,696
11 AM Deposits with banks	884	6,343
Cash in hand	1	1
Cash at bank	3,000	2,352

b. Reconciliation of net cash flows from ordinary activities to ordinary surplus.

Ordinary surplus (deficit).	(1,925)	12,110
Depreciation & Amortisation	1,142	949
Net Decrement on Other Financial Assets Revaluation	6,297	
Increment on Other Financial Assets Revaluation	-	(4,850)
Adjustment to Provision for Leave Expenses	171	(14)
Loss (Profit) on disposal of non Property, Plant & Equipment	328	(196)
Provision for loss on mortgages	2,957	4,500
Loss on disposal of non current investments	2,777	
Property Claims Granted	(605)	

Other Changes in assets and liabilities in respect of ordinary activities.

Net cash inflows from ordinary activities	10.836	13.397
Payables and borrowings (decrease) increase	10	1,207
Long Term Debts (Increase) Decrease	(287)	(132)
Inventories decrease (increase)	84	(204)
Receivables decrease (increase)	(274)	27

c. Non Cash Financing and Investment Activities

Assets received from property claims granted 605

d. Credit standby arrangements and unused loan facilities

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

27. 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 2001.

The positions of the Trusts are:

	2001 \$'000	2000 \$'000
CURRENT ASSETS		
Dungutti Elders Council Aboriginal Corporation Cash at Bank	895	871
World Indigenous Games Cash at Bank	13	12
Gumbaynggir Tribal Aboriginal Elders Co. Cash at Bank	14	13
TOTAL TRUST FUNDS HELD	922	896

End of Audited Financial Statements



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NATIVE VEGETATION Background

Fact Sheet: How much land clearing?

by Peter Wright, Natural Resources Manager

The rate of land clearing in NSW has been hotly debated for more than a decade, primarily because clearing has not been monitored in a rigorous and systematic way. Speculation has rushed in to fill the information vacuum.

Recent studies have shed a little more light on the question "how much land clearing?" but not yet answered it completely. The figures in the table below are all estimates of different types of clearing. They are indicators of the rate of clearing at a point in time but don't necessarily tell us much about trends in the rate of clearing. Some are expert's estimates, some are based on satellite data, and all but two used a different methodology, so we can't compare them to each other. That would be like comparing apples with oranges.

The two figures that can be compared are the Bureau of Resource Sciences' estimate of 22,350 hectares per year cleared during 1990-95, and the ERIC '98 estimate of 16,400 hectares per year being cleared between 1995 and 97. This is a 27% decline in the rate of clearing during the period that clearing controls (i.e. SEPP 46) were first introduced in NSW.

A word of caution, however. These figures only refer to clearing of woody vegetation taller than two meters and with greater than 20% canopy cover (open woodland). ERIC '98 developed a more accurate method to estimate clearing down to 12-15% canopy cover (scattered trees) and doubled the estimate of the rate of clearing to 32,800 hectares per year for 1995-97.

Neither of these studies considered clearing of country with less than 12% woody canopy coveressentially the conversion of native grassland and shrublands like saltbush to cropping. Anecdotal evidence tells us that much of the clearing underway now is in this very open country. It is less expensive to clear than woodland or forest and, in regions with grasslands plans, clearing is less tightly controlled.

The most recent figures in the table came from a DLWC report to the Native Vegetation Advisory Council. They show that DLWC approved clearing in 85,914 hectares during 1998. This figure is alarmingly high, however these clearing approvals generally involve some vegetation being retained because of its conservation or land management value. So in one sense this figure is an overestimate of total clearing, but there are no figures on how much of an overestimate it is.

But it may also be an underestimate, because it doesn't include clearing which was exempt (e.g. every landholder is free to clear two hectares per year) or illegal clearing (an unknown quantity).

So the area of actual clearing which was approved last year (i.e. the amount of native vegetation which was destroyed) is still unknown, and will remain unknown until we have regular satellite monitoring, and some method of remotely monitoring native grasslands and shrublands. It's likely to be higher than 32,800 and less than 85,914 hectares - probably around 50,000 hectares per year.

One thing is clear - we are still a long way from achieving the national goal which the NSW

Government agreed to almost two years ago:

"The rate of native vegetation establishment in Australia exceeds the rate of vegetation clearance."

And unless the Department of Land and Water Conservation tightens up its procedures for approving clearing licenses, it will continue at the current rate indefinitely.

Estimates of rates of clearing in NSW

Below is a comparison of clearing rates in NSW with reference to annual clearing rates (ha / year), the type of vegetation measured (woody versus all native vegetation), the method of measurement, and the source of the data.

1983-93: 150,000ha cleared per year. All native vegetation was measured. (National Greenhouse Gas Inventory Committee 1996).

1990-95: 22,350ha cleared per year. This estimate is based on a measurement of only woody vegetation >2 meters tall and >20% canopy cover, cleared for agriculture, development, forest & plantation management, by remote sensing of Agricultural Land Cover Change. (Bureau of Resource Sciences 1999).

1995-97: 16,400 ha cleared per year. This estimate measured woody vegetation >2 meters tall and >20% canopy cover for agriculture, development, forest & plantation management. Research Information Consortium (ERIC) 1998).

1995-97: 32,800ha cleared per year. This estimate is based on a measurement of woody vegetation > 12-15% canopy cover. (Environmental Research Information Consortium (ERIC) 1998).

1998: 85.914ha cleared in 1998. This is the total area that DLWC approved for partial clearing under Native Vegetation Conservation Act. (DLWC Report to Native Vegetation Advisory Council).

Jan 1998-August 2000: 208,360ha cleared in this period. This figure is the total area that DLWC has approved for clearing since January 1998. (Sydney Morning Herald 29/8/00).

November 1999 (updated August 2000)

FAST FACTS 24. ASSESSING AUSTRALIA'S NATIVE VEGETATION

ISBN 0642 37115 6 May 2001

What is the Australian Native Vegetation Assessment 2000?

The Australian Native Vegetation Assessment 2000 is the first Australia-wide assessment of our native vegetation. It is based on the innovative National Vegetation Information System - a new way of mapping, describing and reporting native vegetation. The assessment, coordinated by the National Land and Water Resources Audit, is also a collaboration - a partnership between State, Territory and Commonwealth agencies.

The Australian Native Vegetation Assessment 2000 will:

- describe the National Vegetation Information System, NVIS
- assess the status of Australia's native vegetation and;
- guide future development of the information system and its application to support natural resource management decisions.

The National Land and Water Resources Audit key tasks were to:

1. To provide an Australia-wide standard for collecting and reporting information.

This provides benchmarks now and can make future data collection cost effective.

2. Ensure access to information about native vegetation for the entire community.

Providing information and demonstrating its application will in turn facilitate and support

decisions on natural resources management at regional, State/Territory and Australia wide scales.

What is NVIS, the National Vegetation Information System?

- It defines agreed frameworks and guidelines for collecting, compiling and monitoring Australia's vegetation;
- Provides a spatial / attribute information system using a common framework for analysing and reporting vegetation data;
- Stores information on the status of Australia's native vegetation;
- Enables gaps in the information to be identified and
- Includes a framework allowing community access to information and cost effective data collection and interpretation into the future.

What information has been incorporated into the National Vegetation Information System?

The Audit's activities build upon the expertise and commitment by State and Territory agencies. This capitalises on the agencies' substantial investment, by using the disparate but very valuable data sets compiled by agency and State - Commonwealth mapping programs.

The States and Territories compiled 103 data

sets covering pre-European and present vegetation types into the NVIS at a variety of scales and spatial coverage. Additional data sets have been incorporated to complete the coverage at national scales.

Standardising NVIS

The NVIS data uses the Australian Vegetation Attributes (Version 5) Information Hierarchy classifying vegetation types into various levels of complexity:

Level	Description	NATIONAL VEGETATION INFORMATION SYSTEM structural/floristic components required
1	Class	Dominant growth form for the ecologically dominant stratum
II	Structural Formation	Dominant growth form, cover and height for the ecologically dominant stratum.
Ш	Broad Floristic Formation	Dominant growth form, cover, height and broad floristic code usually dominant land cover genus for the upper most or dominant stratum.
IV	Sub-Formation	Dominant growth form, cover, height and broad floristic code usually dominant Genus and Family for the three traditional strata. (ie Upper, Mid and Ground)
V	Association	Dominant growth form, height, cover and species (3 species) for the three traditional strata. (ie Upper, Mid and Ground)
VI	Sub-Association	Dominant growth form, height, cover and species (5 species) for all layers/strata.

What information will be available from the Assessment?

Products will include information on:

- Major Vegetation Groups in Australia (pre-European and present)
- Change in Australia's Vegetation Extent from pre-Europeans
- Fragmentation of Australia's Native Vegetation
- Major Vegetation Groups in Protected Areas
- A series of case studies to highlight applications at the regional scale

Reports will include:

- Australian Native Vegetation Assessment 2000
- Australian Vegetation Attributes
- Draft Framework for the Assessment and Monitoring of Native Vegetation Condition
- Gap Analysis for NVIS Stage I

When will the assessment be completed?

The Australian Native Vegetation Assessment 2000 will be completed in the second half of 2001.

NVIS Stage II is in the planning stage and is being funded by the Natural Heritage Trust (through Agriculture, Fisheries and Forestry Australia). Work will continue with the States and Territories to incorporate further information to fill priority gaps assessed from NVIS Stage I.

Where can I get further information?

Theme Coordinator:

Maria Cofinas

Phone: (02) 6257 3030 Fax: (02) 6257 9518 email: info@nlwra.gov.au WebSite: http://nlwra.gov.au



9 May 2001

REGISTER OF ABORIGINAL OWNERS UPDATE!!!!!

Research is underway to assist and support the registration of Aboriginal owners for two Schedule 14 areas: Biamanga and Gulaga National Parks, and the Mr Grenfell Historic Site. In the next few month research officers, Rachel Lenehan and Adam Black will conduct further consultation in these areas to let people know how the research is progressing.



Col Markham (MP) recently visiting Mr Grenfell

After Aboriginal owners are registered for Biamanga and Gulaga National Parks, and Mt Grenfell Historic Site the Office will start work on registering Aboriginal owners for Mt Yarrowyck (near Armidale).

The Office of the Registrar is giving priority to registering Aboriginal owners of areas of land listed in Schedule 14 of the National Parks and Wildlife Act 1974 ('Schedule 14 areas') because Part 8A of the Aboriginal owners for Schedule 14 areas.

Currently the six Schedule 14 areas are:

- Mutawintji National Park, Mutawintji Historic Site and Coturaundee. Nature Reserve between Broken Hill and Wilcannia (leased-back in September 1998).
- Mt Grenfell Historic Site, near Cobar.
- Biamanga and Gulaga National Parks, between Narooma and Bega.
- Mount Yarrowyck Nature Reserve, near Armidale.
- Jervis Bay National Park, near Huskisson, Jervis Bay.
- Mungo National Park, near Mildura.

Research in regard to the remaining Schedule 14 areas will be undertaken and applications to register as an Aboriginal owner in relation to these areas will then be considered.

Special point of interest:

- Schedule 14 areas are the priority for the Register of Aboriginal Owners.
- Don't forget to tell us the results of your LALC's Annual Meeting

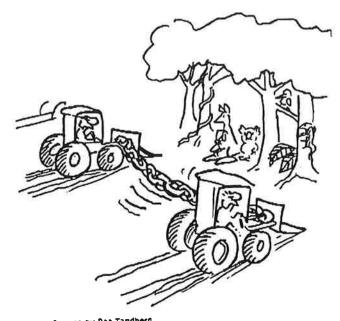
Applications for registration as an Aboriginal owner of land not currently listed on Schedule 14 will be dealt with at the conclusion of the establishment of the Register for Schedule 14 areas.

The Office appreciates that there may be frustration for people who want to register as an Aboriginal owner of land not listed on Schedule 14. Please be assured that the Office is dealing with applications as efficiently as possible given very limited resources.

JOINT POSITION STATEMENT

LAND CLEARING

AN ISSUE FOR THE WHOLE NSW COMMUNITY



Cartoon by Ron Tandberg

JUNE 2001

A variety of high profile organisations in NSW have come together to express their concern over continuing high levels of land clearing.

These organisations represent a wide cross section of the NSW community, and include social service groups, church groups, scientific organisation, and conservation groups.

They are united in their concern over the environmental degradation caused by land clearing, and its potentially severe social and economic implications. Together they seek meaningful action by the NSW Government to protect the natural capital of NSW.

For Further Information:

Contact the Nature Conservation Council of NSW, Native Vegetation Project Staff:

Anita Sundstrom Tel: 02 9299 0000

Email: western@npansw.org.au

Paul Kravchenko Tel: 02 9279 2633

Email: nativeveg@nccnsw.org.au



LAND CLEARING

AN ISSUE FOR THE WHOLE NSW COMMUNITY

In NSW, much of our native vegetation has already been cleared or extensively modified for agriculture and urban development.

Land clearing continues at alarming rates, and is a high priority concern for the community of NSW.

LAND CLEARING CAUSES:

Land and Water Degradation

Land Clearing is the major cause of recent dryland salinity, which degrades vast areas of productive agricultural land, poisons rivers and water supplies, damages infrastructure such as roads, and threatens remaining native vegetation.

Controlling salinity and rehabilitating salt-affected land is extremely costly to society. NSW already has 180 000 ha of productive farmland affected by dryland salinity. This area is expected to increase eight-fold by 2050. Nationally, the cost of lost agricultural production and environmental damage attributable to salinity is \$250 million per year and rising. These costs are borne by farmers, local government and government agencies.

Loss of Biodiversity

By destroying habitat, land clearing leads to the permanent loss of species and ecosystems. In the most highly cleared areas of NSW, there is documented evidence of extinctions of woodland birds and mammals as a result of land clearing. For example, in the central woodland belt of NSW, twenty bird species, including the Barking Owl and Regent Honeyeater, are threatened with extinction.

Climate Change

Land clearing accounts for 13.5% of Australia's greenhouse gas emissions. Rising temperatures, increased frequency of droughts and floods, and changing climate zones will have serious implications for rural industries and communities in NSW.

IN THE LONG TERM, LAND CLEARING MAY CONTRIBUTE TO:

Reduced health, well-being and financial livelihood in regional communities

The economic and social well-being of rural communities is clearly linked to access to a clean environment, clean water, and a range of public community services which are only available in viable communities. The environmental degradation caused by land clearing threatens to endanger many rural communities in NSW in this respect.

REQUESTED ACTION:

For too long, the land clearing debate has been polarised between green groups and farmer groups. Yet the impacts of land clearing are of concern to a much larger proportion of the NSW community.

For these reasons, the diverse groups represented in this position statement have come together to demand action from the NSW Government on land clearing.

We are asking the NSW Government to make a public commitment to:

Place an immediate cap on land clearing

with a moratorium in catchments that are already heavily cleared or sensitive to land and water degradation, to prevent the further degradation of our environment and ensure the sustainability of regional communities.

Strengthen land clearing control laws

by removing all loopholes that allow uncontrolled clearing, and ensuring better compliance. In order to prove to the community that NSW is serious about stopping illegal land clearing, and to recognise the activities of responsible landholders and managers, it is imperative that alleged breaches are fully investigated and enforced, and all existing loopholes in the legislation are removed.

Provide financial incentives to land holders

to enable them to retain native vegetation on their properties, restore degraded vegetation, and manage important areas for conservation. If the NSW community is serious about stopping land

NSW Council of Social Services

NCOSS is the peak body for the social and community services sector in NSW. NCOSS works towards achieving social justice in NSW.

Public Health Association of Australia -Environmental Health Special Interest Group

Doctors for the Environment (Aust) Inc.

(Australian Branch of the International Society of Doctors for the Environment)

Catholic Church of Australia

Sydney Arch Diocese, Justice and Peace Committee

NETACT - Network of Social Justice, Health and Education people within the Sydney Arch Diocese.

Uniting Church of Australia

Uniting Care NSW / ACT - Board for Social Responsibility

Anglican Diocese of Sydney - Social Issues Committee

(In consultation with bishops from regional dioceses, The Right Rev. Philip Huggins, Bishop of the Diocese of Grafton and The Right Rev. Bruce Clark, Bishop of the Diocese of the Riverina).

The Social Issues Committee for the Anglican Diocese of Sydney exists to identify and initiate the study and discussion of social issues among Anglicans in the Diocese. It also seeks to interact with the public policy process by

contributing a Christian view point to public debate.

Ecological Society of Australia

ESA's charter is to promote the scientific study of all organisms in relation to their environment and to facilitate the dissemination, exchange and application of ideas and information on ecological matters.

Royal Zoological Society of NSW

RZS's charter is to promote and advance the science of Zoology, and to protect, preserve and conserve the indigenous animals of Australia and their associated habitats.

Linnean Society of NSW

One of Australia's oldest and leading scientific societies, the Linnean Society exists to promote the cultivation and study of the Science of Natural History in all its branches.

Birds Australia - South NSW / ACT Group

Birds Australia is dedicated to the conservation, study and enjoyment of Australia's native birds and their habitats.

Planet Ark

Planet Ark's aim is to show people and business the many ways that they can reduce their day to day impact on the environment.

Youth Hostels Australia (NSW) Inc.

YHA NSW Inc. aims to create opportunity for

personal development by providing hostels and promoting environmental education.

National Association for Sustainable Agriculture NSW

NASA aims to foster and promote the conservation of natural resources associated with sustainable agricultural systems.

Nature Conservation Council of NSW

NCC is a non-government environment organisation and the coordinating body for over 120 conservation groups and scientific societies in NSW. NCC's mission is to conserve the environment of NSW.

Humane Society International

HSI aims to promote the conservation of all wild plants and animals and to promote the protection of all living animals from cruelty and neglect.

National Parks Association of NSW

The NPA seeks to protect and conserve the complete range and diversity of species, natural habitats, features and landscapes of NSW.

World Wide Fund for Nature Australia

WWF believes that conservation must go handin-hand with maintaining and supporting rural land-based business.

The Wilderness Society

TWS exists to Protect, Preserve and Promote Wilderness

Wildlife Preservation Society of Australia

WPS is dedicated to the conservation and preservation of our unique natural fauna and flora in all its many forms.

Total Environment Centre

TEC was established in 1972, to defend the environment through action, information and advocacy.

Central West Environment Council

Mudgee District Environment Group Inc.

Friends of Old Toongabbie Forest

Coastwatcher's Association Inc

Eurobodalla's Community Environment Network

Rylstone District Environment Society

Ku-ring-gai Bat Conservation Society Inc

Bellingen Environment Centre

Blue Mountains Conservation Society





Level 5, 83 Clarence Street Sydney NSW 2000 Telephone: 02 9290 8700 Facsimile: 02 9262 2690 www.daa.nsw.gov.au

Dear Chairperson

The NSW Government has recently amended the guidelines for rate exemption under s43 of the Aboriginal Land Rights Act, 1983 (ALRA). A copy of the guidelines is attached.

Under Section 43 of the Aboriginal Land Rights Act 1983 ("the Act"), the Minister administering the Act may exempt land vested in an Aboriginal Land Council from the payment of rates, where the Minister is of the opinion that special circumstances exist. Special circumstances justifying a rate exemption may exist where the land vested in the Aboriginal Land Council:

- is of spiritual or cultural significance; or
- is not being used for a commercial purpose; and
- is not being used for residential purposes.

All land claims for vacant land granted on or after 10 May 2000 will be exempt from the payment of rates until the land is developed. Land currently vested in Aboriginal Land Councils may be exempted from the payment of rates, in accordance with the criteria outlined above, on application to the Minister.

If your Aboriginal Land Council wishes to apply to have some or all of its vacant land exempted from Local Government rates, then the following information should be supplied for each parcel of land to the Department of Aboriginal Affairs:

- the land descriptor ie the DP and lot number; TS number; CR number, ML number, or WL number;
- the street address of the land (if applicable);
- the area of the land ie how many hectares (if known);
- the Local Government Council to which the rates are paid;
- · the amount of rates currently being charged on the land; and
- the reason for the rate exemption (refer to guidelines).

You must also include a statement in your application that you will notify the Minister immediately when the land becomes used for residential purposes or commercial purposes. Failure to notify the Minister of a change in land usage will result in the revocation of the land being exempt from rates.

To assist in the application for a rate exemption the Department has included an application letter

The Department will need to consult with the Local Government Council in which the land is located. The Minister will determine each case on its merits before making a decision on declaring a piece of land exempt from rates.

Yours sincerely

G Scott Director-General

SCHEDULE OF GUIDELINES FOR EXEMPTION FROM PAYMENT OF RATES BY ABORIGINAL LAND COUNCILS UNDER SECTION 43 OF THE ABORIGINAL LAND RIGHTS ACT

Under Section 43 of the Aboriginal Land Rights Act 1983 ("the Act"), the Minister administering the Act may exempt land vested in an Aboriginal Land Council from the payment of rates, where the Minister is of the opinion that special circumstances exist. The following guidelines are provided for the information of Aboriginal Land Councils that may apply for exemption for land under Section 43 of the Act.

Special circumstances justifying a rate exemption may exist where the land vested in the Aboriginal Land Council:

- 1. is of spiritual or cultural significance; or
- 2. is not being used for a commercial purpose; and
- 3. is not being used for residential purposes.

All land claims for vacant land granted on or after the date of issue of these guidelines will be exempt from the payment of rates until the land is developed. Land currently vested in Aboriginal Land Councils may be exempted from the payment of rates, in accordance with the criteria outlined above, on application to the Minister.

Where rate exemption is granted by the Minister in accordance with the criteria outlined above, the relevant Aboriginal Land Council may be requested to provide evidence to the Minister annually that the land is not being used for commercial or residential purposes.

In the case of rate exemptions for land already vested in Aboriginal Land Councils, the Minister will seek the views of the affected Local Government authority, before any decision.

Where land vested in an Aboriginal Land Council has been declared exempt from the payment of specified rates, the Aboriginal Land Council will be requested to provide a written undertaking to inform the Minister of any change in the use of the land, before the publication of a notice in relation to the declaration of exemption.

Any exemption may be reviewed or revoked at any time by the Minister.

The Minister will determine each case on its merits before making a declaration of exemption from rates and causing a notice to be published in the Government gazette.

Andrew Refshauge MP

Deputy Premier

Minister for Urban Affairs and Planning

Minister for Aboriginal Affairs

Minister for Housing

The State of Native Vegetation in NSW 2001

Urgent Protection Needed for Native Vegetation in NSW

Land Clearing causes species extinction. It leads to salinity, soil erosion and other land degradation. It contributes to climate change. Despite this, NSW clears about 150,000ha every year. It is crucial that we protect the native vegetation that remains.

Loss of Biodiversity

Land clearing not only kills plants, but also birds and animals that rely on native vegetation for food, shelter and breeding.

There is a direct relationship between loss of habitat and loss of biodiversity. Once about 40% of any habitat type is removed from the landscape, an estimated 15% of species are lost. As further habitat is destroyed, the decline of biodiversity accelerates.

The plight of woodland birds in NSW illustrates this relationship. The woodland belt of NSW, which extends throughout central NSW, is critical habitat for more than 200 species of birds. Between 70-80% of the woodland region has been cleared in NSW. This loss of habitat has led to massive decline in numbers and distribution of woodland birds. There are now more than 20 species of woodland birds listed as threatened in NSW, including the once common Bush Curiew and the Barking Owl. The Paradise Parrot is already extinct. Remaining habitat is scarce, highly fragmented, and inadequate for the long-term survival of woodland birds in NSW.

Land Degradation

Land clearing is the major cause of salinity, which is destroying productive agricultural land, threatening native vegetation, and poisoning rivers and water supplies. In some areas, roads and other infrastructure are also being damaged by rising salt.

NSW has already been extensively cleared and is now suffering massive salinity problems. 12.3 million ha of land in NSW are considered to be at risk of serious salinisation. Controlling salinity and rehabilitating salt affected land is extremely costly to society. Retaining existing native vegetation has been identified as a key factor in the NSW Salinity Strategy.

Climate Change

Land clearing accounts for about 15% of Australian greenhouse gas pollution.

Burning of native vegetation and soil disturbance associated with land clearing produces greenhouse emissions, contributing to climate change. Rising temperatures, increased frequency of droughts and floods and changing climate zones will have serious implications for rural industries and communities in NSW.

Legislative and Policy Framework

Native Vegetation Conservation Act

In 1997 the NSW Parliament enacted the Native Vegetation Conservation Act [NVC Act]. This legislation provides for the protection, conservation and management of native vegetation in NSW. The Department of Land and Water Conservation [DLWC] is responsible for its implementation. The key elements of the Act are:

Prevention of inappropriate clearing of native vegetation

Development Consent is required for any clearing that is not permitted within the exemptions or by an accredited Regional Vegetation Management Plan. Clearing without consent is an offence under the Act.

Regional V egetation Management Plans

Regional Committees have been formed to develop Management Plans, which provide for the conservation and management of native vegetation on a regional basis. Once plans are in place, they will be used to determine development consent for clearing.



Commitment to "No Net Loss" of Native Vegetation

In the same year that the Native Vegetation Conservation Act was introduced, the NSW government signed an agreement with the Federal government committing NSW to the national goal of 'no net loss' of native vegetation by June 2001. 'No net loss' is defined as a reversal in the long term decline of the quality and extent of Australia's native vegetation cover.

What are We Losing?

Land Clearing

An estimated 150,000 ha of native vegetation were cleared in NSW in 2000. This estimate is based on official clearing figures, clearing under exemption, and alleged illegal clearing.

Official Clearing Figures: Over 200,000ha Cleared Since January 1998

- Since the Native Vegetation Conservation Act came into force in January 1998, DLWC figures show that over 200,000ha have been approved for clearing in NSW. This figure is not precise in that clearing approvals generally involve some vegetation being retained because of conservation or land management value. However, there is no data available on how much vegetation is being retained, nor on whether these clearing conditions are being effectively enforced. It does not include clearing under exemption, or illegal clearing.
- Official satellite survey data of vegetation cover for NSW can only measure clearing of woody vegetation which is taller than 2 metres and has a canopy cover greater than 15%. This methodology cannot measure clearing of open woodland, small patches or scattered isolated trees, shrubs and grasslands. NSW currently has no hard data with which to measure the loss of native vegetation.

Clearing Under Exemption: Inappropriate, Difficult to Enforce, Open to Abuse

- There are over 30 exemptions under the Act which allow land to be cleared without development consent. For example, a landholder may clear 2ha per year, 7 trees per ha for on-farm use, and regrowth vegetation under 10 years old.
- There is no mechanism under the Act requiring landholders to inform DLWC when they are purporting to rely on an exemption. Therefore, it is impossible to know how much land is being cleared or whether the exemptions are being correctly relied upon.
- The exemptions are broadly worded, open to abuse, and difficult to enforce. As a result, significant and inappropriate clearing is being undertaken under exemptions.

Illegal Clearing: No Prosecutions

- Since the commencement of the Act in January 1998, 380 alleged breaches of the Act have been reported to DLWC. Yet there have been no successful prosecutions under the Act.
- This is partly the result of the broadly worded exemptions, which make it difficult to investigate and prosecute a suspected breach.
- The lack of prosecutions can also be attributed to a lack of political will. Instead of pursuing prosecutions under the Act, DLWC is choosing to write warning letters and seek remediation orders, which are negotiated with the landholder. This approach has been taken even in the case of serious and extensive breaches.

Past and Present Land Clearing: Where in NSW

The woodland belt of central NSW has experienced the highest rates of clearing in the State. In some areas, up to 90% of the original woodland cover has been cleared for agriculture. Some vegetation types, such as Box Woodlands, have been almost fully removed. Remnants are increasingly isolated, and being degraded through timber extraction and grazing. The results are a rapid decline in biodiversity and massive land degradation problems.



Despite this, land clearing in central NSW continues at an alarming rate. The greatest pressure is in North West NSW, where woodlands are cleared for the introduction of crops such as wheat and cotton.

Off-setting Clearing with Revegetation

The NSW Government is currently considering the use of offsets to provide more opportunities for farmers to be able to clear isolated patches of vegetation in exchange for replanting elsewhere.

The Nature Conservation Council of NSW [NCC] is opposed to the use of off-sets in such a context. The destruction of intact, functioning native vegetation cannot be adequately compensated by replanting .

Replanting is more expensive than conserving existing native vegetation, and it has a lower value in terms of providing habitat and maintaining functioning ecosystems.

Regional Vegetation Management Plans

Regional Vegetation Management Plans are crucial to realising the objects of the NVC Act. The planning process involves all stakeholder groups. It provides an opportunity to develop clearing controls and exemptions which are appropriate to regional circumstances. It can also provide valuable guidance to target funding to achieve conservation outcomes.

NCC is concerned that:

- There are still no plans in place in NSW. Regional Vegetation Committees do not yet cover the whole of NSW.
- No vegetation retention and management targets have been provided to Committees to guide regional decision making on native vegetation.
- Committees need timely accurate information on the extent and quality of vegetation in their regions.

What Do We Want for Native Vegetation in NSW?

No More Land Clearing

Land clearing rates in NSW are unsustainable. With each hectare cleared we are losing biodiversity, contributing further to salinity and other land degradation problems, and contributing to climate change. We are moving further away from achieving the goal of 'no net loss.'

Reform of the Exemptions

Many of the exemptions should be removed as they have no scientific basis, are contrary to the objects of the NVC Act, and work against achieving compliance with the Act.

Compliance with the Act

DLWC needs an active enforcement policy which uses the full range of tools available under the Act, including prosecutions for serious breaches. Prosecutions will demonstrate to the community that NSW is serious about decreasing the rate of land clearing and halting the associated loss of biodiversity and land degradation.

Targets and Data for Regional Vegetation Management Planning

Regional Vegetation Management Planning is a valuable component of the NVC Act and should be strengthened through the provision of targets for vegetation retention and conservation, and the provision of timely and accurate data to support decision making.

No Revegetation / Clearing Off-sets

Off-sets should only be considered where the result is a substantial increase in the habitat value and ecosystem function of existing native vegetation. On these principles, revegetation will rarely match the values of existing native vegetation. Minimising the loss and fragmentation of native vegetation though land clearing should be the first priority.



Can you help?

 Please write a letter to the politicians listed below and your local Member of Parliament. Find your local member at: http://www.parliament.nsw.gov.au. Tell them that the current situation regarding native vegetation in NSW is unacceptable. Use the information in this brochure to tell our leaders what the community wants for native vegetation in NSW.

The Hon. Robert Carr Premier of NSW Parliament House, Sydney 2000

The Hon. Richard Amery Minister for Land and Water Conservation Parliament House, Sydney 2000 The Hon. Robert Debus Minister for the Environment Parliament House, Sydney 2000

- Send a letter to your local newspaper.
- Fill in the coupon below and return it to NCC if you would like to be kept up to date with, or donate to, the Native Vegetation Campaign.

For more information

Visit our website at: http://www.nccnsw.org.au/veg

Anita Sundstrom

NCC Native Vegetation Project Tel: 02 9299 0000

Email: western@npansw.org.au

Paul Kravchenko

NCC Native Vegetation Project

Tel: 02 9279 2633

Email: nativeveg@nccnsw.org.au

References

ACCESS Economics (2000) Greenhouse Implications of Increased Rates of Land Clearing prepared for the Australian Conservation Foundation, Canberra.

Birds Australia, NPWS Our Woodland Birds are Disappearing (brochure).

NSW Environment Protection Authority (2000) State of the Environment Report NSW 2000 DLWC (2000) A Review of the Native Vegetation Conservation Act 1997 Exemptions

Freudenberger, Noble and Morton (1997) A Comprehensive, Adequate and Representative Reserve System for the Southern Mallee of NSW: Principles and Benchmarks CSIRO Wildlife and Ecology, Canberra.

NSW Government (2000) NSW Salinity Strategy: Taking on the Challenge

☐ Yes, I would like to help save NSW's environment				ון אלן אַ בּ
Please place me on your active letter writing list			VEGETATION.	
Please send me more information about land clearing in NSW				
I would like my email address to be placed on a 'quick action and response' mailing list for native vegetation protection.				
TitleName				21 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Address				Please return Coupon to:
Postcode				Level 5, 362 Kent Street,
Phone(h)	_ Phone(w)			Sydney, NSW, 2001
Email	Fax			NATURE CONSERVATION COUNCIL OF INSID INC.
Yes, I would like to support NCC's native vegetation campaign				
Here is my donation of: 🔲 \$60				•
Please debit my: 🔲 Bankcard	☐ Visa Card	Mastercard	Expiry Date_	/
				
Signature	Card held in the	name of		
I have enclosed: 🔲 cheque		(payable to Nature C		

LOCATION OF REGIONAL BRANCH OFFICES

CENTRAL BRANCH

Cnr Wingewarra & Darling Sts PO Box 1196 Dubbo NSW 2830

PH: 02 6882 9350 FX: 02 6882 9371 Councillor: Rod Towney Manager: Robert Barnes

CENTRAL COAST BRANCH

PO Box 305 Kempsey NSW 2440 PH: 02 6562 5496 FX: 02 6562 4223

Councillor: Manul Ritchie Manager: Colin Campbell

FAR NORTH COAST BRANCH

25 Orion Street

PO Box 494 Lismore NSW 2480

PH: 02 6622 1010 FX: 02 6622 1931 Councillor: Dave Brown Manager: Harold Love

MURRAY RIVER BRANCH

52 Chanter Street PO Box 201 Moama NSW 2731

PH: 03 5480 9155 FX: 03 5480 9117 Councillor: David Clark Manager: Robert Walker

WESTERN BRANCH

PO Box 47 Menindee 2879 PH: 08 8091 4114 FX: 08 8091 4445

Councillor: William Murray Manager: Jenny Edwards

NORTHERN BRANCH

143 Loder Street PO Box 327 Quirindi NSW 2343 PH: 02 6746 1668 FX: 02 6746 2525

Councillor: Wayne Griffiths Manager: Charles Lynch

NORTHERN TABLELANDS BRANCH

Suite 1, Faulkner House 93 Faulkner Street Armidale NSW 2350 PH: 02 6772 7666 FX: 02 6772 7342 Councillor: Tom Briggs Manager: Bob Maynard

NORTH WEST BRANCH

87 Wilga Street PO Box 449 Coonamble NSW 2829 PH: 02 6822 2119

FX: 02 6822 2322Councillor: Les Trindall

Manager: Angela Fernando

WESTERN METROPOLITAN BRANCH

Suite 1, 54 Moore St PO Box 3078 Liverpool 2170 PH: 02 9821 2899 FX: 02 9601 4680 Councillor: Robert Lester

SYDNEY NEWCASTLE BRANCH

66 Showground Road PO Box 1389 Gosford NSW 2250

PH: 02 4325 0205FX: 02 4323 3082Councillor: Veronica Graf Manager: Jenni McEwen

FAR SOUTH COAST BRANCH

Chapman House 2-34d Orient Point PO Box 388 Batemans Bay NSW 2536 PH: 02 4472 9955 FX: 02 4472 9950 Councillor: Ossie Cruse

SOUTH COAST BRANCH

Manager: Lana Callaghan

C/O South Coast Aboriginal Cultural Centre Junction Street Nowra NSW 2541

PH: 02 4422 5162 FX: 02 4422 7008 Councillor: Ivern Ardler

WIRADJURI BRANCH

153 Docker Street PO Box 5515 Wagga Wagga NSW 2650 PH: 02 6921 654

PH: 02 6921 6544 FX: 02 6921 7903 Councillor: James Morgan Manager: Roland Williams



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LIST OF LOCAL ABORIGINAL LAND COUNCILS

CENTRAL BRANCH

Dubbo LALC Narromine LALC Trangie LALC Weilan LALC Gilgandra LALC

Gilgandra LALC Nyngan LALC Warren LALC Wellington LALC

Mudgee LALC

CENTRAL COAST BRANCH

Birpai LALC
Bunyah LALC
Bowraville LALC
Coffs Harbour LALC
Karuah LALC
Nambucca Heads LALC
Thungutti LALC
Forster LALC
Kempsey LALC
Purfleet/Taree LALC
Unyka LALC

FAR NORTH COAST BRANCH

Baryulgil Square LALC
Bogal LALC
Grafton/Ngerrie LALC
Jali LALC
Jubullum LALC
Ngulingah LALC
Birrigan Gargle LALC
Casino Boolangle LALC
Gugin Gudduba LALC
Jana Ngalee LALC
Muli Muli LALC
Yaegl LALC
Tweed Byron LALC

MURRAY RIVER BRANCH

Albury and District LALC Murray River LALC Deniliquin LALC Wamba-Wamba LALC Moama LALC Yota Yota LALC

WESTERN BRANCH

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

NORTHERN BRANCH

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

NORTHERN TABLELANDS BRANCH

Anaiwan LALC Ashford LALC Guyra LALC Dorrigo Plateau LALC

Dorrigo Plateau LALC Armidale LALC Glen Innes LALC Moombahlene LALC

NORTH WEST BRANCH

Brewarrina LALC
Collarenebri LALC
Enngonnia (Murrawari) LALC
Lightning Ridge LALC
Mungindi LALC
Nulla Nulla LALC
Cobar LALC
Coonamble LALC
Goodooga LALC
Moree LALC
Pilliga LALC
Toomelah LALC
Wee Waa LALC

A/CCTCDAL AACTDODOLITAAL DD AALCLI

Deerubbin LALC Tharawal LALC Gandangarra LALC

Walgett LALC

Narrabri LALC

Weilmoringle LALC

SYDNEY/NEWCASTLE BRANCH

Awabakal LALC
Darkinjung LALC
La Perouse LALC
Mindaribba LALC
Bahtabah LALC
Koompahtoo LALC
Metropolitan LALC
Worimi LALC

FAR SOUTH COAST BRANCH

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

SOUTH COAST BRANCH

Illawarra LALC Nowra LALC Jerringa LALC

WIRADJURI BRANCH

Condobolin LALC
Hay LALC
Narrandera LALC
Peak Hill LALC
Wagga Wagga LALC
Young LALC
Cowra LALC
Leeton LALC
Onerwal LALC (Yass)
Pejar LALC
West Wyalong LALC
Griffith LALC
Murrin Bridge LALC
Orange LALC

Tumut Brungle LALC

Windradyne (Bathurst) LALC

WESTERN METROPOLITAN BRANCH



