

SWALSC ANNUAL REPORT 2022



South West Aboriginal
Land and Sea Council
Aboriginal Corporation



**South West Aboriginal
Land and Sea Council
Aboriginal Corporation**

ICN 3832 ABN 42 485 265 673

31 October 2022

The Hon Linda Burney MP
Minister for Indigenous Australians
Parliament House
GPO Box 1566
Canberra ACT 2600

Dear Minister

Annual Report – South West Aboriginal Land and Sea Council

In accordance with clause 42 of the Native Title Funding Agreement, I have pleasure in presenting the annual report for the South West Aboriginal Land and Sea Council Aboriginal Corporation together with the audited financial statements for the financial year ended 30 June 2022.

Yours sincerely,

Brendan Moore
Chair
South West Aboriginal Land and Sea Council



Gnaala Bidi: Our Pathway

Because:

Noongar culture is strongest when we are connected to each other and our kaartdijin.

We act:

as a body to bring the voices of Noongar people together to strengthen outcomes for Noongar people, and place our land and culture at the centre of everything we do we do.

We support:

strong regional corporations, who work with SWALSC to ensure Noongar people receive the services and opportunities they deserve, and to strengthen and protect Noongar culture, land and heritage.

That leads to:

more economic opportunities for the entire Noongar community, a stronger connection to land and culture that is celebrated by both the Noongar people and the broader community, and better social and economic outcomes for Noongar people.

That results in:

a strong, sustainable, united Noongar Nation which respects our kaartdijin and allows our koort to heal

CONTENTS

CHAIR REPORT	4
CEO REPORT	7
IMPLEMENTATION REPORT	9
PROMOTING NOONGAR CULTURE	11
LANDS REPORT	14
LEGAL REPORT	17
FINANCIAL REPORT	21

Left: SWALSC's new strategic plan for 2022-25, which was developed by the board this year.

CHAIR REPORT

On behalf of the board of directors, I present our annual report for the 2021/22 financial year. It has been an honour to serve as chair.

This has been a year of great progress in implementing the South West Native Title Settlement and establishing the six regional corporations.

SWALSC was also officially endorsed as the central services corporation, closing the chapter on our work as a native title representative body.

Each regional corporation now has a full board and has held its first general meeting and have also just held their AGMs. Each is well on its way to appointing a CEO and being endorsed by the State and Trustee.

It was six years ago, in 2016, that the WA Parliament acknowledged that the Noongar people are the traditional owners and custodian of the south-west. Past, present and future we stand strong on our land.

The last few years have been focussed on the hard work of holding community information sessions, developing rule books and cultural advice policies, running membership drives, appointing directors and cultural advice committees, lodging legal documents, preparing budgets and strategies, all of which require a great deal of administrative work.

While this last year has been consumed by a focus on the present, this groundwork has prepared us to now focus on the future.

We thank every one of our directors and staff for their part in completing this critical work, which has now brought our Noongar Nation to this important moment on our journey towards sovereignty.

Our regional corporations are ready to start employing staff and setting up their offices so they can begin work on land management, promoting culture, improving economic and

social outcomes, and advocating for a strong, unified Noongar Nation.

The six regional corporations will have a strong voice in managing the land and resources already being held by the Nongar Boodja Trust, and also to advocate on behalf of our Noongar Nation to secure additional land and resources in the future.

If you haven't already, I strongly urge you to join your regional corporation and help us achieve the best possible outcomes for our people. Our corporations need a large and engaged membership ready to contribute when needed. To find more information please go to www.noongar.org.au/join-your-rc.

In the next 12 months we will also likely see a historic referendum to create a Voice to Parliament whose status will be protected by the Constitution. The Noongar Nation will have an important role in this debate.

We are also excited to co-convene the AIATSIS Summit 2023, which will be held from 5-9 June at Perth Convention and Exhibition Centre. This is a fantastic opportunity for us to promote our Noongar Nation to delegates from all over Australia.

Koorah, nitja, boordahwan.

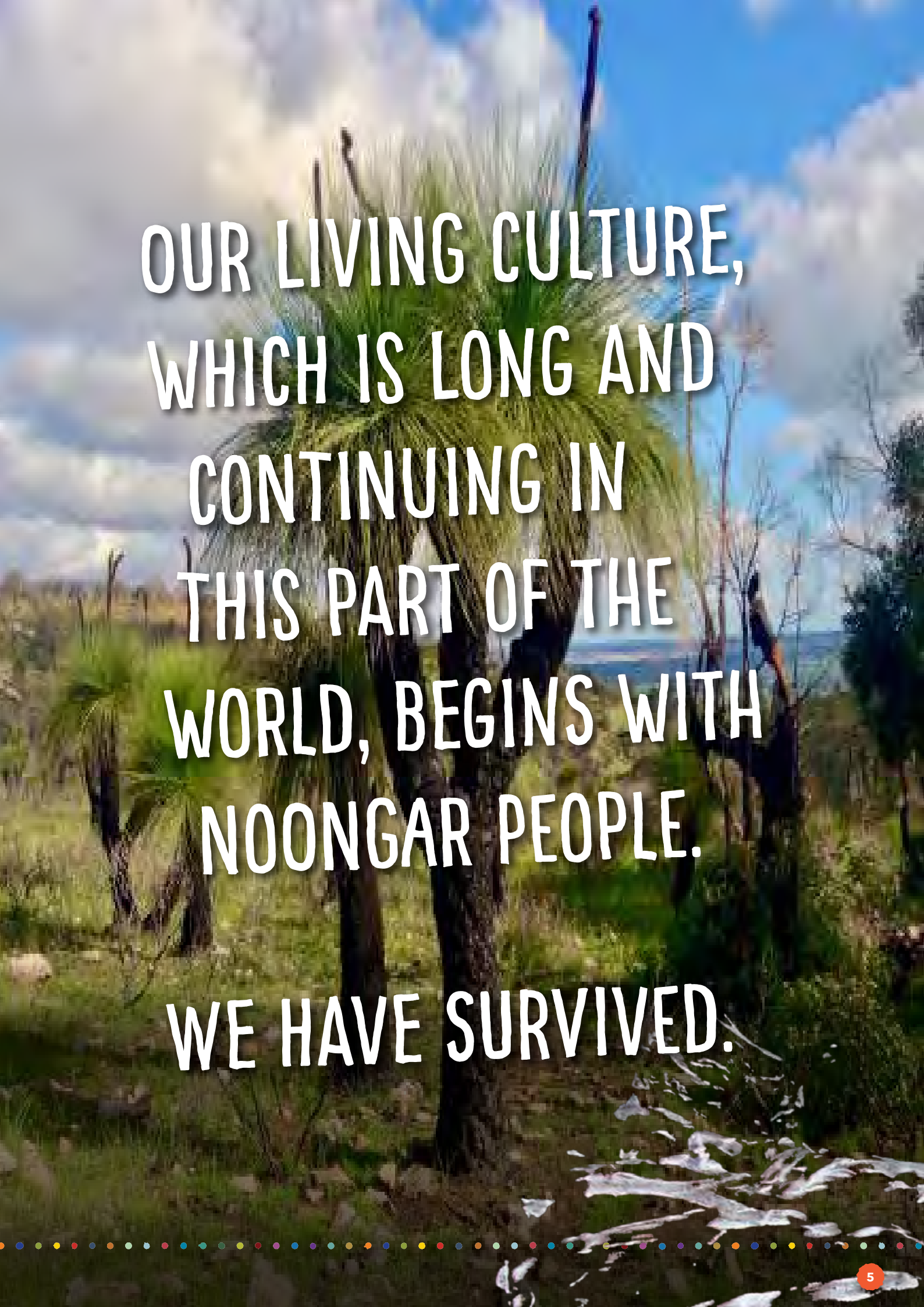
Past, present, future.

The past gives us our knowledge and experience to guide us in the present, and after a year of significant groundwork, it's now a good time to give our attention to the future and the outcomes we are all working towards.

Thank you for being a member of SWALSC and being part of this ongoing work.



Brendan Moore
SWALSC CHAIR



OUR LIVING CULTURE,
WHICH IS LONG AND
CONTINUING IN
THIS PART OF THE
WORLD, BEGINS WITH
NOONGAR PEOPLE.

WE HAVE SURVIVED.



CEO REPORT

This year was significant for SWALSC successfully progressing the implementation of the settlement and transitioning to its role with endorsement as the central services corporation (CSC) supporting the six Noongar regional corporations.

SWALSC worked extensively with each regional corporation to enable the appointment of member elected directors and cultural advice committee who were elected at the first general meeting of each corporation.

The corporations are now well along the establishment journey that includes the appointment of expert directors, CEO and finding a suitable office location.

Across the year, SWALSC in transitioning to the CSC, implemented new Microsoft finance, HR and payroll systems, six websites, ICT procurement, share point and a central intranet site for all regional corporations to access polices and other governance material.

Earlier this year, a second payment of \$63 million was made into the Noongar Boodja Trust – the second of 12 payments.

Each payment includes \$50 million plus indexation invested into the Future Fund, which will continue to grow for future generations of the Noongar nation. Another \$10 million plus indexation will be invested each year into the Operations Fund to support the operational costs of the Noongar corporations.

The state government has also made its year two lands offering, and SWALSC is working with the regional corporations to determine which land will be considered for acceptance into the Noongar Boodja Trust.

In addition to our work supporting the regional corporations, SWALSC has been involved with a number of exciting projects as part of our mission to promote Noongar culture.

We have produced two sketch animation videos that explain details of the South West

Native Title Settlement. These videos are informative and easily shared, so I encourage you all to use them wherever possible to help explain the history of the Settlement and how it will work going forward.

We are also consulting with ABC's Play School in the further development of the Noongar doll, named Kiya. She is loved by kids and parents alike all over Australia and we look forward to increasing her impact.

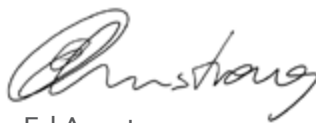
As a member of the WA Alliance of Native Title Representative Bodies and Service Providers, we also supported the campaign opposing the WA government's new cultural heritage bill, which the government unfortunately didn't adopt our recommendation that the traditional owners have the final say on the destruction of cultural and heritage sites.

We then held a successful two-day Aboriginal Cultural Heritage Codesign Workshop in April 2022, where stakeholders around the state came together to discuss their vision for the new legislation and how to ensure that it is implemented as fairly and respectfully as possible, despite our opposition to the proposed bill.

It has been a big year for SWALSC. We look forward to continuing our work in the areas of implementing the settlement, delivering CSC services, land management, research, support for grant applications and programs, advocacy, and promoting Noongar culture.

Thank you to all SWALSC members, directors, staff and every person that has contributed to the huge milestones we have achieved this year.

Together, we are working towards building a strong and unified Noongar Nation.



Ed Armstrong
SWALSC CEO



IMPLEMENTATION REPORT

This year SWALSC became the central services corporation (CSC), and supported the six regional corporations in their journey to endorsement.

REGIONAL CORPORATIONS

Establishment

Each of our regional corporations have elected their first member elected directors, who have now appointed their expert directors. The boards will be responsible for the strategic and financial direction of their corporations.

With thanks to the initial directors, each corporation has now been registered with ORIC, has charitable status, and an ABN, and are now working on appointing their first CEOs and finding a suitable office location.

During June and July, SWALSC provided the logistical and administrative support for each corporation's first general meeting. These exciting and historic events were held on the following Saturdays in 2022:

- *Wagyl Kaip Southern Noongar Aboriginal Corporation*
11 June in Kojonup and online
- *Ballardong Aboriginal Corporation*
18 June in Northam
- *Whadjuk Aboriginal Corporation*
25 June in Maylands and online
- *Karri Karrak Aboriginal Corporation*
2 July in Busselton and online
- *Yued Aboriginal Corporation*
9 July in Moora
- *Gnaala Karla Booja Aboriginal Corporation*
16 July in Bunbury.

Members who attended the general meeting elected their first cultural advice committees (CAC). Each CAC will consider cultural matters and make decisions to promote and protect cultural interests of their region.

Learn more about the work they'll do at noongar.org.au/cultural-advice-committees.

Membership

Membership numbers continue to rise for the regional corporations, with each corporation holding at least three membership meetings to approve new membership applications. Current membership numbers are: Ballardong (947); GKB (554); Karri Karrak (347); Wagyl Kaip Southern Noongar (1,041); Whadjuk (439); and Yued (397).

Noongar people are eligible to join their regional corporation if they are over 18 and meet the requirements set out in the relevant Indigenous Land Use Agreement (ILUA).

Please encourage your family and friends to join, and to be part of building a strong, unified Noongar nation. More information on membership can be found on their websites or at www.noongar.org.au/join-your-rc.

WEBSITES

Each regional corporation now has its own website for news and information, including events, formal documents, annual reports, membership applications, and board and committee members.

SWALSC will work with each regional corporation to keep these websites relevant and informative. Find your websites at:

wagylkaip.org.au

ballardong.org.au

whadjuknoongar.org.au

karrikarrak.org.au

yued.org.au

gkb.org.au



PROMOTING & ADVANCING NOONGAR CULTURE



SWALSC has worked on a number projects this year on behalf of our mission to support and inspire a strong and unified Noongar Nation.

INFORMATION VIDEOS

SWALSC worked with animator Lew Keillor to produce two informative videos about the South West Native Title Settlement.

The first is called *The Story of the South West Native Title Settlement*, and it tells the story of the Noongar people's fight to have their native title rights recognised, which resulted in the South West Native Title Settlement.

The second, *What are Noongar cultural advice committees?* explains the role of the cultural advice committees (CAC), which are made up of Elders who consider matters relevant to culture and make decisions to promote and protect our cultural interests.

You can find the videos on the SWALSC website at noongar.org.au or at our YouTube account.



PLAY SCHOOL'S 'KIYA'

SWALSC consulted with the ABC's popular children's program, Play School, advising on cultural matters for Kiya, their new and beloved character who explores her Noongar culture and language on the show.

SWALSC first consulted on their Yarning and Dreaming special, which aired on ABC on 4 August 2022 and is available to watch on ABC iView and on the ABC Kids app.

Presented by Miah Madden and Luke Carroll, with special guest artist Christine Anu, the episode celebrates Aboriginal and

Torres Strait Islander children with First Nation songs and stories. It encourages audiences to acknowledge Country and share their hopes and dreams for the future.

SWALSC will continue to consult on Kiya's stories in the future, sharing kaartdijin with children all around Australia.

PROTECTING ABORIGINAL CULTURAL HERITAGE

SWALSC worked with its partners in the WA Alliance of Native Title Representative Bodies and Service Providers to organise the Protect Aboriginal Cultural Heritage Walk, which was held on Saturday 23 October 2021 at East Perth's Victoria Gardens. Hundreds of Western Australians joined the march to oppose the Aboriginal Cultural Heritage Bill.

After a Welcome to Country by Noongar Elder John McGuire, speakers from around WA spoke passionately about the need to protect Aboriginal cultural heritage.

Although the minister still has the power to make the final decision on the destruction of Aboriginal heritage sites, he has promised that the regulations will be co-designed with Traditional Owners.

Codesign workshop

SWALSC also worked with its partners in the Alliance to host a two-day Aboriginal Cultural Heritage codesign workshop.

Held on 7 and 8 April, the workshop brought Traditional Owners from across WA together with representatives from government, industry and investment to discuss how co-design principals should inform the state government's implementation of the *Aboriginal Cultural Heritage Act 2021*.

SWALSC chair Brendan Moore facilitated the event, in which participants heard from Dr Chris Kueh, co-design expert from Edith Cowan University; Kado Muir, Ngalia Traditional Owner and National Native Title Council Chairman; and Hon. Dr Tony Buti MLA, WA Minister for Aboriginal Affairs.

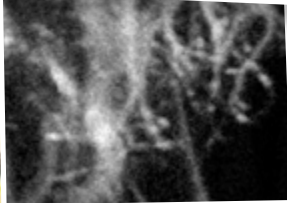
Preliminary findings from the workshop included Traditional Owners feeling discouraged by their past experiences of consultation processes, where their views were ignored or responses delayed. It was widely felt that the government needs to commit to the principles of co-design in good faith and include meaningful engagement, transparency and responsiveness and a share in equity resources.

The Alliance has welcomed the state government's renewed commitment to co-design, outlining their desire to work together to determine an appropriate pathway forward.

A full report was presented to the minister and members of the Aboriginal Cultural Heritage Reference Group. Read more at protectaboriginalheritagewa.org.au.

Members of the WA Alliance of Native Title Representative Bodies and Service Providers include SWALSC, Yamatji Marlpa Aboriginal Corporation, Native Title Services Goldfields, and National Native Title Council. The Alliance will continue its work to protect and promote cultural heritage.

CELEBRATE
CULTURE
DON'T DESTROY IT!



Photographs by Cole Baxter

LANDS UPDATE

The state government has continued to offer land to the Noongar Boodja Trust (NBT) with year two lands now provided for consideration. The NBT will consult with the six cultural advice committees regarding acceptance of these lands.

LAND MANAGEMENT SYSTEM

SWALSC has been working closely with an IT consultant to design the specifications for an online land management system.

This system will be available to all regional corporations to assist with scheduling of land management obligations, cost tracking, mapping of individual land parcels as well as Noongar cultural values, manage Noongar Standard Heritage Agreement processes, and provide advice regarding Noongar land access and the undertaking of Noongar customary activities.

SWALSC will now seek quotes to build the land management system with an expectation to commence work before the end of 2022.

SOUTH COAST MARINE PARK

The State Government has been undertaking community consultation in order to establish a marine park on the south coast, adjacent to the Fitzgerald National Park, between Bremer Bay and Hopetoun.

SWALSC has worked closely with the Department of Biodiversity, Conservation and Attractions (DBCA) to engage a consultant to undertake 'interim consultation' with Noongar people from the Wagyl Kaip area to ensure that Noongar interests and values are taken into account during the marine park design phase.

Our cultural advice committee has now selected six senior Noongar representatives to continue to work with DBCA to ensure that

Noongar cultural values and interests are protected. It is expected that the new marine park will be jointly managed by DBCA and the Wagyl Kaip Southern Noongar Aboriginal Corporation.

Negotiations regarding the protection of Noongar values and joint management of the park are expected to be finalised in 2023.

METROPOLITAN NOONGAR RANGER PILOT PROGRAM

SWALSC was successful with a funding application to the State Government's Aboriginal Ranger Program to fund the employment of 11 Trainee Noongar Rangers in the Whadjuk area.

The 11 Trainees will be employed by various local government, Department of Biodiversity and Attractions (DBCA) and local land care groups. The Trainees will complete a certificate two in Land and Ecosystem Management.

Kuditj Pty Ltd, a Noongar employment agency, has been engaged by SWALSC to provide recruitment, mentoring and training services and will support the trainees to meet the employment and training requirements. Kuditj will also provide Noongar cultural immersion via regular on country day excursions with Noongar elders. This program will help develop Noongar land management capacity in the metropolitan area in preparation for the Whadjuk Aboriginal Corporation taking on management of Noongar Land Estate lands.



MARMION MARINE PARK EXTENSION

The State Government has been undertaking community consultation in order to extend the footprint of the Marmion Marine Park. The marine park is proposed to cover an area from Hillarys Boat harbour in the south, to the north boundary of the Whadjuk Aboriginal Corporation's area.

SWALSC has worked closely with the Department of Biodiversity, Conservation and Attractions (DBCA) to engage a consultant to undertake an interim consultation with Noongar people from the Whadjuk area to ensure that Noongar interests and values are taken into account during the design phase.

Our cultural advice committee has now selected six senior Noongar representatives to continue to work with DBCA to ensure that Noongar cultural values and interests are protected. It is expected that the new marine park will be jointly managed by DBCA and the Whadjuk Aboriginal Corporation.

Negotiations regarding the protection of Noongar values and joint management of the park are expected to be finalised in 2023.

SWALSC LANDS SUPPORT

The SWALSC land unit continues its work to meet our obligations under the Settlement. This includes supporting the establishment of the Cooperative and Joint Management Agreements and Committees with DBCA (Parks and Wildlife) to cooperatively manage the Conservation Estate; supporting and facilitating the selection and management of lands for Noongar social, economic and cultural purposes; and providing services and advice in regards to all Settlement land matters including land access, heritage protection and development of land management capacity.



LEGAL REPORT

The 2021-2022 reporting year has again been an eventful one.

SETTLEMENT LITIGATION

Final settlement of native title over the South West Native Title Settlement area

Native Title was deemed surrendered on 13 April 2021, in accordance with the terms of the six South West Native Title Settlement indigenous land use agreements (Settlement ILUAs). From this date, SWALSC has stopped providing native title services. On 1 December 2021, Judge McKerracher of the Federal Court finally declared that, by consent of the parties, native title does not exist, or no longer exists, over the six Settlement ILUA agreement areas. All future act notifications and activities under the *Native Title Act* have ceased, including the right to negotiate native title compensation agreements in relation to the Settlement ILUA agreement areas.

There is still the opportunity to enter into non-native title agreements with other parties providing benefits to Noongar people.

CLAIM REMNANT AREAS

Single Noongar (Area 1) Claim remnant area

Anthony Bennell & Ors and State of Western Australia & Ors (Single Noongar #1) (WAD6006/2003) (SNC#1) was one of the native title claims determined (terminated) on 1 December 2021. It was lodged with the National Native Title Tribunal (NNTT) in October 2003, and the claim covered an area largely corresponding to the areas already covered by the six earlier claims: Ballardong, Gnaala Karla Booja, South West Boojarah, Wagyl Kaip Southern Noongar, Whadjuk & the Yued native title claims.

In November 2004, the NNTT refused the registration of the claim because the Noongar people were already represented by the above six earlier claims. As the SNC#1 claim was unregistered, the Court could not make any decisions about whether any native title may have existed in the claim area.

A relatively small part of the SNC#1 claim covers an area outside of the Settlement ILUA agreement areas, to the north-east of the current Ballardong agreement area, from Dalwallinu township north to around Buntine Nature Reserve. This remnant area is still considered to be a surviving part of the SNC#1 native title claim application that must be dealt with in some way by the Court.

The SNC#1 remnant area still has some small pockets of native title, although most has been extinguished, a claim on its own it had little prospects of success, and the Commonwealth indicated that it would not provide funding for any native title claim proceeding. Therefore, on consultation with the surviving claim applicants, the Court finally dismissed the SNC#1 claim over the remnant area on 27 July 2022, finalising the entire SNC#1 claim. Unlike the Settlement ILUA Agreement Area court decision, native title has not been extinguished there and another claim may be made over this area by traditional owners with a more focused claim.

Yued Claim remnant areas

The Yued Claim WAD6192/1998 (*Malcolm Ryder & Ors and State of Western Australia & Ors*) was filed with the National Native Title Tribunal in August 1997 and registered in September 1998. One Yued remnant area was located offshore along the Yued coastline between the 3 and 12 nautical miles. This strip of sea country is located in Commonwealth

territorial waters. As the Commonwealth was not a party to the Settlement ILUAs, this sea country could not be included in the Yued Settlement ILUA Agreement Area. The other Yued remnant area was located to the north east of the Ballardong Claim, beginning from Dalwalinu. It was completely overlapped by the SNC#1 remnant area but was much smaller.

The circumstances and the process to finalise the Yued claim regarding its remnant areas are the same as those for the above SNC#1 claim. As with the SNC#1 claim remnant area, the Yued claim over its remnant areas was also finalised by the Federal Court on 27 July 2022.

SWALSC no longer a native title service provider

As a condition of the Settlement and as part of SWALSC's transition to being the central services corporation, SWALSC ceased to be a native title service provider over the South West Settlement ILUA Agreement Areas on 13 April 2021. However, SWALSC was still the official native title service provider to north-east and outside of the Ballardong Settlement ILUA Agreement Area until SWALSC ceased to be a native title services provider entirely on 1 July 2022. Native Title Services Goldfields now provides native title services in this area.

AGREEMENTS HELD ON BEHALF OF CLAIM GROUPS

Assignment of native title agreements to the regional corporations

In anticipation of the final determination by the Court, SWALSC has reviewed all native title agreements from the time of its establishment and is working to ensure that as many as possible that have ongoing benefits such as mining royalties, percentages of land sales or annual payments, are transferred to the relevant regional corporations when they are in a position to accept them. Because native title claims have been surrendered, each working party approved SWALSC to step in temporarily

as a party for each agreement, to keep them alive. The legal team will transfer these agreements to the regional corporations once they are endorsed.

TRANSFER OF EXISTING AGREEMENTS

Heritage protection agreements

After endorsement, each regional corporation will be expected to enter into Noongar Standard Heritage Agreements (NSHAs) on behalf of the agreement groups. There is also an expectation that all existing heritage protection agreements (around 600 to date) will eventually be assigned across to the relevant regional corporation when established and operational.

Novation of the Settlement ILUAs

After the regional corporations are endorsed by the state and trustee, the representative parties on behalf of the Native Title Agreement Groups (NTAGs) will assign all their rights and obligations under the ILUAs to their newly endorsed corporation by means of an Original Deed of Novation (Deed).

The deeds have been finalised with the state solicitor's office, and are identical to the draft template deeds in Schedule 6 of the Settlement ILUAs, with new party details and contact addresses inserted.

Once they are endorsed and signed by the SWALSC and regional corporation boards, the legal team will arrange for the representative parties (mostly former claim applicants) to sign them. Although we need only one signatory for each deed, most representative parties contacted have expressed an interest in signing. Following this, there will be a signing ceremony in early December where the Minister for Aboriginal Affairs will sign on behalf of the State. The deeds are expected to take effect on 9 December 2022.

HERITAGE PROTECTION

Prior to the commencement of the Settlement, a substantial portion of the legal team's work was managing the Noongar heritage protection process. This includes entering into heritage protection agreements and assisting in the selection of Noongar heritage consultants through the SWALSC heritage selection panel.

The volume of heritage matters has increased substantially, and is expected to increase further following the implementation of the West Australian Local Government Association's heritage agreement template for local governments, which is based on the Noongar Standard Heritage Agreement. With more than 100 local government areas across

the SWALSC representative area, SWALSC is trialling this agreement across a number of LGAs and has deferred entering into further local government heritage agreements until new Cultural Heritage Bill is implemented that is expected to occur in 2023.

Cultural advice committees

Since 2015, SWALSC has been overseeing the selection of Noongar consultants for cultural heritage surveys and other activities and projects. From July 2022, the process of handling this responsibility has transitioned to each region's cultural advice committee (CAC). Each CAC consists of 12 members, six women and six men who are elected by their corporation's members.

HERITAGE SERVICE STATISTICS

Service Provided	2021	2022
Total heritage activity notices received	139	225
Total activity notices requiring surveys	--	155
Activity notices-no survey required	--	70
Activity notices tabled for Ballardong selection panels	--	22
Activity notices tabled for Gnaala Karla Booja selection panels	--	35
Activity notices tabled for South West Boojarah (Karri Karrak) selection panels	--	13
Activity notices for Whadjuk selection panels	--	27
Activity notices for Wagyl Kaip Southern Noongar selection panels	--	26
Activity notices for Yued selection panels	--	12

SWALSC formally ceased to provide native title services on 30 June 2022. However, as native title was deemed surrendered under the terms of the South West Settlement ILUAs on 13 April 2021, SWALSC could not respond to future act notices or native title services under the Act after that date.





2021-22

FINANCIAL REPORT

(FOR YEAR ENDED 30 JUNE 2022)



FINANCIAL REPORT CONTENTS

BOARD REPORT.....	23
DIRECTORS' DECLARATION.....	25
2021-22 OVERVIEW.....	26
AUDITOR'S INDEPENDENCE DECLARATION.....	28
STATEMENT OF COMPREHENSIVE INCOME.....	29
STATEMENT OF FINANCIAL POSITION.....	30
STATEMENT OF CHANGES IN EQUITY.....	31
STATEMENT OF CASH FLOWS.....	32
NOTES TO THE FINANCIAL STATEMENTS.....	33
INDEPENDENT AUDITOR'S REPORT.....	45



BOARD REPORT

The directors submit the financial report of the South West Aboriginal Land and Sea Council Aboriginal Corporation for the financial year ended 30 June 2022, in accordance with section 333-10.02 of the Corporations (Aboriginal and Torres Strait Islander) Regulations 2007.

Operating and financial review

The Corporation returned a surplus of \$198,767 for the 2021/2022 financial year, (2021: \$42,534).

State of affairs

No significant change in the Corporation's state of affairs occurred during the year.

Principal activities

As a result of the settlement of the native title claim for the South West of Western Australia, SWALSC has been working towards the implementation of the new regional corporations and its new role as central services corporation which will provide corporate support to the regional corporations.

In September 2021, SWALSC was endorsed as the central services corporation by all six regions and SWALSC was subsequently endorsed by the Trustee in June 2022.

Events subsequent to reporting date

In the interval between the end of the financial year and the date of this report no matters or circumstances have arisen that significantly affected or may significantly affect the Corporation's operations, the results of those operations, or the state of affairs of the Corporation, in future financial years.

Likely developments

SWALSC was endorsed by the Trustee as the central services corporation on 29 June 2022. As such, SWALSC is now working to assist the regional corporations to be endorsed by the Trustee.

We are also working to be able to deliver services to the regional corporations. These services include governance process support, financial systems and other elements of the administrative infrastructure required by the regional corporations.

SWALSC is working to commence delivery of our core services, as described in the trust deed and working in close cooperation with the Trustee, the State and the new boards and cultural advice committees in relation to progressing all elements of the Settlement in each of the regions.

Environmental regulations

The Corporation's operations are not subject to any particular or significant environmental regulations under either commonwealth or state legislation. However, the board believes that the Corporation has adequate systems in place for the management of its environmental requirements and is not aware of any breach of those environmental requirements as they apply to the Corporation.

Distributions

The Corporation's constitution precludes it from distributing any surpluses to members. Accordingly, no distributions were paid, recommended or declared by the Corporation during the year.

Directors

The directors of the Corporation at any time during the financial year, and the number of directors' meetings and number of meetings attended by each of the directors of the Corporation are/were:

DIRECTOR NAME	WARD	TERM	MEETINGS ATTENDED	POSSIBLE ATTENDANCE
David Ashton	EXPERT	16 November 2020 -	7	7
Vanida Lennon	EXPERT	16 November 2020 -	9	9
Noelene McCormick	SWB	16 November 2020 -	9	9
Brendan Moore (Chair)	YUED	1 February 2021 -	9	9
Geraldine Hayden	GKB	7 May 2021 -	9	9
Noel Morich	WHADJUK	28 April 2021 -	8	9
Michelle Nelson-Cox	BALLARDONG	23 March 2022 -	3	3
Megan Krakouer	WKSJN	13 January 2022 -	3	4
Laurence Riley	WKSJN	18 Feb 21-16 Dec 21	4	5
Barry Winmar	BALLARDONG	16 Nov 20-21 Oct 21	2	3

Proceedings on behalf of the Corporation

During the year, no person has made application for leave in respect of the Corporation under section 169-5 of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (the "Act").

During the year, no person has brought or intervened in proceedings on behalf of the Corporation with leave under section 169-5 of the Act.



Brendan Moore
Chair
31 October 2022

DIRECTOR'S DECLARATION

In the opinion of the directors the financial report as set out on pages 5 to 22:

Presents a true and fair view of the financial position of South West Aboriginal Land and Sea Council Aboriginal Corporation as at 30 June 2022 and its performance for the year ended on that date in accordance with Australian Accounting Standards (including Australian Accounting Interpretations) and with the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

At the date of this statement, there are reasonable grounds to believe that South West Aboriginal Land and Sea Council Aboriginal Corporation will be able to pay its debts as and when they fall due.

This declaration is made in accordance with a resolution of the board of directors and is signed for and on behalf of the directors by:

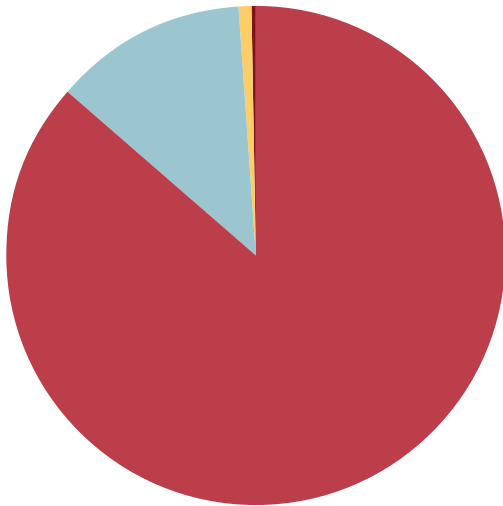


Brendan Moore
Chair

Dated this on the 31 October 2022.

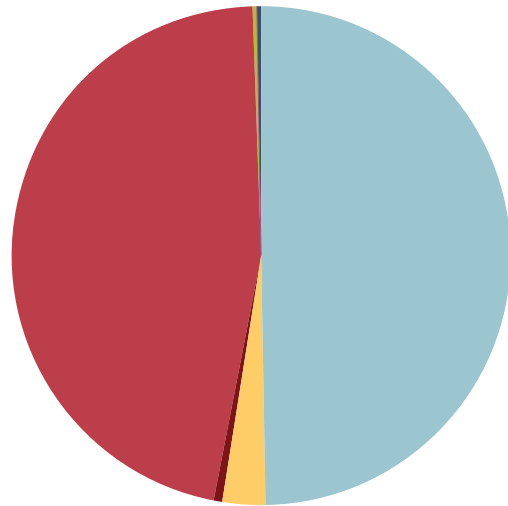
2021-22 OVERVIEW

REVENUE



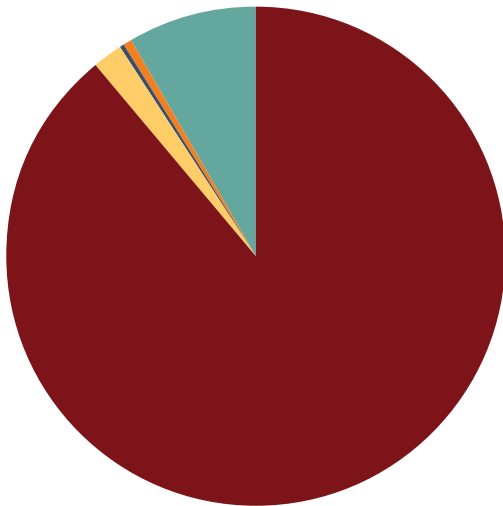
- NIAA Native Title Services Grant
- Other grants and donations
- Other income
- Interest

EXPENDITURE



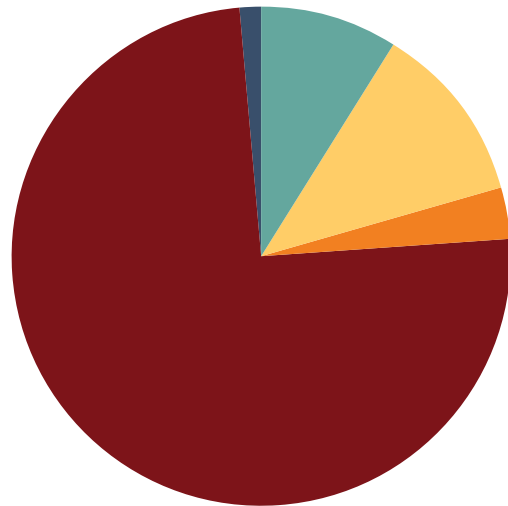
- Employee benefits
- Depreciation & amortisation expense
- Training and seminars
- Other supplies and services
- Finance costs
- Auditor's remuneration
- Loss / (Gain) on sale of assets

ASSETS



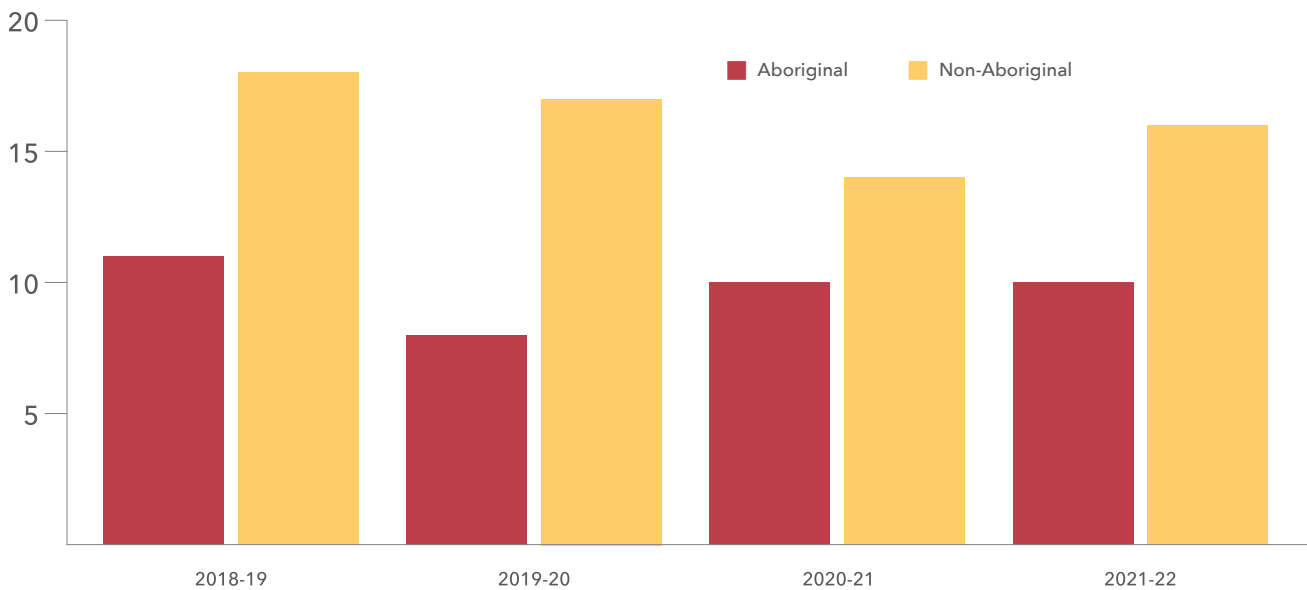
- Cash and cash equivalents
- Financial Assets
- Trade and other receivables
- Other current assets
- Property, plant and equipment

LIABILITIES



- Employee leave provisions
- Trade and other payables
- Net GST Payable
- Contract liabilities
- Lease liability

SWALSC EMPLOYEES



STAFF PROFILE

	Aboriginal				Non-Aboriginal				Total			
	2019	2020	2021	2022	2019	2020	2021	2022	2019	2020	2021	2022
Male	3	2	1	2	5	5	3	4	8	7	4	6
Female	8	6	9	8	13	12	11	12	21	18	20	20
TOTAL	11	8	10	10	18	17	14	16	29	25	24	26

MEMBERSHIP

New SWALSC members accepted between 1 July 2020 and 30 June 2021	265
New SWALSC members accepted between 1 July 2021 and 30 June 2022	125
Total SWALSC members at 30 June 2022	6358

AUDITOR'S INDEPENDENCE DECLARATION

As lead auditor for the audit of South West Aboriginal Land & Sea Council Aboriginal Corporation for the year ended 30 June 2022, I declare that, to the best of my knowledge and belief, there have been:

- a) No contraventions of the auditor independence requirements of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 in relation to the audit; and
- b) No contraventions of any applicable code of professional conduct in relation to the audit

DRY KIRKNESS (AUDIT) PTY LTD



MARCIA JOHNSON CA
Director

Perth

Date: 31 October 2022

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2022

		2022	2021
Revenue		\$	\$
NIAA Native Title Services Grant		4,973,699	3,915,381
Other grants and donations		725,600	719,362
Other income		43,715	124,657
Interest		6,941	21,014
Total revenue	7	<u>5,749,955</u>	<u>4,780,414</u>
Expenses			
Employee benefits	8	2,760,398	2,648,893
Depreciation and amortisation expense	9	156,033	183,060
Training and seminars		31,340	20,617
Other supplies and services	10	2,582,728	1,895,502
Finance costs	11	6,640	7,327
Auditor's remuneration	28	11,636	9,958
Bad debts written off		-	-
Loss / (Gain) on sale of assets		2,414	(27,477)
Total expenses		<u>5,551,188</u>	<u>4,737,880</u>
Net surplus before income tax		198,767	42,534
Income tax		<u>-</u>	<u>-</u>
 Net surplus		<u>198,767</u>	<u>42,534</u>
Other comprehensive income		<u>-</u>	<u>-</u>
 Total comprehensive income		<u><u>198,767</u></u>	<u><u>42,534</u></u>

This statement should be read in conjunction with the notes to the financial statements

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2022

Assets	2022	2021
	\$	\$
Current assets		
Cash and cash equivalents	12 4,544,452	2,175,080
Financial Assets	13 112,167	112,167
Trade and other receivables	14 9,493	8,247
Other current assets	15 25,821	141,808
Total current assets	<u>4,691,933</u>	<u>2,437,302</u>
Non-current assets		
Property, plant and equipment	16 356,073	159,393
Right of Use Assets	17 63,790	173,960
Total non-current assets	<u>419,863</u>	<u>333,353</u>
Total assets	<u><u>5,111,795</u></u>	<u><u>2,770,656</u></u>
Liabilities		
Current Liabilities		
Employee leave provisions	18 383,880	224,752
Trade and other payables	19 527,761	507,036
Net GST Payable / (Receivable)	22 150,719	(30,547)
Contract Liabilities	20 3,308,169	1,430,754
Lease liability	21 58,777	100,519
Borrowings	-	-
Total current liabilities	<u>4,429,306</u>	<u>2,232,514</u>
Non-current liabilities		
Lease liability	21 1,751	60,528
Employee leave provisions	18 10,968	6,609
Total non-current liabilities	<u>12,719</u>	<u>67,137</u>
Total liabilities	<u><u>4,442,025</u></u>	<u><u>2,299,651</u></u>
Net assets	<u><u>669,770</u></u>	<u><u>471,005</u></u>
Equity		
Retained earnings	471,005	428,471
Current year earnings	198,767	42,534
Total equity	<u><u>669,770</u></u>	<u><u>471,005</u></u>

This statement should be read in conjunction with the notes to the financial statements

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2022

	Note	Retained Earnings \$	General Reserves \$	Total \$
Balance at 1 July 2020		428,471	-	428,471
Other comprehensive income net of income tax		-	-	-
Operating Surplus		42,534	-	42,534
Balance at 30 June 2021		471,005	-	471,005
Other comprehensive income net of income tax		-	-	-
Operating Surplus		198,767	-	198,767
Balance at 30 June 2022		669,770	-	669,770

This statement should be read in conjunction with the notes to the financial statements

STATEMENT OF CASH FLOW FOR THE YEAR ENDED 30 JUNE 2022

	Note	2022 \$	2021 \$
<i>CASH FLOWS FROM OPERATING ACTIVITIES</i>			
NIAA Native Title Services Grant receipts		4,000,000	3,915,381
Receipts from customers		1,360,429	897,560
Interest received		6,941	21,014
Payments to employees		(2,685,574)	(2,845,715)
Payments to suppliers		(2,401,576)	(1,797,136)
Interest paid		(6,640)	(7,327)
Grant income in advance		2,260,000	(439,546)
Net GST paid		<u>181,267</u>	<u>(51,054)</u>
Net cash provided by operating activities	24	<u>2,714,847</u>	<u>(306,823)</u>
<i>CASH FLOWS FROM INVESTING ACTIVITIES</i>			
Acquisition of Financial Asset		0	(112,167)
Proceeds from sale of property, plant and equipment		2,000	117,524
Purchase of property, plant and equipment		<u>(246,956)</u>	<u>(331,462)</u>
Net cash provided by (used in) investing activities		<u>(244,956)</u>	<u>(326,105)</u>
<i>CASH FLOWS FROM FINANCING ACTIVITIES</i>			
New lease liabilities		0	161,047
Principal repayments to lease liabilities		<u>(100,519)</u>	<u>(145,226)</u>
Net cash provided by (used in) financing activities		<u>(100,519)</u>	15,821
Net increase in cash held		<u>2,369,371</u>	<u>(617,108)</u>
Cash and cash equivalents at beginning of financial year		<u>2,175,080</u>	<u>2,792,188</u>
Cash and cash equivalents at end of financial year	12	<u><u>4,544,452</u></u>	<u><u>2,175,080</u></u>

This statement should be read in conjunction with the notes to the financial statements

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

The financial statements cover South West Aboriginal Land and Sea Council Aboriginal Corporation as an individual entity. South West Aboriginal Land and Sea Council Aboriginal Corporation is a corporation incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

The Corporation is domiciled in Australia. The Corporation's registered office is at Level 2, 100 Royal Street, East Perth 6004.

Note 1: Basis of accounting

Statement of compliance

The financial statements are general purpose financial statements that have been prepared in accordance with Australian Accounting Standards – Simplified Disclosure Requirements (“AASBs”) adopted by the Australian Accounting Standards Board (“AASB”) and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

Basis of measurement

The financial statements have been prepared on a historical costs basis and modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets, and financial liabilities.

Economic dependency and going concern

The financial statements have been prepared on a going concern basis, which contemplates continuity of normal business activities and the realisation of assets and settlement of liabilities in the ordinary course of business.

The Corporation is a not-for-profit entity and is reliant on government funding in order to continue its operations. On 29 March 2021 the trust deed of the Noongar Boodja Trust was signed which signified the trust effective date and enablement of benefits under the South West Native Title agreement to start flowing into the trust. The execution of the trust deed and commencement of the settlement means that all native title claims within the service area of the Corporation will become resolved and therefore the Corporation's operation as a native title body will eventually cease effective 30 June 2022.

The Corporation has now taken on the role of Central Services Corporation under the Trust Deed. During the year, SWALSC was endorsed by all six Regional Corporations and the Trustee as the CSC. Ongoing native title funding and support to transition to the CSC has now ceased. Funding under the new agreement from the Commonwealth (NIAA) was received in June 2022 in preparation for the new Financial Year and a distribution from the Trust is expected in July 2022. (This was received in September 2022). However, should future government funding be significantly reduced or curtailed, the Corporation would be unlikely to be able to continue its operations at current levels.

Note 2: Functional and presentation currency

The financial report is presented in Australian Dollars, which is the Corporation's functional currency and rounded to the nearest dollar.

Note 3: Use of judgements and estimates

In preparing these financial statements, management has made judgements, estimates and assumptions that affect the application of the Corporation's accounting policies and the reported amounts of assets, liabilities and income and expenses. Actual results may differ from these estimates.

Estimate and underlying assumptions are reviewed on an ongoing basis. Revisions to estimates are recognised prospectively.

Judgements

Information about judgements made in applying accounting policies that have the most significant effect on the amounts recognised in the financial statements is included in the following notes:

- Note 4(e) – Property, plant and equipment
- Note 4(g) – Impairment
- Note 4(h) – Provisions

Assumptions and estimation uncertainties

Management is not aware of any assumptions and estimation uncertainties that have a significant risk of resulting in a material adjustment within the next financial year.

Note 4: Significant Accounting Policies

a. Income Tax

The Corporation is a Public Benevolent Institution and is endorsed to access the following tax concessions: Goods and Services Tax (GST) Concession, Fringe Benefit Tax (FBT) and Income Tax Exemption. The Corporation is also endorsed as a Deductible Gift Recipient (DGR) from 1 October 2001 and is covered by Item 1 of the table in section 30-15 of the Income Tax Assessment Act 1997.

b. Revenue and Other Income

Revenue from contracts with customers

Revenue from contracts with customers is recognised by reference to each distinct performance obligation in the contract with the customer. Revenue from contracts with customers is measured at its transaction price, being the amount of consideration which the Corporation expects to be entitled to in exchange for transferring promised goods or services to a customer, net of goods and services tax, returns, rebates and discounts. The transaction price is allocated to each performance obligation on the basis of the relevant standalone selling price of each distinct good or service promised in the contract. Depending on the substance of the contract, revenue is recognised when the performance obligation is satisfied, which may be at a point in time or over time.

The Corporation recognises other revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Corporation and specific criteria have been met for each of the Corporation's activities. The Corporation bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Contract balances

Contract assets are recognised when the Corporation has transferred goods or services to the customer but where the Corporation is yet to establish an unconditional right to consideration. Contract assets are treated as financial assets for impairment purposes.

Contract liabilities represent the Corporation's obligation to transfer goods or services to a customer and are recognised when a customer pays consideration, or when the Corporation recognises a receivable to reflect its unconditional right to consideration (whichever is earlier) before the Corporation has transferred the goods or services to the customer.

c. Grants and Other Contributions

Grants under AASB 15

Grants (other than certain capital grants) are accounted for under AASB 15 where the grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations. As such, the revenue is recognised when each performance obligation is satisfied.

Grants under AASB 1058

Other grants, including certain capital grants, are generally accounted for under AASB 1058.

The timing of income recognition under AASB 1058 is dependent upon whether the transaction gives rise to a liability or other performance obligation at the time of receipt. Income under the standard is recognised where:

- an asset is received in a transaction, such as by way of grant, bequest or donation;
- there has either been no consideration transferred, or the consideration paid is significantly less than the asset's fair value; and
- the intention is to principally enable the entity to further its objectives.

Assets arising from grants in the scope of AASB 1058 are recognised at the assets' fair values when the assets are received. Any related liability or equity items associated with the asset are recognised in accordance with the relevant accounting standard. Once the asset and any related liability or equity items have been recognised, then income is recognised for any remaining asset value at the time the asset is received.

For transfers of financial assets (usually cash and/or a receivable) to the Corporation which enable it to acquire or construct a recognisable non-financial asset, a liability is recognised for the excess of the fair value of the transfer received over any related amounts recognised. Related amounts recognised may relate to contributions by owners, AASB 15 revenue or contract liability recognised, lease liabilities in accordance with AASB 16, financial instruments in accordance with AASB 9, or provisions in accordance with AASB 137. The liability is brought to account as income over the period in which the Corporation satisfies its performance obligation.

d. Employee benefits

Short-term benefits

Short-term employee benefits are expensed as the related service is provided. A liability is recognised for the amount expected to be paid if the Corporation has a present legal or constructive obligation to pay this amount as a result of past service provided by the employee and the obligation can be estimated reliably.

Other long-term employee benefits

The Corporation's net obligation in respect of long-term employee benefits is the amount of future benefit that employees have earned in return for their service in the current and prior periods. That benefit is discounted to determine its present value. Remeasurements are recognised in income or expense in the period in which they arise.

Termination benefits

Termination benefits are expensed at the earlier of when the Corporation can no longer withdraw the offer of those benefits and when the Corporation recognises costs of restructuring. If the benefits are not expected to be settled wholly within 12 months at the end of the reporting period, then they are discounted.

e. Property, Plant and Equipment

Recognition and measurement

Each class of property, plant and equipment is carried at cost less accumulated depreciation and any impairment losses.

Purchases costing less than \$1,500 are expensed 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).

If significant parts of an item of property, plant and equipment have different useful lives, then they are accounted for as separate items (major components) of property, plant and equipment.

Any gain or loss on disposal of an item of property, plant and equipment is recognised in income or expense.

Subsequent expenditure

Subsequent expenditure is capitalised only when it is probable that the future economic benefits associated with the expenditure will flow to the Corporation.

Depreciation

The depreciable amount of fixed assets purchased outright is depreciated using diminishing value method. Leased fixed assets including building and capitalised lease assets are depreciated straight line over the shorter of either the unexpired period of the lease or the estimated useful lives of the assets.

The following depreciation rates/period apply:

Motor Vehicles	22.50%
Office Equipment and Furniture	20%
Leasehold improvements	Depreciated over the life of the lease
Right of use assets:	
· Office leases	1,5 years
· Motor Vehicles	2 years
· Office Equipment	2 to 3 years

The assets' residual values and useful lives are reviewed and adjusted, if necessary, at each reporting date.

Artwork and Cultural artifacts, which are considered to have an indefinite life, are not depreciated as their service has not been consumed from a material point of view during the reporting period.

f. Financial Instruments

Recognition, initial measurement and derecognition

Trade receivables are initially recognised when they are originated. All other financial assets and financial liabilities are recognised when the Corporation becomes a party to the contractual provisions of the financial instrument.

A financial asset, unless it is a trade receivable without a significant financing component, or a financial liability is initially measured at fair value adjusted by transactions costs that are directly attributable to its acquisition or issue, except for those carried at fair value through profit or loss, which are measured initially at fair value. A trade receivable without a significant financing component is initially measured at the transaction price.

Financial assets are derecognised when the contractual rights to the cash flows from the financial asset expire, or when the financial asset and all substantial risks and rewards are transferred. A financial liability is derecognised when it is extinguished, discharged, cancelled, or expires.

Classification of financial assets

For subsequent measurement, financial assets - other than those designated and effective as hedging instruments - are classified into the following categories upon initial recognition:

- Amortised cost
- Fair value through profit or loss (FVTPL)
- Fair value through other comprehensive income (FVOCI)

Classifications are determined by both:

- The entities business model for managing the financial asset
- The contractual cash flow characteristics of the financial assets

All income and expenses relating to financial assets that are recognised in profit or loss are presented within finance income, finance costs or other financial items, except for impairment of trade receivables which is presented within other expenses.

Subsequent measurement of financial assets

Financial assets at amortised cost

Financial assets are measured at amortised cost if the assets meet the following conditions (and are not designated as FVTPL):

- they are held within a business model whose objective is to hold the financial assets and collect its contractual cash flows,
- the contractual terms of the financial assets give rise to cash flows that are solely payments of principal and interest on the principal amount outstanding.

After initial recognition, these are measured at amortised cost using the effective interest method. Discounting is omitted where the effect of discounting is immaterial. The Corporation has determined that all of its financial assets fall within the amortised cost category.

Classification and measurement of financial liabilities

The Corporation's financial liabilities include trade and other payables. Financial liabilities are initially measured at fair value, and, where applicable, adjusted for transaction costs unless the Corporation designated a financial liability at fair value through profit or loss.

Subsequently, financial liabilities are measured at amortised cost using the effective interest method except for derivatives and financial liabilities designated at FVTPL, which are carried subsequently at fair value with gains or losses recognised in profit or loss (other than derivative financial instruments that are designated and effective as hedging instruments).

All interest-related charges and, if applicable, changes in an instrument's fair value that are reported in profit or loss are included within finance costs or finance income.

g. Impairment of Assets

Non-derivative financial assets

Financial assets and contract assets

The Corporation uses forward looking information to recognise expected credit losses – the 'expected credit losses (ECL) model'. Instruments within the scope of these requirements include loans and trade receivables.

The Corporation considers a broad range of information when assessing credit risk and measuring expected credit losses, including past events, current conditions, reasonable and supportable forecasts that affect the expected collectability of the future cash flows of the instrument.

In applying this forward-looking approach, a distinction is made between:

- financial assets that have not deteriorated significantly in credit quality since initial recognition or that have low credit risk ('Stage 1') and
- financial assets that have deteriorated significantly in credit quality since initial recognition and whose credit risk is not low ('Stage 2').

'Stage 3' would cover financial assets that have objective evidence of impairment at the reporting date.

'12-month expected credit losses' are recognised for the first category while 'lifetime expected credit losses' are recognised for the second category.

Measurement of the expected credit losses is determined by a probability-weighted estimate of credit losses over the expected life of the financial asset.

Trade and other receivables and contract assets

The Corporation makes use of a simplified approach in accounting for trade and other receivables as well as contract assets and records the loss allowance at the amount equal to the expected lifetime credit losses. In using this practical expedient, the Corporation uses its historical experience, external indicators and forward-looking information to calculate the expected credit losses.

The Corporation assesses impairment of trade receivables on a collective basis as they possess credit risk characteristics based on the days past due.

Non-financial assets

At each reporting date, the Corporation reviews the carrying amounts of its non-financial assets to determine whether there is any indication of impairment. If any such indication exists then the asset's recoverable amount is estimated.

The recoverable amount of an asset is the greater of its value in use and its fair value less costs to sell. As the Corporation is a not-for-profit entity, value in use is the written down current replacement cost of an asset as the future economic benefits of the asset are not primarily dependent on the asset's ability to generate net cash inflows and as the entity would, if deprived of the asset, replace its remaining future economic benefits.

An impairment loss is recognised if the carrying amount of an asset exceeds its recoverable amount.

Impairment losses are recognised in expenses.

An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

h. Provisions

Provisions are recognised when the corporation has a legal or constructive obligation, because of past events, for which it is probable that an outflow of economic benefits will result, and that outflow can be reliably measured. Provisions recognised represent the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the liability. The unwinding of the discount is recognised as finance costs.

i. Leases

At inception of a contract, the Corporation assesses whether the contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. To assess whether a contract conveys the right to control the use of an identified asset, the Corporation uses the definition of a lease in AASB 16.

At commencement or on modification of a contract that contains a lease component, the Corporation allocates the consideration in the contract to each lease component on the basis of its relative stand-alone price. However, for the leases of property, the Corporation has elected not to separate non-lease components and account for the lease and non-lease components as a single lease component.

The Corporation recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost, which comprises the initial amount of the lease liability adjusted for any lease payments made at or before the commencement date, plus any initial direct costs incurred and an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located, less any lease incentives received.

The right-of-use asset is subsequently depreciated using the straight-line method from the commencement date to the end of the lease term, unless the lease transfers ownership of the underlying asset to the Corporation by the end of the lease term or the cost of the right-of-use asset reflects that the Corporation will exercise a purchase option. In that case, the right-of-use asset will be depreciated over the useful life of the underlying asset, which is determined on the same basis as those of property, plant and equipment. In addition, the right-of-use asset is periodically reduced by impairment losses, if any, and adjusted for certain re-measurements of the lease liability.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, the Corporation's incremental borrowing rate. Generally, the Corporation uses its incremental borrowing rate as the discount rate.

The Corporation determines its incremental borrowing rate by obtaining interest rates from various external financing sources and makes certain adjustments to reflect the terms of the lease and type of the asset leased.

Lease payments included in the measurement of the lease liability comprise the following where applicable:

- fixed payments, including in-substance fixed payments;
- variable lease payments that depend on an index or a rate, initially measured using the index or rate as at the commencement date;
- amounts expected to be payable under a residual value guarantee; and
- the exercise price under a purchase option that the Corporation is reasonably certain to exercise, lease payments in an optional renewal period if the Corporation is reasonably certain to exercise an extension option, and penalties for early termination of a lease unless the Corporation is reasonably certain not to terminate early.

The lease liability is measured at amortised cost using the effective interest method. It is re-measured when there is a change in future lease payments arising from a change in an index or rate, if there is a change in the Corporation's estimate of the amount expected to be payable under a residual value guarantee, if the Corporation changes its assessment of whether it will exercise a purchase, extension or termination option or if there is a revised in-substance fixed lease payment.

When the lease liability is re-measured in this way, a corresponding adjustment is made to the carrying amount of the right-of-use asset, or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to nil.

The Corporation presents right-of-use assets as a separate line item and lease liabilities within "loans and borrowings" in the statement of financial position.

The Corporation has elected not to recognise right-of-use assets and lease liabilities for leases of low-value assets and short-term leases. The Corporation recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Note 5: Adoption of new and revised accounting standards

AASB 1060 General Purpose Financial Statements - Simplified Disclosures For-Profit and Not-For-Profit Tier 2 Entities was made effective to financial years beginning on or after 1 July 2021.

Note 6: Accounting standards issued but not yet effective

A number of new standards and amendments to standards are effective for annual periods beginning after 1 July 2021, and have not been applied in preparing these financial statements. The Corporation has not yet assessed the impact of these new or amended standards.

The Corporation does not plan to adopt these standards early.

Note 7: Revenue

	2022	2021
	\$	\$
NIAA Native Title (NT) Services Grant	4,973,699	3,915,381
Other grants and donations	725,600	719,362
Other income	43,715	124,657
Interest received	6,941	21,014
Total Revenue	<u>5,749,955</u>	<u>4,780,414</u>

Note 8: Employee Benefits

	2022	2021
	\$	\$
Wages and Salaries	2,207,926	2,153,498
Superannuation	223,661	201,556
Leave and other entitlements	301,834	267,203
Workers compensation premiums	26,977	26,635
Total employee benefits	<u>2,760,398</u>	<u>2,648,893</u>

SWALSC's Superannuation Guarantee Contributions are contributed to superannuation funds chosen by employees. SG Contributions are made at the statutory rate.

Note 9: Depreciation and Amortisation Expense

	2022	2021
	\$	\$
Office Equipment and Furniture	21,768	13,725
Motor Vehicle	23,688	17,817
Leasehold Improvements	407	-
Amortisation of Right of Use of Assets	110,170	151,518
Total Depreciation and Amortisation	<u>156,033</u>	<u>183,060</u>

Note 10: Other Supplies and Services

	2022	2021
	\$	\$
Consultants	1,172,411	620,367
Community Services	819,035	807,876
Administration	591,282	467,258
Total other supplies and services	<u>2,582,728</u>	<u>1,895,502</u>

Note 11: Finance costs

	2022	2021
	\$	\$
Finance Lease costs	6,640	7,327
Total Finance costs expense	<u>6,640</u>	<u>7,327</u>

Note 12: Cash and Cash Equivalents

	2022	2021
	\$	\$
Cash at bank and in hand	3,042,184	675,080
Short-term bank deposits	1,502,268	1,500,000
Total cash and cash equivalents	<u>4,544,452</u>	<u>2,175,080</u>

Note 13: Financial Assets

	2022	2021
	\$	\$
Bank Guarantee	112,167	112,167
To secure obligation under new office lease		

Note 14: Trade and Other Receivables

	2022	2021
	\$	\$
Trade Debtors	7,409	7,047
Other receivables	2,084	1,200
Total trade and other receivables	<u>9,493</u>	<u>8,247</u>

Current trade receivables are non-interest bearing loans and are generally receivable within 30 days. A provision for impairment is recognised against subscriptions where there is objective evidence that an individual trade receivable is impaired. No impairment was required at 30 June 2022 (2021: Nil).

Credit risk

The Corporation has no significant concentration of credit risk with respect to any single counterparty or group of counterparties. The main source of credit risk to the Corporation is considered to relate to the class of assets described as reimbursement for monitoring and site survey fees paid in advance on behalf of the proponents.

The following table details the Corporation's receivables exposed to credit risk with ageing analysis and impairment provided for thereon. Amounts are considered as 'past due' when the debt has not been settled within the terms and conditions agreed between the Corporation and the member or counterparty to the transaction. Receivables that are past due are assessed for impairment by ascertaining their willingness to pay and are provided for where there are specific circumstances indicating that the debt may not be fully repaid to the Corporation.

The balances of receivables that remain within initial terms (as detailed in the table) are considered to be of high credit quality.

	Within Trade Terms	Past Due but Not Impaired (Days Overdue)			Total
		< 30	31-60	61-90	
	\$	\$	\$	\$	\$
Trade and other receivables 2022	<u>1,148</u>	<u>252</u>	<u>-</u>	<u>6,010</u>	<u>7,409</u>

	Within Trade Terms	Past Due but Not Impaired (Days Overdue)			Total
		< 30	31-60	61-90	
	\$	\$	\$	\$	\$
Trade and other receivables 2021	<u>3,952</u>	<u>2,507</u>	<u>80</u>	<u>509</u>	<u>7,047</u>

The corporation does not hold any financial assets classified as loans and receivables.

Note 15: Other Current Assets	2022	2021
	\$	\$
Prepaid expenses	<u>25,821</u>	<u>141,808</u>

Note 16: Property, Plant and Equipment (PPE)	2022	2021
	\$	\$
<i>Office Equipment and Furniture</i>		
At cost	246,692	135,665
Accumulated depreciation	<u>(64,776)</u>	<u>(43,727)</u>
	<u>181,916</u>	<u>91,937</u>
<i>Motor Vehicles</i>		
At cost	172,134	80,073
Accumulated depreciation	<u>(35,407)</u>	<u>(12,617)</u>
	<u>136,726</u>	<u>67,456</u>
<i>Leasehold Improvements</i>		
At cost	21,662	0
Accumulated depreciation	<u>(407)</u>	<u>0</u>
	<u>21,255</u>	<u>0</u>
<i>Cultural Artifacts</i>		
At cost	16,175	0
Accumulated depreciation	<u>0</u>	<u>0</u>
	<u>16,175</u>	<u>0</u>
<i>Right of Use Assets (ROU)</i>		
At cost	229,977	229,977
Accumulated depreciation	<u>(166,187)</u>	<u>(56,018)</u>
	<u>63,790</u>	<u>173,959</u>
Total Property, Plant and Equipment	<u>419,862</u>	<u>333,353</u>

Movements in carrying amounts

Movement in the carrying amounts for each class of property; motor vehicle, office equipment and furniture between the beginning and the end of the current financial year.

PPE	Motor Vehicle	Office Equipment and Furniture	Leasehold Improvements	Cultural Artifacts	Total
	\$	\$	\$	\$	\$
Carrying amount at 1 July 2020	65,596	67,945	0	0	133,541
Additions	82,785	39,094	0	0	121,879
Disposals	(63,107)	(1,376)	0	0	(64,483)
Depreciation expense	(17,817)	(13,725)	0	0	(31,542)
Carrying amount at 30 June 2021	67,456	91,937	0	0	159,393
Additions	96,134	112,986	21,662	16,175	246,956
Disposals	(3,176)	(1,239)	0	0	(4,415)
Depreciation expense	(23,688)	(21,768)	(407)	0	(45,863)
Carrying amount as at 30 June 2022	136,726	181,916	21,255	16,175	356,073

Note 17: Right of Use Assets

ROU Assets	Office Lease	Motor Vehicle	Office Equipment and Furniture	Total
	\$	\$	\$	\$
Carrying amount at 1 July 2020	97,666	27,063	16,728	141,458
Additions	207,020	-	-	207,020
Disposals	-	(23,000)	-	(23,000)
Depreciation expense	(140,795)	(4,063)	(6,660)	(151,518)
Carrying amount as at 30 June 2021	163,891	0	10,069	173,960
Additions	-	-	-	-
Disposals	-	-	-	-
Depreciation expense	(103,510)	-	(6,660)	(110,170)
Carrying amount as at 30 June 2022	60,381	0	3,409	63,790

Note 18: Employee Leave Provisions

	2022	2021
	\$	\$
<i>Current</i>		
<i>Annual Leave</i>		
Opening balance	135,238	274,103
Additions (Accruals)	149,138	43,543
Leave Taken	(7,267)	(182,408)
Closing balance	<u>277,110</u>	<u>135,238</u>
<i>Long Service Leave</i>		
Opening balance	89,513	136,113
Additions (Accruals)	17,440	28,609
Leave taken	(184)	(75,209)
Closing balance	<u>106,770</u>	<u>89,513</u>
Total Current	<u>383,880</u>	<u>224,751</u>
<i>Non-current</i>		
<i>Long Service Leave</i>		
Opening balance	6,609	17,967
Additions (Accruals)	7,000	15,653
Leave taken	(2,642)	(27,011)
Closing balance	<u>10,968</u>	<u>6,609</u>

Long Service Leave entitlements of 10 weeks after 10 years of service accessible after 7 years pro rata. The provision for long service leave represents the Corporation's best estimate of the future benefit that employees have earned. The amount and timing of the associated outflows is uncertain and dependent on employees attaining the required years of services. Where the Corporation no longer has the ability to defer settlement of the obligation beyond 12 months from the reporting date, liabilities are presented as current. This would usually occur when employees are expected to reach the required years of service in the 12 months from reporting date. The discount rate used to determine the present value of future benefits on 30 June 2022 was 6% (2021 6%).

Probability in % by the length of employment:

Probability	
0 to 2 Years	0.0%
More than 2yr less than 4 yrs	33.3%
More than 4yr less than 7 yrs	66.7%
More than 7 yrs	100.0%

Note 19: Trade and Other Payables	2022	2021
	\$	\$
Trade payables	297,532	202,693
Accrued salaries	149,072	237,735
PAYG payable	39,790	47,531
SGC Payable	-	6,535
Accrued expenses	33,356	3,214
Funds held in trust	-	-
Other liabilities	8,011	9,329
Total trade and other payables	<u>527,761</u>	<u>507,036</u>

Note 20: Contract Liabilities	2022	2021
	\$	\$
NIAA Native Title Services Grant	402,575	1,376,275
NRM Noongar Pathways Phase 2 - Lotterywest	87,237	49,774
NRM Heritage Trails - SFF	-	4,704
FQM RC Cmmittee Admin fund (63670)	192,521	-
FQM Noongar Dev Officer (63671)	194,928	-
FQM EHW Fund (63672)	170,908	-
New NIAA Grant 2022-3	<u>2,260,000</u>	<u>-</u>
Total grants received in advance	<u>3,308,169</u>	<u>1,430,754</u>

Represents un-recognised revenue from Contracts with Customers for remaining performance obligations as of 30 June 2022.

Note 21: Lease Liability	2022	2021
	\$	\$
Current		
Lease liability - MV	-	-
Lease liability - Office Premises	56,718	93,728
Lease liability - Other Assets	<u>2,058</u>	<u>6,791</u>
Total current lease liability	<u>58,777</u>	<u>100,519</u>
Non-current		
Lease liability - Office Premises	-	56,718
Lease liability - Other Assets	<u>1,751</u>	<u>3,810</u>
Total non-current lease liability	<u>1,751</u>	<u>60,528</u>
Total lease liability	<u>60,528</u>	<u>161,047</u>

Leases as lessee

The Corporation leases its offices premises. The lease runs for a period of two years, with an option to renew the lease after that date (15 Feb 2023). Lease payments are reviewed in line with the lease agreement annually to reflect market rates. None of these leases include contingent rentals. The Corporation has not accounted for the option period as the likelihood of exercising the option is uncertain at the reporting date.

The Corporation leases office equipment, namely printing hardware. These leases run for a period of one to five years. None of these leases include contingent rentals.

Note 22: GST Assets/(Liability)	2022	2021
	\$	\$
GST Paid	100,890	51,739
GST Collected	<u>(251,610)</u>	<u>(21,192)</u>
Net GST Receivable/(Payable)	<u>(150,719)</u>	<u>30,547</u>

Note 23: Events after the reporting date

There were no subsequent events after the reporting date.

Note 24: Reconciliation of cash flows from operating activities

	2022	2021
	\$	\$
Operating result	198,767	42,534
<i>Cash flows excluded from profit attributable to operating activities</i>		
Non-cash flow in profit:		
- depreciation	156,033	183,060
- net gain on disposal of property, plant and equipment	2,414	(27,478)
<i>Changes in assets and liabilities:</i>		
- (Increase)/decrease in trade and term debtors	114,741	(92,945)
- Increase/(decrease) in employee benefits	163,486	(196,823)
- Increase/(decrease) in trade and other payables	201,991	224,375
- Increase/(decrease) in contract liabilities	1,877,415	(439,546)
Net cash provided by operating activities	<u>2,714,847</u>	<u>(306,823)</u>

Note 25: Future Lease Payments

	Less than 1 year	1-5 Years	Greater than 5 years
	\$	\$	\$
Lease payable	59,561	1,824	-

A new lease agreement was entered into for a further 36 months for the two photocopiers in July. The office lease expires in February 2023 however we are in negotiations to exercise our option for a further 2 years.

Note 26: Financial Risk Management

The following table shows the carrying amounts of financial assets and financial liabilities. Since all financial assets and financial liabilities are not measured at fair value, i.e. they are measured at amortised cost, the carrying amounts are reasonable approximations of fair value.

	Note	2022	2021
		\$	\$
<i>Financial assets</i>			
Cash and cash equivalents	12	4,544,452	2,175,080
Financial assets	13	112,167	112,167
Receivables	14	9,493	8,247
Total financial assets		<u>4,666,113</u>	<u>2,295,494</u>
<i>Financial liabilities</i>			
Financial liabilities at amortised cost:			
- trade and other payables	19	527,761	507,036
- lease liability	21	60,528	161,047
Total financial liabilities		<u>588,289</u>	<u>668,083</u>

Financial liability and financial asset maturity analysis

	Within 1 Year		1 to 5 Years		Over 5 Years		Total	
	2022 \$	2021 \$	2022 \$	2021 \$	2022 \$	2021 \$	2022 \$	2021 \$
Financial liabilities due for payment								
Trade and other payables (excluding grants receivable in advance)	487,971	452,970	-	-	-	-	487,971	452,970
Financial lease liabilities	58,777	100,519	1,751	60,528	-	-	60,529	161,047
Total expected outflows	546,748	553,489	1,751	60,528	-	-	548,499	614,017
Financial assets — cash flows realisable								
Cash and cash equivalents	4,544,452	2,175,080	-	-	-	-	4,544,452	2,175,080
Trade and other receivables	9,493	8,247	-	-	-	-	9,493	8,247
Financial assets — Bank guarantee	112,167	112,167	-	-	-	-	112,167	112,167
Total anticipated inflows	4,666,113	2,295,494	-	-	-	-	4,666,113	2,295,494
Net (outflow)/inflow on financial instruments	4,119,365	1,742,005	(1,751)	(60,528)	-	-	4,117,613	1,681,477

Note 27: Related party disclosures

(a) Key management personnel's remuneration

The aggregate compensation of the key management personnel of the Corporation is set out below:

	Board of Directors		Management	
	2022	2021	2022	2021
Key management remuneration	-	-	731,063	482,319
Consultancy Fees (Grant Thornton)	-	-	-	57,024
MV Allowance	-	-	12,992	13,168
Meeting Allowances	6,320	15,281	-	-
Superannuation	-	-	72,302	34,826
Total key management personnel's remuneration	6,320	15,281	816,356	587,337

Key management personnel includes the Board of Directors, Chief Executive Officer, Deputy Chief Executive Officer, Principal Legal Officer, Finance Manager and Implementation Manager.

(b) Loan disclosures

During the year there were no loans made to a related party of the Corporation.

(c) Key management personnel equity holdings

The Corporation does not have a share-based payment plan, and as such none of the key management personnel holds any securities in the entity.

Note 28: Auditors remuneration

<i>Audit Services</i>	2022 \$	2021 \$
Auditors of the Corporation - Dry Kirkness		
- Audit of the financial statements	<u>11,636</u>	<u>9,958</u>
Total for audit services	<u>11,636</u>	<u>9,958</u>
 <i>Other services</i>		
Auditors of the Corporation – Dry Kirkness		
- In relation to other assurance, taxation and due diligence services	-	-
Total auditors remuneration	<u>11,636</u>	<u>9,958</u>

INDEPENDENT AUDITOR'S REPORT

TO THE MEMBERS OF SOUTH WEST ABORIGINAL LAND AND SEA COUNCIL ABORIGINAL CORPORATION

Report on the Financial Report

We have audited the accompanying financial report of South West Aboriginal Land & Sea Council Aboriginal Corporation, which comprises the statement of financial position as at 30 June 2022, and the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the director's report.

In our opinion the financial report of South West Aboriginal Land & Sea Council Aboriginal Corporation is prepared, in all material respects, in accordance with the Corporations (Aboriginal and Torres Strait Islander) Act 2006, including:

- (a) gives a true and fair view of the corporation's financial position as at 30 June 2022 and of its performance for the year ended on that date; and
- (b) complies with Australian Accounting Standards - Simplified Disclosures (including the Australian Accounting Interpretations)

Basis for Opinion

We have conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those Standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report.

We are independent of the Corporation in accordance with the auditor independence requirements of the Corporations (Aboriginal and Torres Strait Islander) Act 2006, the Australian Charities and Not-for-profits Commission Act 2012 and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (including independence standards) (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our ethical requirements in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Directors' Responsibility for the Financial Report

The Directors of the Corporation are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards – Simplified Disclosures (including the Australian Accounting Interpretations) and the Corporations (Aboriginal and Torres Strait Islander) Act 2006. relevant to the preparation and fair presentation of the financial report.

The Director's responsibility also includes such internal control as the Director determines is necessary to enable the preparation of a financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Directors are responsible for assessing the Corporation's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Directors either intend to liquidate the Corporation or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken based on the financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the Directors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Corporation's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Corporation to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide the Directors with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

Other information

The Directors are responsible for other information. The other information comprises the information included in the annual report for the year ended 30 June 2022 but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and, accordingly, we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report, or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Report on Other Legal and Regulatory Requirements

Corporations (Aboriginal and Torres Strait Islander) Act 2006

Section 339-30 of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 requires the auditor to form an opinion on various matters.

In relation to these requirements, we are of the opinion:

- a) i) The financial report has been prepared in accordance with the Act,
 - ii) The financial report and the audit has been prepared and completed in accordance with any applicable regulations made for the purposes of sections 333-10 and 333-15.
 - iii) There are no additional applicable determinations made by the Registrar under section 336-1 or 336-5
- b) We have been given all information, explanations and assistance necessary for the conduct of the audit.

- c) The Corporation kept its records sufficient to enable the financial reports to be prepared and audited.
- d) The Corporation has kept all of the other records and registers as required by this Act.

DRY KIRKNESS (AUDIT) PTY LTD



MARCIA JOHNSON CA
Director
Perth

Date: 31 October 2022



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