



Annual Report **2003**



South West Aboriginal  
Land & Sea Council



South West Aboriginal  
Land & Sea Council

October 8<sup>th</sup> 2003

The Hon. Philip Ruddock MP  
Minister for Immigration and Multicultural and Indigenous Affairs  
Parliament House  
Canberra ACT 2600

Dear Minister,

In accordance with section 203DC of the *Native Title Act (Cth) 1993*, I have pleasure in presenting the Annual Report for the South West Aboriginal Land and Sea Council Aboriginal Corporation (SWALSC) together with the audited financial statements for the financial year ended 30 June 2003.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Murray Jones'.

Murray Jones  
Chairperson

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## Chairperson's Report



It gives me great pleasure to present the South West Aboriginal Land and Sea Council's (SWALSC) Annual Report for 2002-2003.

SWALSC's first full year of operation has been both exciting and productive. Our focus for the period was on community education, the "Single Noongar Claim" strategy and agreement making. I am pleased to announce that SWALSC made significant headway in each of these priority areas.

My congratulations go to the Executive Committee and the Full Council for embracing and promoting the "Single Noongar Claim" (SNC) concept. SWALSC supports the notion of one large claim encompassing **all** Noongar country. After a series of meetings, held "on country" in February, the community agreed to the formation of a single claim. They instructed SWALSC to submit the new claim to the National Native Title Tribunal (NNTT) for registration.

I believe the most encouraging outcome of the SNC process has been the unification of the Noongar people. Having the opportunity to consult, and to manage their own affairs, has instilled a new sense of cohesion, pride and dignity in the community.

I would also like to congratulate CEO Darryl Pearce and his staff for their hard work and dedication throughout the year. Their efforts

resulted in the signing of an Indigenous Land Use Agreement (ILUA) with the Central Country Zone of the Western Australian Local Government Association (WALGA) and the negotiation of a Memorandum of Understanding (MOU) with WALGA.

The ILUA, which was negotiated between the Native Title Working Parties and the 16 Local government authorities that comprise the Central Country Zone, has now been forwarded to the Office of Native Title in the Department of Premier and Cabinet for State approval.

The MOU provides a framework for the development of template agreements between Local government and the Noongar people. The template agreements will enable Local government to progress land management and land use objectives. The agreements will also provide for the protection of Noongar culture and create opportunities for social and economic development within the Noongar community. An official signing ceremony has been scheduled for early July.

I am pleased to note that SWALSC's achievements have not gone unrecognised in the broader community. The Aboriginal and Torres Strait Islander Commission (ATSIC) awarded SWALSC the inaugural Native Title Representative Body (NTRB) Achievement Award at a Native Title conference held in Alice Springs, in June. The award recognises "the progress that has been made by SWALSC and the impact it has had on the recognition of the Native Title rights of all Noongar people."

Overall, it has been a landmark year and I am proud to be associated with SWALSC. As always, I encourage all Noongar people to become members of their Land Council. Together we can raise one voice, a voice that will be heard across Noongar country.

*Murray Jones*  
Chairperson

## CEO's Report



The 2002-2003 reporting period has been a time of change and of consolidation for the South West Aboriginal Land and Sea Council.

This year saw a significant policy shift in claim representation. The new policy called for the amalgamation of the large, inclusive community claims and the formation of a Single Noongar Claim (SNC).

Reasons for implementing this strategy were both numerous and compelling. In practical terms, a single claim approach will be more resource efficient and will ensure representation for **all** Noongar people. From a research perspective, there is ample evidence to suggest that the Noongar people form one cultural bloc. There is only one language family in the region and there is a common system of law and custom that gives rise to rights and interests in land. Furthermore, the existing claims do not correspond exactly with cultural boundaries. People have rights and responsibilities in more than one claim area, which leads to conflict and confusion between applicant groups.

The community has embraced the SNC strategy and has agreed to the amalgamation of their existing claims. The SNC has been prepared for registration.

Negotiation and agreement making progressed substantially throughout the reporting period. Although the State Government, through the Office of Native

Title, has been slow to progress claim wide negotiations, smaller regional agreements have been made. Several State Government Departments, the Western Australian Local Government Association (WALGA) and a number of resource developers have eagerly participated in land access and land use agreements. The willingness of these groups to negotiate reflects a changing mindset, one that recognises the rights of Native Title applicants. It can only be hoped that the State will take notice!

Internally, the organisation is moving from strength to strength. We have built a powerful team that is providing a high quality service to Native Title applicants and others with interests in Native Title land. Limited resources mean that we cannot pay these dedicated people what they deserve, yet they continue to work diligently for the Noongar people.

They are, of course, supported by a competent, efficient and hardworking Executive and Council. My sincere thanks to our elected representatives who have provided their considered guidance throughout the year.

### SUMMARY OF SIGNIFICANT ISSUES AND DEVELOPMENTS

Once again, I am pleased to report that SWALSC was able to achieve a number of its stated Native Title objectives for the reporting period. In some cases, performance exceeded expectation.

#### Native Title Claim Representation

After a series of community meetings, the legal team was instructed to prepare the SNC for the National Native Title Tribunal's registration test, and to apply for a determination of Native Title in the Federal Court.

These applications have been completed, however, the claim will not be filed until a number of procedural matters are resolved.

Preparations are also under way for the filing of the Nulla Nulla Claim. The Nulla Nulla Claim covers the eastern portion of the Ballardong Claim where it overlaps with the Central West and Kalamaia/Gubrun Claims.

Directions hearings for five of the six large community claims represented by SWALSC have been held over until after the filing of the SNC.

The State insisted that the Combined Metropolitan Claim proceed to trial, despite the applicants desire to join the SNC. SWALSC could only provide the applicants with limited assistance for the initial part of the proceedings, however, the hearings were adjourned due to illness of the trial judge.

### Research

The research focus was on the preparation of genealogies for the Form 1 applications for the SNC and the Nulla Nulla Claims.

The Research Unit also produced several reports to progress SWALSC's existing Native Title applications and conducted extensive research to identify potential witnesses for Native Title proceedings.

### Agreements

Agreement making was a priority for the reporting period. Seven Heritage/Section 31 agreements and two Section 35 agreements were concluded. Negotiations for an Indigenous Land Use Agreement (ILUA) with 16 members of WALGA were finalised and substantial progress was made towards the development of an ILUA with CALM over the ownership and management of National Parks.

A Memorandum of Understanding (MOU) with WALGA was finalised and 4 others, involving the Aboriginal Lands Trust, the Department of Indigenous Affairs, the Office of Aboriginal Economic Development and the Indigenous Land Corporation were in various stages of negotiation.

### Future Acts

The Future Acts Unit processed over 400 future act notifications and lodged approximately 50 objections. They also administered and conducted 17 heritage surveys.

### OVERVIEW OF PERFORMANCE AND FINANCIAL RESULTS

The main focus for the year was on the creation and funding of the Single Noongar Claim. SWALSC continued to offer assistance to the existing community claims, however, budgetary restrictions meant that only limited funding was available for litigation of the Combined Metropolitan application.

SWALSC has lodged an appeal, in the Federal Court, against an Australian Taxation Office ruling that denied the organisation Public Benevolent Institution (PBI) status.

The inability to obtain PBI status meant that SWALSC had substantial difficulty funding the necessary salaries to attract and retain qualified staff.

### OUTLOOK FOR THE FOLLOWING YEAR

If the appeal against the ATO's decision is unsuccessful, it will negatively impact on the future performance of the organisation.

SWALSC will require additional funding to maintain salaries at a level similar to those of other NTRBs.

During the reporting period, SWALSC prepared both a Transitional and Operational Plan to guide the organisation through the SNC process.

The Operational Plan was submitted to the Aboriginal and Torres Strait Islander Commission (ATSIC) and will guide the organisation's strategic objectives for the 2003-2004 reporting period.

Darryl Pearce  
Chief Executive Officer

### DESCRIPTION OF SWALSC

The South West Aboriginal Land and Sea Council Aboriginal Corporation (SWALSC) is the Native Title Representative Body (NTRB) for the South West of Western Australia.

It was recognised as a NTRB by the Minister for Immigration and Multicultural and Indigenous Affairs, Hon. Philip Ruddock in December 2001, to take effect on February 1, 2002.

SWALSC's boundaries generally correspond with those of the Perth Noongar Regional Council and the Noongar Country Regional Council (Aboriginal and Torres Strait Islander Commission Regional Councils). It is estimated that approximately 26,000 Aboriginal and Torres Strait Islander people live in the region.

SWALSC is funded by the Commonwealth Government, through ATSIC, to perform its operations and functions.

The Governing Committee has 15 elected members who provide policy guidance to the organisation.

The day to day management of SWALSC is the responsibility of the Chief Executive Officer who is a salaried officer.

### ROLE AND FUNCTIONS

#### Legislation

SWALSC is an incorporated association under the *Aboriginal Councils and Associations Act 1976*. (Country of Incorporation: Australia)

The objects of the organisation are to:

Provide direct relief to all Noongar peoples from poverty, suffering, destitution, misfortune, distress and helplessness caused directly or indirectly by their involvement with the laws of the Commonwealth or States of Australia.

Provide services and advocacy directed towards:

- (a) securing land;

- (b) protecting the spiritual and physical connection to land of members and their extended families in accordance with their traditions, laws and customs;

- (c) supporting the maintenance, development and advancement of Noongar culture, language and society; and

- (d) promoting Aboriginal reconciliation as a basic tenet of Australian society.

### Legislative Functions

As a NTRB, SWALSC has specific functions under part 11, division 3 of the *Native Title Act 1993 (NTA)*.

These functions are:

- (a) Facilitation and assistance functions referred to in **section 203BB**.

- (b) Certification functions referred to in **section 203BE**.

- (c) Dispute resolution functions referred to in **section 203BF**.

- (d) Notification functions referred to in **section 203BG**.

- (e) Agreement making functions referred to in **section 203BH**.

- (f) Internal review functions referred to in **section 203BI**.

- (g) Other functions referred to in **section 203BJ** and such other functions as are conferred on representative bodies by the NTA.

**Section 203B(2)** provides that the functions conferred on a representative body by the NTA are in addition to, and not instead of, any functions conferred on a representative body (whether in its capacity as a representative body or otherwise) by or under:

- (a) Any other law of the Commonwealth; or

- (b) A law of the State or Territory in which it operates.

**Section 203B (3)** provides that except as mentioned at sections 203BB, 203BD and 203BK, a representative body must not enter into an arrangement with another person under which the person is to perform the functions of the representative body.

**Section 203B(4)** provides that a representative body must, from time to time, determine the priorities it will give in performing its functions.

It may allocate resources in such a way as it thinks fit, so as to be able to perform its functions efficiently but must give priority to the protection of the interests of the Native Title holders.

**Section 203BA** of the NTA provides that a representative body must use its best efforts to perform its functions in a timely manner, particularly in regard to time limits set by the NTA and other relevant laws.

It must also perform its functions in a manner that maintains organisational structures and administrative processes that promote the satisfactory representation of its constituents, effective consultation with indigenous people living in the area, and ensures fair structures and processes.

**CORPORATE GOVERNANCE POLICIES**

**Vision**

SWALSC's corporate vision is to ensure that the Native Title rights and interests of Aboriginal people in the South West of Western Australia are recognised and protected.

This will be achieved through consultation, negotiation, agreement making and the exercise of procedural rights.

**Values**

To effectively perform the functions of a NTRB, SWALSC has established a set of guiding principles under which it operates.

These are to:

- (a) Respect Elders and preserve Noongar culture.
- (b) Act in an honest, professional and accountable manner.
- (c) Be sensitive to the clients' needs and aspirations.
- (d) Be responsive to changing laws and government policies.
- (e) Commit to achieving the best possible outcomes for indigenous people.
- (f) Be efficient, fair and transparent in the performance of its functions.
- (g) Provide a safe, diverse and trusting workplace.
- (h) Operate with integrity, loyalty and confidentiality.

**Consultation**

It is SWALSC's policy to consult widely with Native Title holders, those people who may hold Native Title and the wider indigenous community within the South West region.

**Policies and Procedures**

SWALSC staff and officers are guided by the Rules of the Corporation and the policies that have been approved by the Governing Committee.

The organisation is in the process of developing a new framework of policies and procedures to meet the requirements of its Rules, NTRB functions and the strategic directions of its Executive.

**Setting of Priorities**

SWALSC has established a set of priorities that reflect the statutory and financial framework under which NTRBs are required to operate.

At all times, the organisation's priorities reflect the needs and the aspirations of the Noongar people.

**ORGANISATIONAL STRUCTURE**

**Membership**

Membership of SWALSC is open to all Noongar people aged 18 years or over (see definitions page 46).

**Full Council**

SWALSC has a 56 member Full Council. Four members are elected from each of 14 Wards. Each Ward elects an Executive Committee member, a Ward representative, a Women's representative and an Older person's representative.

**Governing Committee**

The Governing Committee (Executive Committee) has 15 elected members, one from each of the 14 Wards and a chairperson who is elected from, and by, the Full Council. Elections take place every three years.

The role of the Executive Committee is to ensure that the objectives of the organisation are carried out and that it

performs the statutory functions of a Native Title Representative Body (NTRB).

The Committee provides general policy direction for the organisation and input into the development of state and national policy as it relates to Aboriginal and Torres Strait Islander people in the region.

Members of the Committee must be members of SWALSC and are therefore recognised as belonging to the Noongar community. Their services are provided voluntarily.

**Audit and Finance Committee**

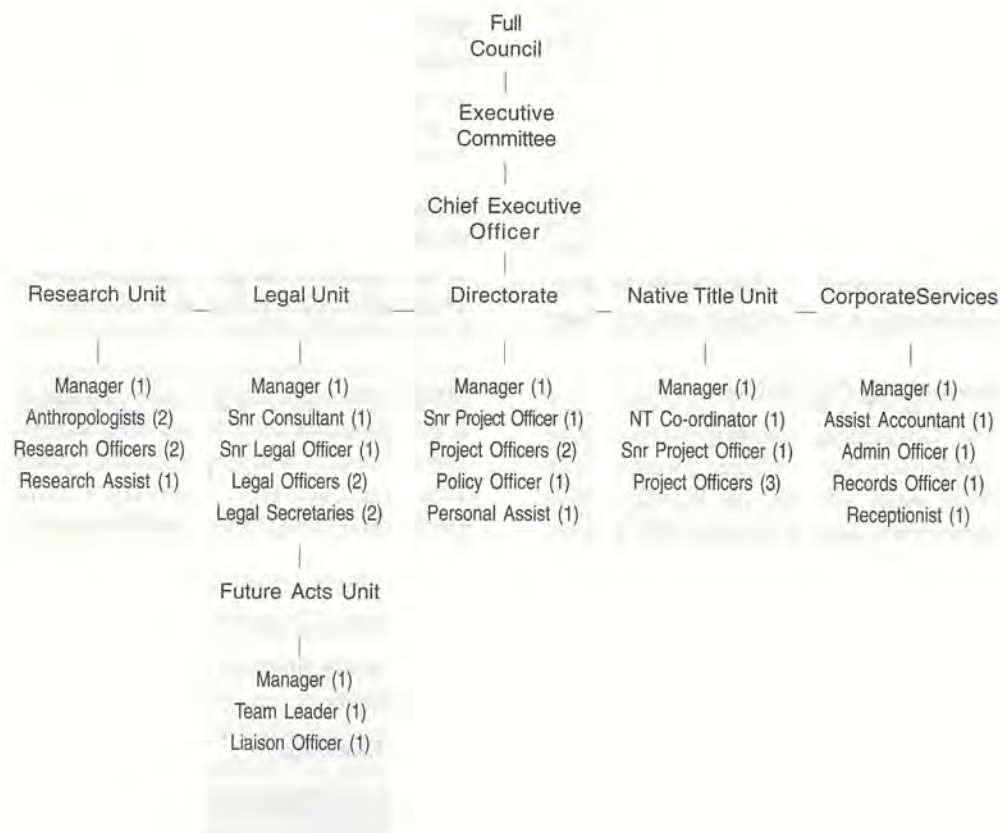
SWALSC's Audit and Finance Committee is comprised of the Chairperson, Murray Jones, Deputy Chairperson, Glen Colbung, Treasurer, Jack Hill, Secretary, Charne Hayden and two ex-officio members, CEO, Darryl Pearce and Accountant, Estelle Dawes.

The Committee does not involve itself in the day to day financial management of the organisation.

Table 1: Executive Committee Meetings

Member	Position	Meetings Attended	Meetings Held
Murray Jones	Chairperson	7	7
Glen Colbung	Deputy Chair	5	7
Charne Hayden	Secretary	6	7
Joan Parfitt	Secretary	5	7
Jack Hill	Treasurer	7	7
Terry Cornwall	Member	6	7
Albert Corunna	Member	6	7
Trevor Eades	Member	7	7
John Hayden	Member	7	7
Winsome Kickett	Member	7	7
Samual Miller	Member	5	7
Graeme Minitier	Member	6	7
Fred Mogridge	Member	4	7
Wayne Yarran	Member	7	7
Ted Hart	Member	7	7

ORGANISATIONAL CHART



The Committee's terms of reference are:

- to examine and recommend SWALSC's annual financial statements to the Executive Committee and to the Annual General Meeting for endorsement.
- to review internal audit reports on SWALSC's activities and to monitor action taken.
- to consider reports from the external auditors on SWALSC's operations, to advise the Executive Committee of the implications of those reports and to monitor action taken.
- to consider the development and implementation of both the budget and off-budget operational and business strategies.

- to advise the Executive Committee on any other matters referred to it.

The Audit and Finance Committee met four times during the reporting period.

**Internal Structure and Staff**

SWALSC's day to day operations are the responsibility of the Chief Executive Officer who is appointed by the Executive Committee.

The organisation is divided into 6 working units, the Directorate, Research Unit, Legal Unit, Future Acts Unit, Native Title Unit and Corporate Services. Each unit has a manager who is also a member of the senior management team.

There are 31 full-time staff and 3 part-time staff. (See Organisational Chart).

**SENIOR MANAGEMENT COMMITTEE: ELECTED**

The senior management committee (elected) is the Executive Committee.

The 15 member Executive Committee elects all office bearers and has responsibility for ensuring that the organisation complies with the requirements of the *Native Title Act 1993* and the *Aboriginal Councils and Associations Act 1976*.

**SENIOR EXECUTIVE**

**Chairperson**

Chairperson, Murray Jones, has been actively involved in Aboriginal Affairs for over 13 years. He has extensive knowledge of Native Title, having been an Executive Committee member of the Noongar Land Council and interim Chairperson for the South West Aboriginal Land and Sea Council.

Murray chairs all Executive Committee meetings and works closely with the Chief Executive Officer to ensure that the organisation is operating in accordance with its rules.

**Deputy Chairperson**

The Deputy Chairperson, Glen Colbung, assists the Chairperson and assumes his responsibilities in his absence. Glen Colbung is a former ATSIC Regional Councillor who has had a long standing involvement with Native Title and Aboriginal justice.

**Treasurer**

Treasurer, Jack Hill, has been actively involved in Aboriginal Affairs since 1974. He has worked for the Department of Community Services, the Aboriginal Legal Service, the WA Police Force, the Department for Community Development, and as a Native Title Cultural Communications Officer with the Noongar Land Council.

As Treasurer, Jack is responsible for ensuring that the organisation's assets are

protected, that proper records are maintained and authorised and that the Executive Committee is regularly updated on the status of the organisation's finances.

**Secretaries**

The secretaries of the Executive Committee, Charne Hayden and Joan Parfitt, oversee the recording of minutes and ensure that all correspondence relating to the operations of the Committee is dealt with in a timely manner.

Charne Hayden has worked with Noongar youth and coordinated the Doorum Advisory Group. The group teaches Noongar language, music and dance to school age children. She is a strong supporter of Noongar language, culture, heritage and land issues.

Joan Parfitt is a respected Noongar woman who has been actively involved in Noongar based organisations in the wheatbelt area.

**Public Officer**

The Chief Executive Officer, Darryl Pearce, acts as the Public Officer in accordance with Section 56 of the Native Title Act.

**SENIOR MANAGEMENT COMMITTEE: ADMINISTRATIVE**

The senior management committee (administrative) includes the CEO, Darryl Pearce, Directorate Manager, Roger Cook, Research Unit Manager, Shawn Hollbach, Legal Unit Manager, Maxina Martellotta, Future Acts Manager, Ettienne Van Tonder, Native Title Unit Manager, Kevin Fitzgerald, and Corporate Services Manager, Estelle Dawes.

**Chief Executive Officer**

SWALSC's Chief Executive Officer is Darryl Pearce. Darryl has had 18 years experience working in Indigenous Affairs. He was a member of the negotiating team that worked with the Keating Government to develop the *Native Title Act 1993* and was formerly the Director of the Northern Land Council.

Darryl is the official spokesperson for the organisation and is responsible for its day to day management. He oversees operations to ensure that SWALSC's approach to the resolution of Native Title applications is coherent and effective.

Darryl also takes an active role in lobbying for a better deal for the Noongar people of Western Australia. He represents SWALSC at meetings of the Western Australian Aboriginal Native Title Working Group and in National Forums.

The CEO is appointed by the Executive Committee and acts in accordance with any policies determined by that committee. He attends all Executive Committee meetings and provides regular reports in reference to the operations of the organisation.

### Directorate Manager

Roger Cook manages the operations of the Directorate. Roger holds a Bachelor of Arts Degree in Public Administration and possesses several years experience in Native Title administration. He was Policy Co-ordinator for the Western Australian Aboriginal Native Title Working Group and Executive Director of the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation.

Roger oversees the preparation of SWALSC's organisational policy, strategic and operational planning, and special projects.

### Research Unit Manager

SWALSC's research team is managed by Shawn Hollbach. Shawn has a Bachelor of Arts (Hons) in history and possesses approximately seven years experience in the area of Native Title research and information management in the Native Title claims process.

The Research Manager's responsibilities to SWALSC's Research Unit are to oversee the collection of the anthropological and historical data that is needed to determine the legal merit of a claim and to supervise

the collection of anthropological, archaeological and historical data used in the preparation and conduct of Native Title claims.

### Legal Unit Manager

Legal Unit Manager, Maxina Martellotta works under the direction of consulting barrister, Michael Rynne.

Maxina has been a practicing lawyer for over 15 years and has had extensive experience in Native Title law. She worked for the Aboriginal Legal Service as a Senior Legal Officer for two years and was promoted to Assistant Manager of the Land and Heritage Unit.

Maxina's responsibilities are to oversee the day to day operations of the legal unit. The legal unit provides legal advice, guidance and assistance to the Native Title Unit in relation to the conduct of civil litigation and other documentary processes required in connection with Native Title and related litigation.

The legal unit also provides assistance and representation to clients in negotiations under the Native Title Act mediation conference process.

### Future Acts Unit Manager

SWALSC's Future Acts team is managed by Ettienne Van Tonder. Ettienne has practiced law for over 15 years. He has acted as a State Public Prosecutor and lawyer in South Africa and Australia. He has extensive experience in commercial and property law.

Ettienne oversees the operations of the Future Act Unit. The Unit processes notices of proposed future developments within the South West Aboriginal Land and Sea Council's claim areas. It is also responsible for negotiating agreements with developers and drafting commercial contracts.

### Native Title Unit Manager

Kevin Fitzgerald oversees the preparation

of Native Title land claims from the very first contact with claimants.

His responsibilities are to receive expressions of interest for claims by Noongar people, inform claimants of claim progression, undertake mediation between claimant groups and mediate between claimants and other parties to a claim.

Kevin provides briefs to SWALSC's legal department and liaises with ATSIC and other relevant agencies.

Kevin is also responsible for developing SWALSC policies and supervising the field staff.

He has over 20 years experience in Indigenous Affairs and has been involved in Native Title for three years.

### Corporate Services Manager

SWALSC's Corporate Services are managed by Accountant, Estelle Dawes. Estelle has had 24 years experience in accounting, finance and administration.

Estelle is directly responsible to the Chief Executive Officer for all matters relating to the effective operation of SWALSC. Her responsibilities include financial management, human resource management, resource management and grant compliance.

### SEPARATION OF POWERS

As stated in the organisation's rules, it is the responsibility of the Executive Committee to ensure that the objects of the organisation are carried out and that it satisfactorily performs all of the functions of a Native Title Representative Body in accordance with the *Native Title Act 1993*.

The Executive can authorise the use of the common seal, make and rescind policies, constitute committees and make by-laws.

Clause 13.18 (b) of the Rules states that the Executive Committee shall not concern itself with the day to day management of the

offices of SWALSC, which is the sole province of the Chief Executive Officer.

### CORPORATE AND OPERATIONAL PLANNING, REPORTING AND REVIEW

As required by the *Native Title Act 1993*, SWALSC prepared a Strategic Plan for the period 2002-2004. However, a substantial policy shift has required the implementation of both a Transitional and Operational Plan to allow for the creation of a Single Noongar Claim.

The Transitional and Operational Plans clearly outline the organisation's strategic objectives and projected outcomes. They also detail priorities for the next reporting year and outline key performance indicators.

Performance Indicator Reports are forwarded to ATSIC as required by the *Native Title Act 1993*.

Audited financial reports are also provided to ATSIC annually, and are included in the annual report.

A copy of the Examiner's Report is forwarded to the Registrar no later than December 31 of the relevant financial year.

A Centralised Records Management System is in place to:

- satisfy the records management requirements of the *Aboriginal Councils and Associations Act 1976*, the *Native Title Act (amended 1998)* and the *Archives Act 1988*.
- manage information for the purposes of litigation.

The Tower Records Information Management (TRIM) system was selected as the best vehicle for this purpose.

The system is used widely by Government Departments and is useful for detailed reporting of workload, workflow and correspondence.



### RISK IDENTIFICATION AND MANAGEMENT

The Transitional and Operational Plans are outcomes based and therefore provide adequate tools for the identification of potential risk, both operational and financial.

The organisation's performance is measured against the expected outcomes, based on Key Performance Indicators.

Managers from each division are required to compile the appropriate statistics as a measure of their achievement towards the organisation's goals. Those reports are made available to the Governing Committee for scrutiny.

Regular reviews ensure that expected outcomes are realistic and that goals are being met.

The Audit and Finance Committee meet, as required, to review the organisation's financial position and to identify risk areas. Their role is to ensure that SWALSC's limited funding is utilised to achieve the maximum results.

The accounting records are made available at any reasonable time for inspection by any member of the Executive Committee.

### External Factors

A number of external factors have negatively impacted on the performance of the organisation during the reporting period.

The State's continued insistence that the Combined Metropolitan claim proceed to a determination created significant difficulties for SWALSC, placing an enormous drain on already limited resources.

As SWALSC's priority was the funding of the Single Noongar Claim strategy, it was only able to provide the Combined Metropolitan applicants with limited assistance for the initial part of the Federal Court proceedings.

Although the State Government is taking a less aggressive approach to litigation, mediation for consent determinations has been slow.

Finally, NTRBs are not funded for Occupational Health and Workplace Safety, thus placing the organisations at great risk. A solution would be to seek indemnity from ATSIIC and the Government.

### ETHICAL STANDARDS, POLICY AND PRACTICES

The Rules of the Corporation and the Policy and Procedures manual outline the ethical standards by which staff and elected members operate.

It is a requirement of the organisation that:

- conflicts of interest be disclosed.
- all sensitive and personal information be treated as confidential.
- community protocols be respected.
- representatives of SWALSC act in a professional and respectful manner at all times.

Elected members are required to adhere to the process, outlined in the Rules, that deals with disclosure of interest.

After a disclosure of interest is revealed, it is minuted and the member is required to withdraw from debate and to forgo participation until a vote is taken and counted.

Members of the Full Council and the Executive are denied access to confidential information regarding the Native Title interests of traditional owners until consent is given by those owners.

Members who wilfully breach the Rules of the organisation may be expelled or suspended from membership.

Section 28 of the Rules outlines a review process by which an aggrieved member may appeal a decision made by the Executive Committee.

### REMUNERATION FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

Remuneration for senior executive service employees earning over \$100,000 is determined by the Executive Committee and is performance based.

### INDEMNITY INSURANCE

Officers of SWALSC are indemnified against loss arising from any claim in respect of civil liability to the value of \$5 million .

## Human Resources

### WORKPLACE PLANNING, STAFF TURNOVER AND RETENTION

SWALSC commenced the 2002-2003 reporting period with 23 full-time staff and 4 part-time staff. During the reporting period there were 10 resignations and 17 appointments. The legal unit was expanded significantly to meet the demands of the Single Noongar Claim process and a number of Project Officers were employed to work on special assignments. A consultant communications company was engaged to fill the void created by the resignation of the Communications Officer.

### STATISTICS ON STAFFING

Table 2: Staffing June 30th 2003

Position	Number
Chief Executive Officer	1
Manager Directorate	1
Corporate Services Manager	1
Legal Unit Manager	1
Manager Research	1
Personal Assistant	1
Senior Project Officer	2
Project Officer	5
Policy Officer	1
Anthropologist	2
Research Officer	2
Research Assistant	1
Native Title Coordinator	1
Principal Legal Consultant	1
Senior Legal Officer	2
Legal Officer	2
Articled Clerk	1
Legal Secretary	2
Future Acts Team Leader	1
Future Acts Liaison Officer	1
Assistant Accountant	1
Administration Officer	1
Records Management Officer	1
Receptionist	1

Table 3: Resignations and Appointments

Position (Resigned)	Number
Native Title Lawyer	1
Corporate Services Manager	1
Native Title Manager	1
Communications Officer	1
Project Officer	1
Research Officer	1
Legal Secretary	1
Receptionist	1
Trainee	2

Position (Appointed)	Number
Manager Directorate	1
Senior Legal Officer	1
Senior Project Officer	1
Project Officer	2
Research Officer	3
Legal Officer	2
Articled Clerk	1
Legal Secretary	2
Native Title Coordinator	1
Receptionist	2
Trainee	1

## Human Resources

Table 4: Courses and Conferences Attended by Staff

Course	Directorate	Corporate Services	Native Title	Future Acts	Legal Unit	Research Unit
Computer Courses	13	7	4	3	5	5
Assertiveness at Work	1	1			2	
Administrative Law	4	2	1	2	1	3
Submission Writing	3	1				
Behind the Buzz Words	2					
Meeting Procedures	2					
Document Management		1				
FBT & Salary Packaging		1				
Privacy Act		2				
CPA Conference		2				
Government Grants Conf.		1				
NT Conferences	7		6	2	4	7
NT and Cultural Heritage					1	
NT Forum: Applications					1	

### TRAINING AND DEVELOPMENT

A priority for the reporting period was the training and professional development of staff. The training focus was on:

- improving computer skills.
- improving the staff's understanding of Administrative Law.

Staff attended a variety of computer courses including Microsoft Access, Microsoft Project and Microsoft Frontpage.

Thirteen staff also attended a 2-day Administrative Law Course.

### Full Council and Executive

Seven Executive Committee members attended Native Title conferences and the Full Council attended the 2-day Administrative Law course.

### IMPACT AND FEATURES OF CERTIFIED AGREEMENTS AND AWAs

Staff are currently negotiating an Australian Workplace Agreement, however, this agreement was not finalised during the reporting period.

### CONSULTANTS, COMPETITIVE TENDERING AND CONTRACTING

During the reporting period, SWALSC utilised the services of 14 consultants costing a total of \$258,317.

SWALSC adheres to the guidelines set out by ATSIIC for tendering and contracting.

It is the view of the organisation, however, that competitive tendering/contracting requirements do not take into account the operational environment of NTRBs and a review by ATSIIC is a matter of urgency.

## Human Resources

### OCCUPATIONAL HEALTH AND SAFETY PERFORMANCE

SWALSC complies with the State legislation requirements of the Occupational Health and Safety Guidelines.

The Policy and Procedures manual outlines the responsibilities of the organisation and its staff in maintaining a safe working environment.

An Occupational Health and Safety Officer (OHSO) oversees the implementation of all health and safety procedures.

During the reporting period, the OHSO attended a 4-day First Aid Certificate Course and a second staff member attended a 3-day Senior First Aid course.

A First Aid station was set up and the following equipment purchased:

- 1 folding bed and linen
- 1 St John's Ambulance Occupational First Aid Kit
- 2 heat bags
- various medicines
- 1 Medical Oxyport
- 1 oxygen cylinder (hired)

Routine maintenance was carried out on fire equipment in May 2003 and existing equipment was upgraded.

All staff are provided with the appropriate safety equipment when required and receive in-house training on the safe use of company vehicles during field trips.

As part of the induction program, new staff are shown the fire exits and receive instruction on evacuation procedures.

There were no accidents or injuries during the reporting period that were notifiable under the State legislation.

## NTRB Performance

### PRIORITIES

SWALSC's Strategic Plan 2002-2004 listed the following as priorities for the reporting period:

- Litigation of the Gnaala Karla Booja claim.
- Litigation of the Wagyl Kaip/Southern Noongar claim.
- Development of a mediation strategy with the State of Western Australia.
- Establishment of ILUAs.
- Conduct of future acts.
- Community education.
- Development of a cultural community information resource base.

Although SWALSC made some progress towards achieving its objectives in each of the priority areas, the strategic direction of the organisation changed substantially. The overarching priority for the period was to establish a Single Noongar Claim (SNC) that encompasses all Noongar country.

To this end, SWALSC implemented a Transitional Plan and an Operational Plan with the following priorities:

- to seek instruction from the community to combine the existing Noongar claims and to form a SNC.
- to prepare an application for determination of Native Title for the SNC.
- to mediate overlapping Noongar claims.

The organisation's performance by output is detailed below.

### FACILITATION AND ASSISTANCE

#### Claimant Applications

##### *Strategic Objectives*

To achieve Native Title determinations recognising meaningful rights and interests over the maximum area possible.

Table 5  
Claims Assisted by SWALSC

Claim	Federal Court Reference No
Ballardong	WAG6181/98
Yued	WAG6192/98
Gnaala Karla Booja	WAG6274/98
South West Boojarah	WAG6279/98
Wagyl Kaip	WAG6286/98
Southern Noongar	WAG6134/98
Combined Metro	WAG0142/98
Harris	WAG6085/98
Kalamaia/Gubrun	WAG6216/98 WAG0002/98

#### *Outcomes*

Throughout the reporting period, SWALSC offered interim grants of assistance for the following Native Title applications: Ballardong, Yued, Gnaala Karla Booja, South West Boojarah, Wagyl Kaip/Southern Noongar, Combined Metropolitan, Kalamaia/ Gubrun and Harris.

#### **Ballardong, Yued, Gnaala Karla Booja**

These claims remain in mediation (except for the eastern portion of Ballardong that overlaps the Central West claim). It is expected that a directions hearing will be re-listed after the filing of the Single Noongar Claim.

#### **Wagyl Kaip/Southern Noongar**

This matter was before the Federal Court for directions in May 2003. SWALSC has since been advised by the Federal Court that a directions hearing is to be re-listed after the filing of the Single Noongar Claim (SNC).

Table 6: Facilitation and Assistance

Description	Number
Claimant Applications:	
In Progress	2
Filed this year	0
Number Current	9
Number Registered with NNTT	7
Non-Claimant Applications	0
Agreements	9
In Progress	14
Future Act Notifications	413
Determinations of Native Title	0
Disputes relating to NT Applications	3
Disputes relating to ILUAs, rights of access	0
ILUAs Registered	0
ILUAs in Progress	2
ILUAs effected	0
Reviews Pending	0
Reviews Completed	0

**South West Boojarah (SWB)**

At the directions hearing in April 2003, SWALSC was advised to make inquiries about the availability of all the judges handling South West Native Title claims so that a Regional Judicial Case Conference could be convened after the filing of the SNC.

The directions hearing set down for June 18th was vacated and the applicants applied to strikeout an overlapping claim (Isaacs) after mediation failed.

**Combined Metropolitan**

The Combined Metropolitan applicants instructed SWALSC to combine their claim with the SNC.

SWALSC made application to have the claim's hearing dates vacated in order to allow for the filing of the SNC (the Combined Metropolitan Claim was listed for

hearing in March 2003). The application was not successful and the matter proceeded. This placed an enormous drain on already limited resources.

Consequently, SWALSC was only able to provide the Combined Metropolitan applicants with limited assistance for the initial part of the proceedings.

The hearings were adjourned due to the sudden illness of the trial judge and have been re-listed for directions in July 2003.

It is SWALSC's view that the State does not appreciate the significant progress that has been made towards the development of a single claim. The SNC process should be allowed to properly unfold, particularly as the strategy has the potential to significantly benefit all stakeholders.

**Kalamaia/Gubrun and Harris**

A grant of assistance was offered to the

Kalamaia/ Gubrun applicants on a briefed out basis until overlapping interests with parts of the Ballardong claim are resolved.

A grant of assistance was also offered to the Harris family on a briefed out basis for independent legal advice and representation in relation to striking out their claim.

**Single Noongar Claim (SNC)**

The legal unit was involved in the assessment of the legal viability of combining existing Noongar claims and creating a Single Noongar Claim.

After seeking counsel opinion, eight community meetings were held to:

- provide information about the proposed SNC.
- present the legal advice that had been obtained.

Resolutions in support of the SNC were put and passed. The claimants also authorised named applicants for the SNC.

The legal unit drafted Working Party and Named Applicant Protocols that support and underpin the roles and responsibilities of the Named Applicants and Working Party members.

The unit also prepared the application for a determination of Native Title (SNC) for filing in the Federal Court. In March 2003, SWALSC submitted a preliminary draft of the Form 1 application to the NNTT. A second draft was submitted in early June.

Prior to the filing of the Single Noongar Claim, and the application to combine all existing claims, two matters need to be addressed to satisfy the procedural requirements of the *Native Title Act*. There must be:

- a Federal Court determination of the strike out application brought by the South West Boojarah applicants against an overlapping claim.
- amendments filed in relation to the Ballardong claim.

Work also commenced to locate and brief expert witnesses for the SNC.

Historical, anthropological and ethnographic research was ongoing during the reporting period. The Research Unit prepared over 100 genealogies to:

- assist in the identification of those families that have a connection to Noongar country.
- provide advice for the Form 1 application (SNC).

The unit also prepared a report describing the authorisation process that was adopted by the community in authorising the SNC.

Based on research-to-date, SWALSC's researchers compiled a list of Noongar family names for consideration by the existing Working Parties. The Working Parties were asked to provide comment and feedback to identify those families that should be consulted over the composition of the SNC's Working Party.

In collaboration with the legal unit, the research unit also developed a strategy for the preparation of connection/expert reports for the SNC.

**Non-Claimant Applications**

*Strategic Objectives*

To minimise impact of non-claimant applications on any existing Native Title rights.

*Outcomes*

There are no non-claimant applications lodged in this region.

**Compensation Claims**

*Strategic Objectives*

Obtain compensation in relation to areas where Native Title has been affected giving rise to an entitlement to compensation.

*Outcomes*

Compensation claims cannot be lodged until an application for determination of Native Title is finalised.

In preparation, SWALSC has been identifying areas of land that have been removed from the Noongar estate.

SWALSC is also developing a valuation methodology in consultation with other NTRBs.

**Responses to Future Acts**

*Strategic Objectives*

To minimise the impact of future acts on Native Title.

To maximise beneficial opportunities arising from future acts.

*Outcomes*

SWALSC endeavours to prevent acts that extinguish Native Title in favour of acts that are subject to the non-extinguishment principle.

SWALSC uses the following standardised protocols and agreements for the purposes of heritage protection and land access.

- Heritage Protection Agreement
- Section 31 Agreement
- Confidentiality Agreement

During the reporting period, the Future Acts Unit was actively engaged in ongoing negotiations with the State and various industry bodies to:

- develop a Regional Heritage Protection Agreement (RHPA) that encompasses the whole of the South West region of Western Australia.
- amend the Mining Act (1978) and Mining Regulations.

The implementation of the RPHA and Mining Act amendments will significantly advantage SWALSC, its members and Aboriginal communities within the South West region. The amendments will ensure the protection and preservation of Aboriginal sites, Aboriginal heritage and sensitive Aboriginal information.

SWALSC will play a pivotal role in administration and decision making under

Table 7: Future Acts

Description	Number
<b>Notifications</b>	
Non-mining	268
Mining	
mining leases	74
exploration licences	50
prospecting licences	21
<b>Agreements</b>	
Heritage/Section 31	
concluded	7
in progress	9
Section 35	2
<b>Site Surveys</b>	17

the new RHPA. This will ensure quality assured and controlled heritage survey processes, and the maintenance of a Heritage Database that will meet the needs of the Aboriginal communities in the region.

The Future Act Unit processed 413 future act notices during the reporting period. Of these notices, 268 were non-mining notices which relate to the activities of State Government instrumentalities such as the Water Corporation and the Department of Planning and Infrastructure (DPI: formerly the Department of Land Administration).

A close working relationship has developed between the DPI and SWALSC. This resulted in the Future Acts Unit administering and conducting 17 heritage surveys (associated with the "taking of land") on DPI's behalf.

The balance of notices were related to mining tenement applications. These applications require ongoing negotiations with miners and industry groups in order to establish Heritage and/or Section 31 (NTA) agreements or Section 35 (NTA) agreements.

During the reporting period, 7 Heritage/Section 31 agreements were concluded and 9 others were in progress. Two Section 35 agreements, involving miners CSR and Neil Armstrong, were also concluded.

The Future Act Unit adopted a more proactive approach to the processing of future act notices this year. As a consequence, the Native Title applicants were more responsive and forthcoming with comments and instructions.

Fifty objection applications (relating to Prospecting Licence Applications and Exploration Licence Applications) were filed on behalf of the applicants. The objections, which aim to prevent these applications from attracting the expedited procedure, are being dealt with by the National Native Title Tribunal.

The need to allocate resources to community meetings addressing the Single Noongar Claim, resulted in some disruption to regularly scheduled Working Party meetings during the reporting period. As a consequence, the constant flow of future act information to applicants was hampered. It is envisaged that regularly scheduled meetings will resume next year.

**Indigenous Land Use Agreements**

*Strategic Objectives*

To negotiate ILUAs on behalf of claimants, where appropriate, to achieve optimal outcomes in terms of Native Title and other non-Native Title considerations.

To pursue ILUAs to resolve future acts.

*Outcomes*

Negotiations aimed at developing claim-wide ILUAs have not progressed substantially during the reporting period.

However, SWALSC has assisted in the negotiation of the following:

- An ILUA between the 16 member councils of the Central Zone of the Western Australian Local Government

Association, the Ballardong, Gnaala Karla Booja and Wagyl Kaip peoples, and the State of Western Australia. As of June 30, the parties were waiting on a response from the State.

- An ILUA with CALM over new National Parks. SWALSC staff are preparing a draft agreement that calls for the freehold return of National Park land (on a lease back basis), Noongar participation in park management, and Noongar access for traditional practices.

**On-going Resistance to Native Title**

Resistance to Native Title has not diminished substantially during the reporting period.

Native Title is still widely misunderstood within the community and the Government. This has led to a continuing dependence on the court system and a reluctance to embrace a partnership approach.

The Labor Government remains committed to negotiation but opposes a more co-operative approach in the Federal Court. It is particularly disappointing that SWALSC has been unable to secure the support and co-operation of the Office of Native Title and the Government on the SNC.

Other areas of Government have been more supportive of the SNC and have entered into co-operative arrangements with SWALSC.

The following instrumentalities have either completed or are committed to completing Memoranda of Understanding to build and improve working relationships and outcomes with Noongar people.

- The Department of Indigenous Affairs.
- The Department of Planning and Infrastructure.
- The Office of Aboriginal Economic Development.
- The Aboriginal Lands Trust.
- The Department of Conservation and Land Management.

## Performance

- The Indigenous Land Corporation.
- The Western Australian Local Government Association.

Although miners show a greater willingness to negotiate with applicants and to respect Aboriginal cultural heritage, there is still a reluctance to increase rates of Indigenous employment within the industry.

Few contracts are awarded to Aboriginal businesses.

### CERTIFICATION

#### *Strategic Objectives*

To further reduce the number of overlapping Native Title applications in the region.

To promote equitable, efficient and effective Native Title applications and ILUAs through certification.

#### *Outcomes*

SWALSC has carried out community consultation to identify Aboriginal and Torres Strait Islander peoples who have or may have a Native Title interest in the land claimed. Research was carried out to identify the basis of the rights and interests claimed.

Although there have been no additional applications for determination of Native Title during the reporting period, substantial progress has been made towards the preparation of the Single Noongar Claim (SNC) and the Nulla Nulla claim.

The new boundary of the SNC removes overlaps with the Central West and Esperance Native Title claims (claims represented by Goldfield's Land and Sea Council).

The proposed Nulla Nulla claim covers the eastern portion of the current Ballardong claim that overlaps the Central West and Kalamaia/Gubrun applications.

In May, a community meeting was convened that authorised Named Applicants to amend the existing Ballardong claim and to create the Nulla Nulla claim.

By June 30, the brief for the claim had been completed and field work had commenced gathering information in support of the claim (Form 1).

### DISPUTE RESOLUTION

#### *Strategic Objectives*

To promote agreement between Noongar people within claimant groups, to ensure an efficient, effective and cooperative approach to claims, ILUAs and future acts.

To promote agreement between neighbouring groups who may be affected by future acts or ILUAs.

To resolve disputes within claimant groups and between groups.

#### *Outcomes*

SWALSC has been involved in several rounds of mediation with Native Title groups to resolve the remaining overlapping Native Title claims.

SWALSC initiated and attended mediations at the NNTT to resolve the Harris/Isaac overlaps. These claims overlap the South West Boojarah Claim which is situated in the western portion of Noongar country.

Mediations also took place between SWALSC and the State in an attempt to reach an agreement to vacate the hearing dates listed for the Combined Metropolitan application.

It was SWALSC's intention to join the Combined Metropolitan application with the Single Noongar Claim application.

The mediation was unsuccessful

SWALSC facilitated two meetings chaired by an independent arbitrator, to resolve a dispute over the distribution of money arising from a deal between Amity Oil and the "Busselton Noongars."

The money is being held in trust until the rightful recipients are identified.

## NTRB Performance

### NOTIFICATION

#### *Strategic Objectives*

To notify as many persons as reasonably practicable of all notices potentially affecting their Native Title, and time limits under such notices.

To assist response to notices within time limits, to ensure minimal impact on Native Title.

To develop strategies for prioritising high impact notices for action.

#### *Outcomes*

SWALSC routinely notifies people whose Native Title rights and interests may be affected by notices. Ongoing research ensures that the appropriate people are identified and notified.

SWALSC has established an extensive database to track the progress of future act notices.

During the reporting period, 413 future act notifications were processed.

The Future Acts Officer is responsible for the initial notification. Field officers are assigned to each of the claims and are responsible for ensuring that the applicants understand their procedural rights and that they respond within the specified time limits.

The Future Acts Officer provides follow up to ensure that objections and comments are received.

### AGREEMENT MAKING

#### *Strategic Objectives*

To be party to and drive alternative procedure ILUAs aimed at simplifying Native Title processes for claimants, facilitating future act agreements, developing working relationships with governments/developers.

#### *Outcomes*

SWALSC made substantial progress towards the development of:

- a MOU with the Western Australian Local Government Association. The MOU provides a framework for the development of template agreements that will enable Local Government to progress land management and land use objectives. The agreements will also provide for the protection of Noongar culture and create opportunities for social and economic development within the Noongar community. A signing ceremony has been scheduled for July 2003.
- a MOU with the Department of Indigenous Affairs. Negotiations include a provision for Noongar representation on DIA boards and committees.
- a MOU with the Aboriginal Lands Trust for the return of land to the Noongar estate.
- a MOU with the Indigenous Land Corporation that will facilitate land purchases by Noongar people.
- a MOU with the Office of Aboriginal Economic Development.

### INTERNAL REVIEW

#### *Strategic Objectives*

To have an effective, efficient and transparent process for the internal review of decisions.

To minimise the number of internal review requests through a transparent and accountable decision-making process.

To develop, implement and publicise an internal review process.

To develop and implement processes for transparent and accountable decision making.

To publicise the decision-making process.

#### *Outcomes*

SWALSC maintains a complaints register. The register is the responsibility of the Policy Officer.

Table 8: Other Activities

Description	Number
Applicant/Claimant Meetings	51
Public Education Meetings	12
Newsletters/Information Leaflets	6
Research Reports	6
Membership	1,117

SWALSC's internal review process is included as clause 28 in the Rules of the Corporation. All SWALSC members receive a copy of the rules.

There have been no formal requests for an internal review during the reporting period.

Customer service standards are outlined in the Policy and Procedures Manual and the Rules of the Corporation. These documents include details of ethics, decision making, accountability, and dispute resolution.

OTHER

*Strategic Objectives*

To maximise efficiency of resource use through cooperation with other NTRBs.

To improve the understanding of Native Title amongst constituents.

To gain a better understanding of the identity of country to which indigenous groups in the region belong.

To enter agreements with other NTRBs to make use of joint/pooled resources.

To participate in state and national NTRB working groups (WAANTWG, NIWG).

To conduct public education programs including meetings and newsletters/other publications.

To conduct historical/anthropological/ethnographic research to develop a more detailed regional Native Title profile.

*Outcomes*

SWALSC is currently negotiating agreements with the Goldfields Land and Sea Council (GLSC) and the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YLSC) that will maximise the efficient use of resources.

The agreement with GLSC will provide guidelines for the sharing of resources to carry out facilitation and assistance functions in areas where Native Title interests overlap.

The agreement with YLSC will:

- facilitate co-operation in relation to research, where there are traditional links between southern Yamatji people and Noongar people.
- provide a basis for co-ordinated action in relation to negotiations with resource companies.
- facilitate joint initiatives in relation to economic development.
- increase the effectiveness of lobbying and dealing with government departments.

SWALSC continued its participation in the Western Australian Aboriginal Native Title Working Group (WAANTWG). WAANTWG provided NTRBs with the opportunity to be represented in Native Title forums and to enter into co-operative arrangements for research submissions and policy development.

Table 9: Meetings Conducted

Description	Number
<b>Single Noongar Claim</b>	<b>14</b>
<b>Working Party</b>	<b>37</b>
Ballardong	6
Yued	4
Wagyl Kaip	7
Gnaala Karla Booja	5
South West Boojarah	6
Combined Metro	6
Nulla Nulla	3
<b>Cultural Language</b>	<b>9</b>
<b>CALM Workshops</b>	<b>12</b>

SWALSC staff participated in 14 meetings/ phone link ups with WAANTWG.

SWALSC has continued its commitment to the provision of Native Title education to the community. During the reporting period, SWALSC produced six newsletters and information packages that were distributed to its members and to Aboriginal and Torres Strait Islander organisations in the region.

The newsletters provided:

- Single Noongar Claim information.
- ongoing Native Title education.
- details of SWALSC's negotiations with miners and developers.
- details of Working Party meetings.
- a summary of legislative changes that affect Native Title applicants.
- staff changes.
- a summary of Court rulings.

SWALSC also maintains a website that provides:

- general information related to Native Title and the future acts process.
- a map and description of the Native Title claims in the South West.
- a brief Noongar history.
- Full Council, Executive Committee and staff information.
- up to date information in relation to Court rulings that affect Native Title.
- an electronic version of the newsletter.

The website has attracted over 20,000 visitors from Australia, Europe, Asia and North America.

SWALSC's field officers continued to conduct community and educational meetings as required.

During the reporting period, 14 Single Noongar Claim meetings and 37 Working Party meetings were conducted to discuss

the Single Noongar Claim concept and to update claimants on the progress of the claims.

In addition, the field officers initiated and participated in nine Cultural Language meetings to discuss and record Noongar language and facilitated 12 Cultural Awareness Workshops with CALM staff.

Research to develop a more detailed regional Native Title profile was ongoing during the reporting period. The Research Unit:

- continued to develop in-house databases and resource collections for the conduct of Native Title claims and the preservation of Noongar culture.
- produced several reports in relation to the preparation and progression of Native Title applications to which SWALSC has granted assistance, or in relation to intended or future litigation.
- initiated a new program of Noongar family history research and consolidated a substantial database of genealogical information.

## NTRB Performance

Table 10: Function Costs

Function	Cost \$
Facilitation and Assistance	1,978,317
Certification	7,258
Dispute Resolution	290,659
Notification	76,023
Agreement Making	19,867
Internal Review	4,533
Other	100,577
Management & Administration	500,616
<b>Total</b>	<b>2,978,850</b>

- initiated a specialist research project on archaeological sites in the South West region.
- conducted research to identify potential witnesses for Native Title proceedings.
- collated information of relevance for witness proofing.

### SIGNIFICANT CHANGES IN PRINCIPAL FUNCTIONS AND SERVICES

There have been no significant changes in the principal functions and services of the organisation during this reporting period.

SWALSC is carrying out all the functions of a Native Title Representative Body as defined by the *Native Title Act 1993*.

### SWALSC'S FINANCIAL PERFORMANCE

SWALSC's financial performance for the reporting period resulted in a deficit of \$39,838. Record keeping was a priority and the organisation produced regular detailed reports using the MYOB electronic accounting system.

Resources were stretched, however, by the necessity to fund litigation while prioritising

resources for the creation of a Single Noongar Claim. The State's continued insistence that the Combined Metropolitan Claim proceed to a determination created significant difficulties for SWALSC, placing an enormous drain on already limited resources.

Assertions by the State, that SWALSC should fully fund the Combined Metropolitan applicants, misunderstand the precarious financial position of NTRBs and the strategic importance of prioritising resources to ensure that they are utilised in the most effective way.

The SNC process required a substantial resource commitment. Eight community meetings were held, during the reporting period, to discuss the feasibility of combining existing claims and to receive the community's instructions. Six additional meetings were held to deal with the collating of Family names and the establishment of a process for the SNC Working Parties.

SWALSC's input into the development of MOUs with State Government instrumentalities, the Indigenous Land Corporation and the Aboriginal Lands Trust also required a substantial allocation of resources.

### DEVELOPMENTS SINCE THE END OF THE FINANCIAL YEAR

SWALSC's funding was withheld until late August 2003. This had a negative impact on the organisation's cashflow.

SWALSC incurred substantial overdraft costs and ATO penalties. Payments to creditors were overdue, which soured valuable relationships, and a number of important projects were put on hold.

### JUDICIAL DECISIONS AND DECISIONS OF ADMINISTRATIVE TRIBUNALS

There were no judicial decisions or decisions made by Administrative Tribunals during the reporting period.

## Financial Statements

### JOHN FOLEY & ASSOCIATES

#### CERTIFIED PRACTISING ACCOUNTANTS

JOHN E FOLEY FCPA, CD  
PAUL G HEALY CPA, AACFS, CD  
RALSTON A DRIEBERG B BUS, CPA  
SIMON J E FOLEY B BUS, CPA



### INDEPENDENT EXAMINER'S REPORT TO THE MEMBERS OF THE SOUTH WEST ABORIGINAL LAND & SEA COUNCIL ABORIGINAL CORPORATION

#### Scope

I have audited the financial statements of the South West Aboriginal Land & Sea Council Aboriginal Corporation for the financial year ended 30 June 2003. The financial statements comprise:-

- Statement by the Chief Executive Officer and Manager of Corporate Services.
- Statement of Financial Performance, Financial Position and Cash Flows.
- Schedule of Commitments and Contingencies.
- Notes to and Forming Part of the Financial Statements.

The members of the South West Aboriginal Land & Sea Council Aboriginal Corporation are responsible for the preparation and presentation of the financial statements and the information they contain. I have conducted an independent audit of the financial statements in order to express an opinion on them to you.

The audit has been conducted in accordance with the Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, 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 statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements in Australia, so as to present a view of the entity which is consistent with my understanding of its financial position, the results of its operation and its cash flows.

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



## Financial Statements

### Audit opinion

In my opinion:-

- i) the financial statements have been prepared in accordance with the Finance Minister's Orders made under the Commonwealth Authorities and Companies Act 1997; and
- ii) the financial statements give a true and fair view in accordance with applicable Accounting Standards, other mandatory professional requirements in Australia and the Finance Minister's Orders, of the financial position of the South West Aboriginal Land & Sea Council Aboriginal Corporation as at 30 June 2003 and their performance for the year then ended.



JOHN EDWARD FOLEY  
JOHN FOLEY & ASSOCIATES

Perth, Western Australia  
Dated: 23.09.03

### SOUTH WEST ABORIGINAL LAND & SEA COUNCIL ABORIGINAL CORPORATION STATEMENT BY CHIEF EXECUTIVE OFFICER AND MANAGER CORPORATE SERVICES

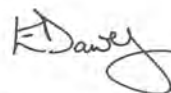
In our opinion, the attached financial statements for the year ended 30 June 2003 give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*.

Signed:



Date: 01.08.03  
Name: Darryl Pearce  
Position: Chief Executive Officer

Signed:



Date: 01.08.03  
Name: Estelle Dawes  
Position: Manager Corporate Services

## Financial Statements

### STATEMENT OF FINANCIAL PERFORMANCE (for the year ended 30 June 2003)

	Notes	2003 \$	2002 \$
<b>Revenues from ordinary activities</b>	<b>2</b>		
Special purpose grants		2,805,227	885,903
Assignment of assets from NLC		-	261,627
Sale of services		22,453	12,724
Interest		7,918	3,945
Revenue from sale of assets	2.1	72,273	-
Other	2.2	32,500	-
<b>Revenues from ordinary activities</b>		<b>2,940,371</b>	<b>1,164,199</b>
<b>Expenses from ordinary activities</b> <i>(excluding borrowing costs expense)</i>	<b>3</b>		
Employees	3.1	1,688,769	496,884
Suppliers	3.2	1,102,756	451,814
Depreciation	3.3	64,185	5,681
Write-down of assets	3.4	42,783	-
Value of assets sold	2.1	80,357	-
<b>Expenses from ordinary activities</b> <i>(excluding borrowing costs expense)</i>		<b>2,978,850</b>	<b>954,379</b>
<b>Borrowing costs expense</b>	<b>3.5</b>	<b>1,359</b>	<b>-</b>
<b>Net Surplus/(Deficit)</b>		<b>-39,838</b>	<b>209,820</b>

The above statement should be read in conjunction with the accompanying notes

## Financial Statements

### STATEMENT OF FINANCIAL POSITION (as at 30 June 2003)

	Notes	2003 \$	2002 \$
<b>ASSETS</b>			
<b>Financial assets</b>			
Cash	4.1	190,997	96,827
Receivables	4.2	90,971	123,715
<b>Total financial assets</b>		<b>281,968</b>	<b>220,542</b>
<b>Non-financial assets</b>			
Infrastructure, plant & equipment	5	200,536	245,545
<b>Total non-financial assets</b>		<b>200,536</b>	<b>245,545</b>
<b>Total assets</b>		<b>482,504</b>	<b>466,087</b>
<b>LIABILITIES</b>			
<b>Provisions</b>			
Employees	6	163,280	116,859
<b>Total provisions</b>		<b>163,280</b>	<b>116,859</b>
<b>Payables</b>			
Suppliers	7	86,496	139,410
Other		62,881	-
<b>Total payables</b>		<b>149,377</b>	<b>139,410</b>
<b>Total liabilities</b>		<b>312,657</b>	<b>256,269</b>
<b>Net Assets</b>		<b>169,847</b>	<b>209,819</b>
EQUITY: Member's funds	8	169,847	209,819
<b>Total Equity</b>		<b>169,847</b>	<b>209,819</b>
<b>Current Assets</b>		<b>281,968</b>	<b>220,542</b>
<b>Non-current assets</b>		<b>200,536</b>	<b>245,545</b>
<b>Current liabilities</b>		<b>312,657</b>	<b>256,269</b>
<b>Non-current liabilities</b>		<b>-</b>	<b>-</b>

The above statement should be read in conjunction with the accompanying notes

## Financial Statements

### STATEMENT OF CASH FLOW (for year ended 30 June 2003)

	2003 \$	2002 \$
<b>OPERATING ACTIVITIES</b>		
<b>Cash received</b>		
Grants received	3,085,750	951,731
Other income	241,431	27,079
Interest	7,918	3,946
<b>Total cash received</b>	<b>3,335,099</b>	<b>982,756</b>
<b>Cash used</b>		
Employees	1,607,892	383,789
Suppliers	1,604,371	468,058
Borrowing costs	1,359	-
<b>Total cash used</b>	<b>3,213,622</b>	<b>851,847</b>
<b>Net cash from operating activities</b>	<b>121,477</b>	<b>130,909</b>
<b>INVESTING ACTIVITIES</b>		
<b>Cash received</b>		
Proceeds from sales of property, plant and equipment	72,273	-
<b>Cash used</b>		
Purchase of assets	99,580	34,082
<b>Net cash from investing activities</b>	<b>27,307</b>	<b>34,082</b>
<b>Net increase/ (decrease) in cash</b>	<b>94,170</b>	<b>96,827</b>
<b>Cash at beginning of reporting period</b>	<b>96,827</b>	<b>-</b>
<b>Cash at end of reporting period</b>	<b>190,997</b>	<b>96,827</b>

The above statement should be read in conjunction with the accompanying notes

## Financial Statements

### SCHEDULE OF COMMITMENTS (as at 30 June 2003)

	2003 \$	2002 \$
BY TYPE		
<b>Capital commitments</b>		
Plant and equipment	-	-
<b>Total capital commitments</b>	-	-
<b>Other commitments</b>		
Operating leases <sup>1</sup>	149,712	39,251
<b>Total other commitments</b>	149,712	39,251
<b>Commitments receivable</b>	-	-
<b>Net commitments</b>	149,712	39,251
BY MATURITY		
<b>Operating lease commitments</b>		
One year or less	52,561	39,251
From one to two years	-	-
From two to five years	97,151	-
Over five years	-	-
<b>Net commitments by maturity</b>	149,712	39,251

Please note: Commitments are GST inclusive where relevant.

<sup>1</sup> Operating leases included are effectively non-cancellable and comprise:

<i>Nature of lease</i>	<i>General description of leasing arrangements</i>
Leases for office accommodation.	The initial period (1 year rental agreement) of office accommodation is still current and may be renewed at SWALSC's option.
Agreements for the provision of motor vehicles to CEO and two managers.	No contingent rentals exist. There are no renewal or purchase options available.

The above statement should be read in conjunction with the accompanying notes

## Financial Statements

### SCHEDULE OF CONTINGENCIES (as at 30 June 2003)

	2003 \$	2002 \$
<b>Contingent liabilities</b>		
Liability for income tax	11,516	4,172
Under-expended grants <sup>1</sup>	58,024	-
<b>Contingent assets</b>		
Over-expended grants <sup>2</sup>	-264,549	-83,524

<sup>1</sup> Grants from the Aboriginal and Torres Strait Islander Commission and the Department of Premier and Cabinet that may be reclaimed by the funding authorities.

<sup>2</sup> The over-expenditure is in respect of the Native Title operations activities. During the 2002/2003 period, SWALSC operated at a deficit primarily due to the extraordinary costs of facilitating the Single Noongar Claim strategy. It is anticipated that this deficit will be recovered through 2003/2004 funding.

The above statement should be read in conjunction with the accompanying notes

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS (for the year ended 30 June 2003)

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## 1 Summary of Significant Accounting Policies

### 1.1 Objectives of SWALSC

As the Native Title Representative Body (NTRB) for the South West of Western Australia, the objectives of SWALSC are:

- to provide direct relief to all Noongar peoples from poverty, suffering, destitution, misfortune, distress and helplessness caused directly or indirectly by their involvement with the laws of the Commonwealth or States of Australia, and
- to provide services and advocacy directed towards securing land, protecting the spiritual and physical connection to land of members, support the maintenance, development and advancement of Noongar culture, language and society and promote Aboriginal reconciliation as a basic tenet of Australian society.

### 1.2 Basis of Accounting

The financial statements are required by section 49 of the *Financial Management and Accountability Act 1977* and are a general purpose financial report.

The financial statements have been prepared in accordance with:

- Financial Minister's Orders (or FMOs, being the Financial Management and Accountability (Financial Statements for reporting periods ending on or after June 2003) Orders);
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Board; and
- The Consensus Views of the Urgent Issues Group.

The Statements of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets, which, as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Statement of Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under agreements equally proportionately unperformed are not recognised unless required by an Accounting Standard. Liabilities and assets which are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies (other than unquantifiable or remote contingencies).

Revenues and expenses are recognised in the Statement of Financial Performance when and only when the flow or consumption of economic benefits has occurred and can be reliably measured.

The continued existence of SWALSC in its present form, and with its present programs, is dependent on Government policy and on continuing grants for the SWALSC administration and programs.

### 1.3 Changes in Accounting Policy

The accounting policies used in the preparation of these financial statements are consistent with those used in 2001-02, except in respect of:

- measurement of certain employee benefits at nominal amounts (refer to note 1.5).

### 1.4 Revenue

#### *Resources Received Free of Charge*

Services received free of charge are recognised as revenue when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised at their fair value when the asset qualifies for recognition, unless received from another government agency as a consequence of a restructuring of administrative arrangements.

#### *Other Revenue*

Revenue from rendering of services is recognised by reference to the stage of completion of contracts or other agreements to provide services. The stage of completion is determined according to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Revenue from disposal of non-current assets is recognised when control of the asset has passed to the buyer.

Revenues, expenses and assets are recognised net of goods and services tax (GST)

- except for receivables and payables; and
- except where the amount of GST incurred is not recoverable from the Australian Taxation Office.

### 1.5 Employee Benefits

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for wages and salaries (including non-monetary benefits), annual leave and sick leave are measured at their nominal amounts. Other employee benefits expected to be settled within 12 months of the reporting date are also measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability. This is a change in accounting policy from last year required by an initial application of a new Accounting Standard AASB 1028 from 1 July 2002. As SWALSC staff received no pay increases during the financial year, the financial effect of this change is not material.

## Financial Statements

### *Leave*

The liability for employee benefits includes provision for annual leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of SWALSC is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has not been recognised. SWALSC is in the process of executing an Australian Workplace Agreement with employees which do not include entitlements to long service leave.

### *Superannuation*

SWALSC contributes to a superannuation fund of the employee's choice. Contributions are made at the statutory rate of 9%. The liability for superannuation recognised as at 30 June represents outstanding contributions for the final quarter of the year.

### 1.6 Leases

A distinction is made between financial leases, which effectively transfer from the lessor to the lessee, substantially, all the risks and benefits incidental to ownership of leased non-current assets, and operating leases under which the lessor effectively retains all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at the present value of minimum lease payments at the inception of the lease and a liability recognised for the same amount. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are charged to expenses on a basis which is representative of the pattern of benefit derived from the leased assets.

### 1.7 Borrowing Costs

All borrowing costs are expensed as incurred except to the extent that they are directly attributable to qualifying assets, in which case they are capitalised. The amount capitalised in a reporting period does not exceed the amounts of costs incurred in that period.

### 1.8 Cash

Cash includes notes and coins held and any deposits held at call with banks or financial institutions.

### 1.9 Financial Instruments

#### *Financial Liabilities*

Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.

*Trade Creditors*

Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

**1.10 Acquisition of Assets**

Assets are recorded at cost on acquisition, except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken.

**1.11 Property, Plant & Equipment***Asset recognition threshold*

Purchases of property, plant and equipment are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$500, which are expended in the year of acquisition (other than where they form part of a group of similar items which are significant in total, or where specific purpose grants have approved the items).

Property, plant and equipment acquired free or for a nominal amount are recognised initially at fair value.

*Revaluations**Basis*

Land, buildings, plant and equipment are carried at valuation. Revaluations undertaken up to 30 June 2002 were done on a deprival basis; revaluations since that date are at fair value. This change in accounting policy is required by Australian Accounting Standard AASB 1041.

*Revaluation of Non-Current Assets*

Property, plant and equipment, other than land, are recognised at its depreciated replacement cost.

Under both deprival and fair value, assets which are surplus to requirements, are valued at net realisable value. As at 30 June 2003, the South West Aboriginal Land and Sea Council had no assets in this situation.

*Frequency*

AASB 1041 allows for the progressive revaluation of plant and equipment up to reporting periods beginning no later than 30 June 2005.

Plant and equipment assets, including assets under finance leases, are being re-valued by type of asset. Office equipment and furniture assets, as a class will be re-valued at 30 June 2004 and thereafter will be re-valued over successive five-year periods. Motor vehicles and plants are replaced on average every 3 years. Therefore, these classes of assets will not be re-valued as the written down value would not differ materially from the deprival value.

*Conduct*

All valuations are conducted by an independent qualified valuer.

*Depreciation and amortisation*

Depreciable property, plant and equipment assets are written off to their estimated residual values using the diminishing value method.

Depreciation/amortisation rates are reviewed at each balance date, with necessary adjustments recognised in the current or current and future reporting periods, as appropriate.

Residual values are re-estimated for a change in prices only when they are revalued. Depreciation and amortisation rates apply to each class of depreciable assets are as follows:

	<b>2003</b>
Motor vehicles	22.5%
Office equipment and furniture	20%

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 5.

*Recoverable amount test*

From 1 July 2002, Schedule 1 no longer requires the application of the recoverable amount test in Australian Accounting Standard AAS 10 Recoverable Amount of Non-Current Assets to the assets of agencies when the primary purpose of the asset is not the generation of net cash inflows.

**1.12 Taxation**

SWALSC is liable for all forms of taxation. An appeal has been lodged in the Federal Court of Australia against the rejection of SWALSC's application for PBI status by the Australian Taxation Office.

**1.13 Insurance**

SWALSC has executed insurance contracts covering all appropriate insurable assets.

## Financial Statements

	2003 \$	2002 \$
<b>2 Operating Revenues</b>		
Special purpose grants from ATSIC	2,805,227	885,903
Assignment of assets from NLC	-	261,627
Sale of services	22,453	12,724
Interest on deposits	7,918	3,945
<b>2.1 Net Gains/Loss on Sale of Assets</b>		
Motor vehicles		
- Proceeds from disposal	72,273	-
- Net book value of assets disposed	80,357	-
<b>Net gain/(loss) from disposal of motor vehicles</b>	<b>-8,084</b>	<b>-</b>
<b>2.2 Other</b>		
Office of Native Title Future Acts grant (from Office of Premier and Cabinet)	32,500	-
<b>Total revenue</b>	<b>2,940,370</b>	<b>1,164,199</b>
<b>3 Operating Expenses</b>		
<b>3.1 Employee Expenses</b>		
Wages and salary	1,480,020	421,019
Superannuation	126,103	34,069
Leave and other entitlements	73,260	38,051
<b>Total employee benefits expense</b>	<b>1,679,383</b>	<b>493,138</b>
Workers compensation premiums	9,386	3,745
<b>Total employee expenses</b>	<b>1,688,769</b>	<b>496,884</b>
SWALSC contributes to the superannuation fund chosen by the employee. Contributions are made at the statutory rate.		
<b>3.2 Supplier Expenses</b>		
Goods from external entities	1,095,438	316,890
Operating lease rentals	87,675	33,551
<b>Total suppliers expenses</b>	<b>1,183,113</b>	<b>350,441</b>

## Financial Statements

	2003 \$	2002 \$
<b>3.3 Depreciation</b>		
Other infrastructure, plant and equipment	64,185	5,681
<b>Total depreciation</b>	<b>64,185</b>	<b>5,681</b>
<b>3.4 Financial Assets</b>		
Bad and doubtful debts expense	42,736	-
<b>Total financial assets</b>	<b>42,736</b>	<b>-</b>
<b>Non-financial assets</b>		
Plant and equipment - revaluation decrement	47	-
<b>Total non-financial assets</b>	<b>47</b>	<b>-</b>
<b>Total write-down of assets</b>	<b>42,783</b>	<b>-</b>
<b>3.5 Borrowing Costs Expense</b>		
Bank overdraft fees	1,359	-
<b>Total borrowing costs expense</b>	<b>1,359</b>	<b>-</b>
<b>4 Assets - Financial Assets</b>		
<b>4.1 Cash on Hand</b>		
Cheque account	190,497	96,327
Petty cash	500	500
<b>Total cash</b>	<b>190,997</b>	<b>96,827</b>
<b>4.2 Receivables</b>		
Goods and services	25,270	66,194
GST receivable from the ATO	38,709	26,384
Staff loans	-	3,798
Other loans	-	300
Other - prepaid expenses	26,992	27,039
<b>Total receivables</b>	<b>90,971</b>	<b>123,715</b>
Receivables that are overdue are aged as follows:		
Not overdue	90,971	123,715
Overdue by more than 90 days	-	-
<b>Total receivables</b>	<b>90,971</b>	<b>123,715</b>

## Financial Statements

	2003	2002
	\$	\$
<b>5 Non-financial Assets (see Table A)</b>		
Plant and equipment		
- At cost	250,995	151,473
- Accumulated depreciation	50,536	5,067
	<b>200,536</b>	<b>146,406</b>
Motor vehicles		
- At cost	-	99,754
- Accumulated depreciation	-	615
	-	<b>99,139</b>
<b>Total plant and equipment</b>	<b>200,536</b>	<b>245,545</b>

**Table A: Reconciliation of the opening and closing balances of property, plant and equipment**

Item	Plant & Equipment	Motor Vehicles	Total
As at 1 July 2002			
- Gross book value	151,473	99,754	251,227
- Accumulated depreciation	5,067	615	5,682
<b>Net book value</b>	<b>146,406</b>	<b>99,139</b>	<b>245,545</b>
Additions			
- By purchase	99,580	-	99,580
Net revaluation increment/decrement	-	-	-
Depreciation/amortisation	45,403	18,782	64,185
Recoverable amount write-downs	-	-	-
Disposals	47	80,357	80,404
<b>As at 30 June 2003</b>			
- Gross book value	251,006	-	251,006
- Accumulated depreciation	50,470	-	50,470
<b>Net book value</b>	<b>200,536</b>	<b>-</b>	<b>200,536</b>

<b>6 Provisions - Employees</b>		
Salaries and wages	53,588	51,144
Leave	71,793	31,646
Superannuation	37,900	34,069
<b>Total employee entitlement liability</b>	<b>163,281</b>	<b>116,859</b>

## Financial Statements

	2003	2002
	\$	\$
<b>7 Payables</b>		
Trade creditors	86,496	126,881
GST payable to ATO	62,809	11,415
Other liabilities	72	1,114
<b>Total payables</b>	<b>149,377</b>	<b>139,410</b>
<b>8 Equity</b>		
Retained earnings	209,819	-
Adjustment to retained earnings	-134	-
Current year earnings/(deficit)	-39,838	209,819
<b>Owner's equity</b>	<b>169,847</b>	<b>209,819</b>
<b>9 Cash Flow Reconciliation</b>		
Operating surplus/(deficit)	-39,838	209,819
Depreciation	64,185	5,681
Gain/(loss) on disposal of assets	-8,084	-
Write-down of non-current assets	47	-
Increase/(decrease) in employee provisions	46,421	116,859
Increase/(decrease) in equity	39,974	-
Increase/(decrease) in assets	45,009	-251,227
Changes in asset & liabilities:		
Increase/(decrease) in receivables	32,744	-123,715
Increase/(decrease) in creditors	9,968	139,410
<b>Net cash provided by operating activities</b>	<b>190,426</b>	<b>96,827</b>
<b>10 Remuneration of Auditors</b>	5,000	5,000
<b>11 Remuneration of Officers</b>		
The number of officers who received or were due to receive total remuneration of \$100,000 or more:		
\$100,000- \$110,000	-	-
\$110,001- \$120,000	-	-
\$120,001- \$130,000	1	1



## Glossary of Terms

ALT	Aboriginal Lands Trust
ATSIC	Aboriginal and Torres Strait Islander Commission
CALM	Department of Conservation and Land Management
DPI	Department of Planning and Infrastructure
ILC	Indigenous Land Corporation
ILUA	Indigenous Land Use Agreement
MOU	Memorandum of Understanding
NIWG	National Indigenous Working Group
NLC	Noongar Land Council
NNTT	National Native Title Tribunal
NTA	Native Title Act 1993
NTRB	Native Title Representative Body
RHPA	Regional Heritage Protection Agreement
SNC	Single Noongar Claim
SWALSC	South West Aboriginal Land and Sea Council
WAANTWG	Western Australian Aboriginal Native Title Working Group
WALGA	Western Australian Local Government Association

### DEFINITIONS

Noongar	Means a descendent of the Aboriginal people known as Noongars and who identifies as and is accepted as a member of the Noongar peoples by those persons.
Noongar People	Means those Aboriginal people who in accordance with the customs, laws and traditions of Aboriginal people have had since time immemorial a physical or spiritual connection with Noongar land.

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