

CENTRAL DESERT NATIVE TITLE SERVICES



Annual Report 2011

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# Warning to Aboriginal and Torres Strait Islander readers:

This report may contain culturally sensitive information and images of people who have passed away since publication. We sincerely regret any distress that may be caused.

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## Glossary

AC	Aboriginal Corporation
ARC	Australian Research Council
CATSI Act	Corporations (Aboriginal and Torres Strait Islander) Act 2006
Central Desert	Central Desert Native Title Services Limited
CDEP	Community Development Employment Project
CLC	Central Land Council
CSR	Canning Stock Route
DEC	WA Department of Environment and Conservation
DEWHA	Commonwealth Department of Environment, Water, Heritage and the Arts.
FaHCSIA	Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs
GDNR	Gibson Desert Nature Reserve
GIS	Geographic Information Systems
ICT	Indigenous Conservation Title
ILUA	Indigenous Land Use Agreement
IPA	Indigenous Protected Area
KLC	Kimberley Land Council
MOU	Memorandum of Understanding
NNTT	National Native Title Tribunal
NRM	Natural Resource Management
NTA	Native Title Act 1993
NTRB	Native Title Representative Body
NTSP	Native Title Service Provider
NTU	Ngaanyatjarra Council (AC) Native Title Unit
OIPC	Commonwealth Office of Indigenous Policy Coordination
ONT	WA Office of Native Title (Department of the Attorney General)
ORIC	Commonwealth Office of Registrar of Indigenous Corporations
OSH	Occupation Safety and Health
PBC	Prescribed Body Corporate
PFA	Program Funding Agreement
PNTS	Pilbara Native Title Service
RNTBC	Registered Native Title Body Corporate
RPA	Regional Partnership agreement
UCL	Unallocated Crown Land
WDLAC	Western Desert Lands Aboriginal Corporation
YNP (AC)	Yarnangu Ngaanyatjarraku Parna (Aboriginal Corporation)



The Hon. Jenny Macklin MP  
Minister for Families, Housing, Community Services and Indigenous Affairs  
Parliament House  
Canberra ACT 2600

15 October 2011

Dear Minister

I have great pleasure in presenting the Annual Report of  
Central Desert Native Title Services Limited for the period 1 July 2010 to 30 June 2011

This report includes the organisation's report of operations and the audited financial  
statements for the year ended 30 June 2011.

Sincerely

George Irving  
Chairperson





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# DIRECTORS AND OFFICERS



**Mr George Irving**

**Chairperson** LLB

**Appointed  
11 September 2007.**

George Irving is a barrister specialising in native title law. He was Legal Officer with Kimberley Land Council from 1993 to 1997 and Principal Legal Officer from 1997 to 2002. Since then he has successfully represented Aboriginal groups from around the State in Federal Court hearings, National Native Title Tribunal hearings and in negotiations with the State and other respondents to native title claims.



**The Honourable  
Fred Chaney**

**Director** AO LLB

**Appointed  
11 September 2007.**

In recent years Fred Chaney has served as a member and Deputy President of the National Native Title Tribunal, Co-Chair and director on the board of Reconciliation Australia Ltd, Chair of Desert Knowledge Australia and Chair of the Consultation Committee on a Human Rights Act for Western Australia. In 2008 he was awarded the Sir Ronald Wilson Leadership Award for "Exceptional leadership in the fields of social justice, human rights, equality and anti racism." Fred continues to serve as a director of Reconciliation Australia Limited and as Chair of Desert Knowledge Australia. In 2011 he is a member of the Expert Panel on the Constitutional Recognition of Indigenous Australians.



**Dr Fiona Skyring**

**Director** PhD

**Appointed  
7 October 2008.**

Fiona Skyring is a historian. While employed by the Kimberley Land Council from 1999 to 2005 as an 'in house' expert witness, Fiona gave expert evidence on behalf of the native title applicants in five trials in the Federal Court. Since then Fiona has worked for organisations representing native title applicants in Western Australia and Queensland, as well as contributing to a range of community history projects and academic publications. Fiona is the author of 'Justice: A history of the Aboriginal Legal Service of Western Australia', released in November 2011.



**Mr Peter Thomas**

**Director** MBA BEcon BSc

**Appointed  
5 November 2008.**

Peter Thomas is a senior executive at Fortescue Metals Group Limited and is currently Project Director – Port and Rail Expansion. He was previously Chief Financial Officer (TPI) at Fortescue where he was responsible for group management and commercial project performance. His strong international finance, corporate and investment banking skills have developed over the last 20 years while he served in various executive, corporate and advisory roles.



**Mr Ian Rawlings**

**Chief Executive Officer  
& Company Secretary**

**Appointed Company  
Secretary 26 November  
2007**

Ian Rawlings has extensive experience working with Indigenous organisations in Western Australia. Since the early 1990s he has held community development and administration roles in remote communities, worked in the field for ATSIC and was the administration manager for the Ngaanyatjarra Council Native Title Unit for five years and acting Unit Manager for one and a half years prior to taking on the role of chief executive officer at Central Desert. Ian is the Chairman for Carbon Neutral Ltd.



**Mr Malcolm O'Dell**

**Chief Operations  
Officer and Principal  
Legal Officer**

*LLB(Hon) BEcon  
DipTeach*

Malcolm O'Dell serves as the company's Principal Legal Officer and also manages and leads the company's operational activities. Malcolm worked for the National Native Title Tribunal from 1996 to 1999 before entering practice with Dwyer Durack. He joined Ngaanyatjarra Council in 2004, working in the Native title Unit, and moved to Central Desert when it was formed in 2007. He has experience in native title in the areas of mediation, negotiation, agreement making, court representation, arbitral inquiries and hearings. Mr O'Dell is a Committee member of Access Housing Association and a Board Member of Access Housing Australia Ltd.



**Mr Ric West**

**Business Services  
Manager, Company  
Secretary and Chief  
Financial Officer**

*JP MAcc BA CSA(Cert)  
CPA FIPA*

**Appointed Company  
Secretary 24 September  
2010**

Ric West serves in the roles of Business Services Manager and Chief Financial Officer. Mr West has worked with and for indigenous organisations since early 1992 when he joined ATSIC. His experience includes working in a private accounting practice providing offsite accounting solutions for remote Indigenous organisations, serving as CFO for a large city-based CDEP and running his own firm specialising in audits of Indigenous and other non-profit organisations.

He is currently undertaking a MSc (Mineral Economics) at Curtin GSB.



# CHAIRPERSON'S REPORT

I am very pleased to present the 4th Annual Report of Central Desert Native Services Limited ("Central Desert").

The Central Desert Board of Directors held three scheduled meetings throughout the 2010/2011 year and each was fully attended.

In May this year, the Government of Western Australia released the final draft of its proposed "Government Indigenous Land Use Agreement" (GILUA). The State of Western Australia intends to offer this GILUA to native title claim groups when negotiating consent determinations of native title.

The proposed GILUA, if signed by a native title group, would permanently remove their existing right (under the Native Title Act) to object to the use of the "expedited procedure", by the State, for the grant of exploration licences in their traditional country. The "right to object" is very important, because the "expedited procedure" itself takes away another right under the Native Title Act; namely, the "right to negotiate" with mining companies about how sacred sites will be protected when the companies are conducting their exploration activities.

By signing the proposed GILUA a native title group will give consent to the State, to grant any number of exploration licences anywhere in their traditional country at any time in the future. As a general rule, the "right to object" has been used by native title groups to negotiate heritage protection agreements that are much stronger than the "Regional Standard Heritage Agreement" (RSHA) currently used by the State. The negotiated agreements generally provide that mining companies must get the consent of the native title group before applying for the Minister's consent (under s.18 of the Aboriginal Heritage Act) to damage or destroy sacred sites. Under the the proposed GILUA, there would be a limited period of time in which a native title group could try to negotiate an alternative heritage agreement with a mining company; however, there is nothing in the GILUA that requires the mining company to agree with the native title group; and, if the company doesn't agree, then the native title group will be bound by the terms of a Government Standard Heritage Agreement.

The proposed GILUA, if signed, would also permanently remove the native title group's existing "right to negotiate" about the future grant of any mining leases in any area where an exploration licence has been granted under the GILUA. And it is very disappointing to note that this outcome is not plainly stated in the GILUA; but instead must be worked out by reference to both the meaning that is given to the word "licence", in the GILUA; and, the right given to the holder of any exploration licence (under sections 67(1) and 75(7) the WA Mining Act) to require the Minister to grant one or more mining leases in the area covered by that exploration licence.

As I pointed out in my two previous reports, the United Nations Declaration on the Rights of Indigenous Peoples ("Declaration") declares that Indigenous Peoples have:

the right to determine and develop priorities and strategies for the development or use of their traditional country; and for their free and informed consent, prior to the approval of any project affecting their traditional country, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources; and,

the right to self-determination, and to autonomy or self-government, in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions; and,

Australia endorsed the Declaration in 2009, on behalf of all Australians; and I continue to hope that Declaration will ultimately be accepted by all Australians, and by all mining companies, as a legitimate domestic framework within which the traditional rights and ancient cultures of the indigenous peoples of Australia are to be properly considered and respected.

Article 43 of the Declaration declares that the rights set out in the Declaration are the "minimum standards for the survival, dignity and well-being of the indigenous peoples of the world". It saddens me to say that the WA Government's proposed GILUA falls short of those standards.

On the other hand, it is very pleasing to be associated with the progress and positive outcomes that are being achieved in the region and especially the "return to country" and "land management" programs which Central Desert staff helped to establish.

My sincere thanks to all Central Desert staff, for continuing to respond with energy, commitment and compassion, to the challenges you must daily face; to my fellow Directors for your ongoing support and for giving your time generously to develop and grow this impressive professional service; to the Federal Government for ongoing core funding; and, finally, a special thanks this year to CEO, Ian Rawlings, and to Katrina Shaw, Karine Flematti and Kim Baldwin for their boundless patience and good humour in our often delayed interactions and communications.

Once again, on behalf of my fellow directors, I must acknowledge with sadness the passing of important traditional owners during the past year. To all those who loved them, we extend our sincere condolences.

George Irving





# CHIEF EXECUTIVE OFFICER'S REPORT

On behalf of Central Desert directors and staff, I thank the people of the Central Desert for welcoming us and looking after us on country.

The 2010/2011 year has seen the Directors of Central Desert Native Title Services Ltd (Central Desert) review the company's strategic direction and reassert its vision that the peoples of the Central Desert region are using their traditional lands to achieve their social, cultural and economic aspirations. This vision has been and continues to be at the core of all Central Desert achievements and activities and informs all of our processes; particularly to encourage sound governance and strategic forethought in the groups that we support.

## Social and Economic Outcomes

I congratulate the Land and Community team for the development and implementation of a pilot project in the Wiluna, Tarlpa and Birriliburu lands over the last few years. This project uses cultural and natural resource management activities, which are productive in their own right, to create regional Indigenous employment and build social and cultural capital and to address a number of closing the gap targets in the process. Early outcomes from the project have been very encouraging and because of its consistent successes we are now confident to take the next step of rolling out the program across the region.

The model is underpinned by a thorough participatory planning process that works within a framework of traditional cultural protocols to provide clear and sound governance. It engages with intergenerational participants and a range of committed partners. We believe that this model of planning, development and implementation provides an effective vehicle for the peoples of the Central Desert to develop a practical and sustainable local economy. We would very much welcome additional partners to assist in the rollout of this program.

## PBC Capacity

At Central Desert we cite building PBC capacity as one of our four key focus areas and our Prescribed Body Corporate (PBC) capacity program continues to provide comprehensive support to four and partial support to three of the seven PBCs in the region. We have implemented a program of week long Perth based PBC induction/capacity building sessions in which directors of a PBC are introduced to all of the key agencies they will be dealing with and receive a range of in house and external training programs to aid them in their corporate roles. We have successfully run two of these workshops in the last 18 months and have another scheduled to run before the end of this calendar year. We are also about to launch a subsidiary company to provide technical support to PBCs. Its initial focus areas will be financial and administrative services, labour hire services and training.

Empowered and functional PBCs are essential to ensuring sustainable development within the Central Desert region. Representing the traditional land-owners, a PBC is able to provide certainty through its access to a wealth of local and traditional knowledge, culturally appropriate planning and decision-making processes and an on-country workforce that is keen to be on the job and fulfilling their cultural obligations.

## Determinations and Agreements

Native title rights and interests are the foundation on which all land-based activities are established and, consequently, seeking strong determinations of native title remains central to our core business at Central Desert. Throughout this year we have been frustrated by the State Government's inability to clearly articulate its approach to native title. In the last week of the reporting year the State finally released a draft land access agreement. It is useful that we now have the details of their proposed agreement and can go to our clients for instructions. It was also encouraging to hear Premier Barnett say at a recent meeting of WA native title representative body and service provider CEOs, that it is not the State's intention to have native title determinations held up by the negotiation of a land access agreement between the State and a PBC and that settlement of one is not contingent on settlement of the other. After a hiatus of three years in which there have been no native title determinations in our region we are hopeful of some progress in the coming year.

Land access agreements are an important means for native title claimants and holders to protect their rights and interests in country and supporting groups to negotiate these agreements forms an vital part of our work at Central Desert. We believe we have a history of turning around fair access agreements in reasonable timeframes and we are always looking for ways to improve our systems in order to improve our services.

With the global financial crisis a number of years behind us we are again seeing growth in exploration activities and anticipate that this will steadily build into the foreseeable future. While this is a positive trend for our clients and the region, we are concerned at the re-emergence of interest from the State and lobby groups in developing a standard regional heritage agreement. If standardising agreements were to work to raise the quality of outcomes for our clients we could see merit in pursuing them but our concern is that the process will result in the lowest common denominator setting the standard. We will continue to support negotiations for the best agreements possible in the Central Desert region.

# CHIEF EXECUTIVE OFFICER'S REPORT

## Central Desert Capacity

Funding continues to be an issue. The State's position on consent determinations required us to undertake additional and unforeseen tasks; the Yilka litigation is expensive and FaHCSIA's litigation funding pool is limited, PBCs are still under resourced and in need of support and our post determination activities are requiring substantial establishment support. All of these issues put pressure on an already tight budget. In order to maintain core business momentum and build post determination services the Central Desert Board took a decision to use a considerable sum of reserve capital to expand our capacity in 2010/2011. We have created an office and accommodation space in Cosmo Newberry to support the running of the Yilka litigation and undertaken a range of other initiatives.

I take this opportunity to acknowledge our funding bodies, principally FaHCSIA for its ongoing core funding as well as its contributions to the Yilka litigation, our knowledge management upgrade and our office move and refit. I also appreciate the increased level of contributions from other sources, particularly the Department of Sustainability, Environment, Water, Population and Communities support of our post determination land and community projects. A range of stakeholders have contributed to the Wiluna RPA and I note the contributions and productive partnerships we have with industry and look forward to building on those in the future. I also note the Aurora project's very welcome assistance in seeking support for the knowledge management project.

We have been able to attract a reasonable amount of project funding to establish the post determination program, however, the implementation of the program is placing pressure on our administration budget. Our challenge for the coming year is to make the post determination program sustainable by establishing an ongoing means for the additional administration needed to run the expanded program.

Having outlined our current position I take the opportunity to thank and congratulate the Central Desert team for their strength, commitment and energy. None of the above could have happened without them. I am very grateful to the Central Desert Board for their clear and considered direction and their support. I thank the Senior Management Team for your rigour and wise counsel and most of all I thank our resilient, talented and vibrant staff for giving your all for the peoples of the Central Desert.

On behalf of everyone at Central Desert, I close by paying our deepest respects and condolences to the families of those people of the region who passed away through 2010/2011.

Sincerely,



Ian Rawlings  
Chief Executive Officer



# PRINCIPAL LEGAL OFFICER'S REPORT

The reporting period proved to be a very busy time for the operations of Central Desert, with significant expansion in activity in each of the operational areas.

## Staff

The greatest asset in the operational area within Central Desert continues to be the high quality staff we are able to recruit and retain. We were fortunate over the last year to recruit new legal, anthropological and land management staff to add to our complement of existing excellent professional, administrative and field staff. We are also very pleased that we were able to engage additional indigenous staff, particularly in the area of strategic planning and land management.

## Native Title Claims

The progress of native title claims in the Central Desert region through mediation continues to be painfully slow, due to delays in the development by the State of Western Australia of a policy in relation to its 'land management strategy' and the restructuring of the old Office of Native Title into a new unit to deal with native title matters. After the formation of this new unit in April 2011, limited progress was made on seven claims on the Federal Court's 'priority list'. We are hopeful these seven matters will progress to determination by consent in 2012.

In June 2011 a new claim, Tjiwarl, was filed in the area south of Wiluna. Work continues on research towards a number of additional new claims in various areas within Central Desert's representative region.

## Future Acts

In keeping with the instructions from our various native title claimant groups and Prescribed Bodies Corporate, Central Desert negotiates Land Access Agreements on behalf of its clients on all future acts. Larger future act matters are dealt with as 'major projects' as mentioned below. During the year there was a notable and sustained increase in the number of future acts notified by the State of Western Australia and a consequential rise in the level of associated responsive activity by Central Desert.

## Major Projects

The number and diversity of 'major projects' within the Central Desert region continues to generate a significant amount of activity. During the reporting period, negotiations continued with Magellan Metals for its lead mine at Wiluna and with Toro Energy for its Lakeway uranium deposits. Mineral Sands mining in the south-east of the region, the expansion of Nickel West's nickel deposits south of Wiluna, the application by Anglo Gold for multiple contiguous exploration tenements and a number of applications for petroleum

explorations licenses are also areas of significant major project activity.

As with all matters that affect the native title rights of Central Desert's clients, Central Desert spends a considerable amount of time and resources ensuring that the processes involved in all major projects are dealt with in a way that ensures not only high quality outcomes for our clients, but that the native title holders are able to provide their 'free, prior and informed consent' to any outcomes achieved. Central Desert considers this not only to be 'best practice', but it is also essential to comply with the statutory regulations that govern the way native title decisions are made.

## Monitoring and Implementing Agreements

Central Desert continually monitors the effectiveness of all of the agreements it negotiates on behalf of its clients. During the reporting period Central Desert identified numerous examples of non-compliance or other breaches of agreements by mining companies and others, requiring appropriate remedial action to be applied to remedy those breaches.

It is anticipated that monitoring agreements for compliance and fully implementing the beneficial aspects of agreements will continue to be an increasing area of activity for Central Desert.

## Compensation claims

During the reporting period research was completed to enable a compensation claim to be lodged over the Gibson Desert Nature Reserve. The claim will be filed in November 2011. Once filed the Gibson Desert compensation claim will be referred for mediation, where the compensation claim group and the State will attempt to settle the issue of compensation by agreement. In the event that agreement cannot be reached, the claim will be litigated in the Federal Court and will likely be regarded as a 'test case' on how compensation for the loss of native title rights and interests will be calculated.

Central Desert is also obtaining instructions from a number of Prescribed Bodies Corporate in our region with a view to seeking compensation for the numerous 'past acts' that have been undertaken on native title land since the advent of the Racial Discrimination Act in 1975, in circumstances where compensation has not already been paid.



# PRINCIPAL LEGAL OFFICER'S REPORT (CON'T)

## Land and Community

The land and community area of activity within Central Desert has experienced considerable growth during the reporting period, both in the frequency and type of activity undertaken. The types of activities undertaken by the land and community section include land management, oral history recording, return to country trips, research orientated activity, 'fee-for-service' work, tourism related activity and consultations for matters such as Indigenous Protected Areas.

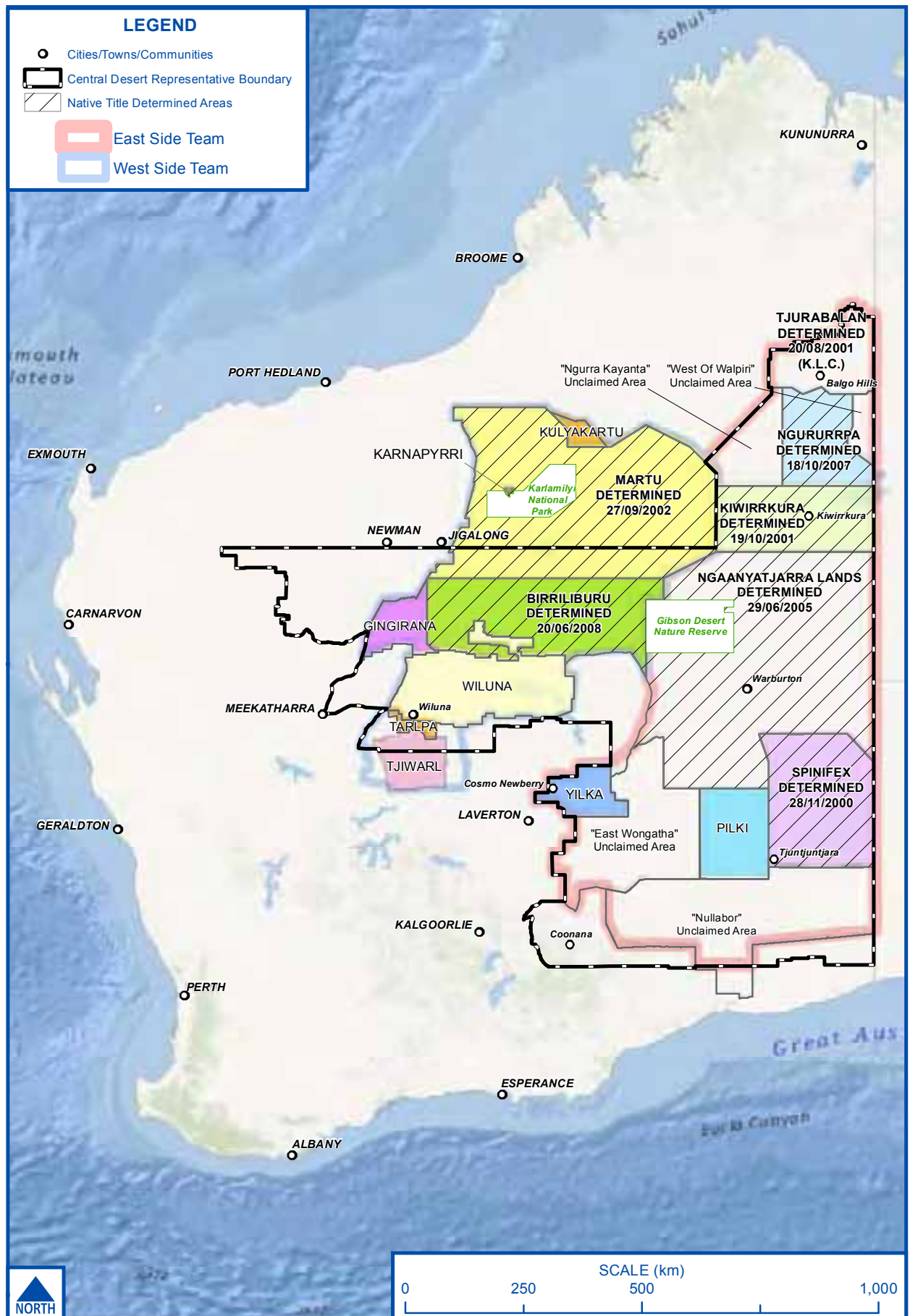
The expansion of land and community activities into the eastern areas of the region is a particular highlight and we look forward to continuing to expand activity into the future.



Malcolm O'Dell  
Principal Legal Officer



# THE CENTRAL DESERT REGION



# ABOUT CENTRAL DESERT

## Who We Are

### Our Vision, Mission and Values

#### Our Vision

That the Indigenous peoples of the Central Desert use their traditional lands to achieve their social, cultural and economic aspirations.

#### Our Mission

To secure for the Indigenous peoples of the Central Desert:

- the highest level of native title rights and interests;
- alternative forms of title to land in those areas where native title cannot be recognised or where such titles are in their social, cultural and economic interests;
- Protection of cultural heritage; and
- Best practice agreements, which advance their social, cultural and economic interests.

To build for the Indigenous peoples of the Central Desert, native title/land title holding entities that are sustainable, effective and culturally appropriate and that empower them to use their traditional lands to achieve their social, cultural and economic aspirations.

#### Objectives

Our objectives are:

- Social, Cultural and Economic Outcomes
  - The social, cultural and economic conditions of the peoples of the Central Desert are improved within a culturally respectful framework.
- Traditional Owner Capacity
  - The Indigenous corporate entities established out of the native title process are functional, empowered and independent;
  - Determinations and Agreements.
- Central Desert is maintaining momentum in progressing high value determinations and agreements.
- Central Desert Capacity
  - Central Desert has the capacity to deliver on its mission.

#### Our Values

- Professionalism and commitment.
- Respect for the peoples and cultures of the Central Desert.
- Respect, honesty, integrity & fairness towards all staff.
- Honesty and integrity towards all stakeholders.
- Innovation and imagination.

## What We Do

### Our Role and Functions

Central Desert Native Title Services Limited (Central Desert) was registered under the *Corporations Act 2001 (Cth)* on 16 April 2007 as a public company limited by guarantee.

Central Desert is the recognised native title service provider for the native title claimants and holders of the Central Desert region of Western Australia. Our professional team with their wealth of knowledge and experience are committed to advancing and protecting the native title rights and interests of our constituents.

Central Desert operates with core funding provided by the Federal Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) in accordance with s203FE of the *Native Title Act 1993 (Cth)*.

As a native title service provider Central Desert has specific functions under part 11, Division 3 of the Native Title Act. These functions are:

- Facilitation & assistance;
- Certification functions;
- Dispute resolution;
- Notification functions;
- Agreement-making;
- Internal review; and
- Other functions as are conferred by the Act.

Central Desert is committed to the promotion of a corporate culture that is ethical and transparent and an organisational culture that is client focused and based on merit, teamwork and results.

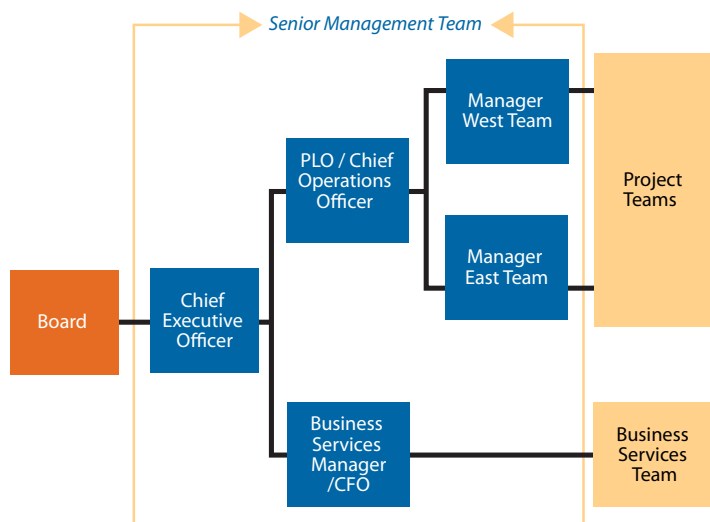
Central Desert places great value on a sound corporate governance platform to underpin high quality service delivery in a complex and evolving environment. The Central Desert constitution and governance framework documents are regularly reviewed to reflect our commitment to open, transparent and efficient governance. As is required under the Central Desert governance framework, an audit committee was established by the Board at its meeting in December 2008 to ensure proper management of corporate and financial risk.

Central Desert is highly respected by its constituents, by government and by industry.



# OUR ORGANISATION STRUCTURE

## Our Organisational Structure



## Our Outcome and Output Structure

In September 2011 the Board ratified the 2011 Central Desert Strategic Plan. This plan restates the Central Desert focus on achieving highest quality native title outcomes and land access agreements for our clients and facilitating them to use their native title to articulate and pursue their highest aspirations.

The plan is the basis of Central Desert's outcome and output structure which looks at four strategic focus areas;

- Building internal capacity;
- Securing and protecting native title;
- Establishing and supporting strong PBCs; and
- Empowering PBCs to improve the social and economic situations of their constituents.



# HOW WE PERFORM

## Objective: Social, Cultural and Economic Outcomes

**The social, cultural and economic conditions of the peoples of the Central Desert region are improved within a culturally respectful framework.**

Central Desert is committed to seeing tangible, ongoing benefits flowing to the peoples of the Central Desert as a direct result of the native title process. We have identified streams of activity to help facilitate on the ground outcomes. The first stream is working with claim groups and Prescribed Bodies Corporate (PBCs) to develop their long-term strategic thinking and to facilitate the appropriate planning and implementation processes that may flow from that. The second stream is working with government to ensure that the rights and benefits enabled by a native title determination or other alternative outcomes are fully appreciated and honoured, in the spirit of the preamble of the Native Title Act, by government and other stakeholders.

### Tjamu Tjamu (Aboriginal Corporation) RNTBC

FaHCSIA provided some funding to Tjamu Tjamu, via the Central Desert PFA, to support their day-to-day operations for the reporting period and Central Desert provided administrative and accounting advice and support to manage these funds. Central Desert also assisted Tjamu Tjamu to review its income management policy, which directs income into a range of activities for the benefit of the community.

### Yilka

Central Desert arranged an economic planning workshop at Cosmo Newberry to discuss community aspirations in the short, medium and long terms, facilitated by external consultants.

### Parna Ngururpa (Aboriginal Corporation) RNTBC

Central Desert has supported Ngururpa native title holders to consider their approach to dealing with potential income as a part of the PBC set up and capacity building process.

### Mungarlu Ngurrurangkaja Rirraunkaja (Aboriginal Corporation) RNTBC

Central Desert has supported Birriliburu native title holders by facilitating governance and capacity building workshops and to consider their approach to dealing with potential income as a part of the PBC set up and capacity building process.

## Land and Community Projects

Central Desert has continued to expand our services in the area of facilitating land and community projects. These services aim to assist emerging and established PBCs to become sustainable, effective and culturally appropriate. This support extends to working with and empowering native title holders to use and manage their traditional lands to achieve their social, cultural and economic aspirations.

These services compliment our existing Legal, Anthropological and Community Engagement services to respond to and enable the delivery of integrated support services to native title holders and claimants on a determination-by-determination and claim-by-claim basis.

In providing these services, Central Desert continues to facilitate the establishment of strategic partnerships and alliances between our constituents and other relevant stakeholders in order to empower and enable native title holders and claimants to fully realise their native title rights and interests on their traditional lands.

To date, the primary focus for these services have been on the Wiluna claim and Birriliburu determination lands, however the planning for the rollout of these services to other locations within our region has commenced having secured a commitment to some project funding and the development and the rollout of these projects will commence through the employment of an additional Land and Community Project Facilitator early in the next financial year. While many of the projects in these locations are in very early stages of planning, projects within the Wiluna claim and Birriliburu determined lands continue to grow at a rapid rate.

Central Desert, under instruction from native title holders and claimants, has continued to facilitate and manage eight inter-related land and community projects within the Wiluna claim and Birriliburu determination lands over the year.

### Wiluna Regional Partnership Agreement (RPA) Land Management and Return to Country Projects

Through funding acquired under the Wiluna RPA and with the support of RPA partners, Central Desert has continued to develop a land management focused project with the Wiluna native title claimants.

The project is focused on Return to Country trips in the Wiluna area and on training and employment opportunities around land management.

The employment of a Martu head ranger as the liaison between native title claimants and other stakeholders has been crucial to the success of the project. The head ranger is responsible for keeping native title claimants updated regarding the project and provides

# HOW WE PERFORM

an important link to the Wiluna community in planning around other cultural events and RPA activities. Training and employment focused on land management activities, such as the reinstatement of traditional burning regimes, construction of infrastructure (e.g. fencing, information signs etc.), fauna monitoring, introduced animal control, fauna identification, monitoring and cleaning of water sources and visitor management have continued to be the primary focus over the year.

Return to Country trips are a clear priority for native title holders and claimants motivated by the strong desire to go back to country more regularly and to find out the condition of the country in areas that have not been visited for some time. The trips also provide an effective conduit to facilitate the transfer of stories and traditional knowledge from the old people and elders to younger generations about country and to enable 'ground up' planning for land management strategies.

Central Desert was also successful in securing funding through the Midwest Development Commission to build a land management/ranger base in Wiluna in the previous year and has worked this year to secure the necessary building approvals to commence building the base early in the next financial year. The base will bring together the various land based community projects operating within the Wiluna claim and Birriliburu determination lands, and foster the development of ideas, learning, collusive planning and increased community ownership of existing and future projects.

## Wiluna Oral History Project

As a partnership between Wiluna claimants, Birriliburu native title holders, the Shire of Wiluna, Lotterywest and Ngangganawili Aboriginal Health Services, Central Desert commenced the development of an oral history project during the year.

The project is run in conjunction with Return to Country trips which not only enables native title holders and claimants to tell current generation young people about where they come from and the stories from the old people, but also to record and keep these stories for future generations.

It is expected that the high quality footage will provide the foundations for a broader multi-media project that not only will provide native title holders and claimants and their families with access to their own stories through an access archive for the Wiluna community in the future but also provide suitable footage to develop a series of broadcast quality cultural education and public products.

## Martu Lands Biodiversity Project

Central Desert is partnering Birriliburu native title holders, Rangelands Natural Resource Management (NRM) WA, Western Desert Lands Aboriginal Corporation (WDLAC), Kanyirninpa Jukurrpa and the Department of Environment and Conservation (DEC) to manage biodiversity outcomes throughout the Martu and Birriliburu determined lands.

This project has enabled native title holders to reacquaint themselves with the health of the country and recall how country should be looked after in traditional ways. It seeks to provide the catalyst for the merging of traditional ecological knowledge with contemporary science to undertake a range of environmental assessments, threatened species management and monitoring and habitat regeneration through reinstitution of traditional fire regimes.

## Canning Stock Route Australian Research Council (ARC) Linkage and Kuju Wangka projects

Central Desert has been a key partner in an ARC Linkage research project coordinated by the Australian National University (ANU). The project aimed to gather information about cultural heritage values and management issues along the Canning Stock Route (CSR) and adjoining areas. The project concluded this year and aims to return information collected through the project to native title holders and claimants over the next financial year.

Also this year, Central Desert, in partnership with the Kimberley Land Council, Kanyirninpa Jukurrpa and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) continued to work with representatives from each of the five native title determination and claim groups spanning the Canning Stock Route to develop a draft management strategy for the CSR. This draft strategy has been, in part, informed by the results of the ARC Linkage research project whilst reflecting the concerns and aspirations of traditional owners for the management of their country as well as the safety of visitors to their country.

The forum for developing this strategy is called Kuju Wangka, or 'One Voice', reflecting the traditional owners desire to speak as a collective voice to protect the important values and look after the the country along the length of the Canning Stock Route.

Over the next year, with the support of SEWPaC, the strategy will be further developed through Kuju Wangka, in consultation with the respective Native Title Holding Bodies and various key stakeholders. It is hoped that the strategy will be finalized in the coming financial year.



# HOW WE PERFORM

## Birriliburu Indigenous Protected Area (IPA) Consultations

In 2009, Central Desert successfully applied for Commonwealth government funding to begin 'on country' consultations about declaring an Indigenous Protected Area (IPA) over Birriliburu native title determined lands.

A number of consultation trips this and last year with the Birriliburu native title holders have focused on what sites and places need to be protected or carefully managed, what issues they may have in relation to the health of the country and aspirations for how they want to look after the country. The outcomes of these consultations are being fed into a draft plan of management that is expected to be completed in the coming financial year.

The need for better management of tourists and tourist impacts within Birriliburu determined lands has emerged as one of the primary concerns for the Traditional Owners. These concerns led to Central Desert facilitating of an off-country visit to Uluru and Kata Tjuta National Park for a contingent of Birriliburu native title holders to view first-hand a range of techniques and mechanisms for managing tourists and minimizing tourist impacts on country.

The next year will also see formal consideration of a declaration of an IPA by the Birriliburu native title holders and negotiations with the Australian and State Governments about longer term financial support to look after this country. Input from other stakeholders about how they can assist the native title holders to manage the country will also be included in the plan of management.

## DEC joint management

In 2004, the Department of Environment and Conservation (DEC, then the Department of Conservation and Land Management) entered into a Memorandum of Understanding (MOU) with the Wiluna claimants for the joint management of former pastoral leases Lorna Glen (Matuwa) and Earacheedy (Kurrara Kurrara).

Over the last year, DEC and Central Desert have continued to work cooperatively in the development of a Wiluna Martu ranger team. This includes the regular casual employment for 5-6 young Martu men living in Wiluna. The ranger team is operated by Central Desert, but supported by DEC in the provision of work opportunities on Lorna Glen and Earacheedy as well as informal training and mentoring for certain land management activities, such as fence construction and maintenance, feral and native animal surveys, fire management and minor construction works.

As the skills and capacity of the team continue to build, Central Desert and DEC have continued discussions

about entering into a formal 'fee-for-service' contract for the management of Lorna Glen and Earacheedy. This will result in better day-to-day management of the lands due to a greater on-ground presence and increased local buy-in to the way the lands are managed. It is expected that a formal contract will be finalized in the coming financial year.

The overall outcomes from these projects over the past two years include:

- Over 1300 days of employment for native title holders and claimants;
- Employment of a full-time Ranger Coordinator, part-time Development Officer (transition from part-time Head Ranger) and part-time Head Ranger;
- Over 50 native title holders and claimants receiving payment for casual employment;
- The emergence of a pool of 10 regular young Martu rangers;
- Work and training in fire management, fauna surveys and taxonomy, monitoring and cleaning of water sources, logistics support, visitor management, infrastructure construction, 1080 safe handling, Cyber tracker, track based monitoring, feral cat trapping and control techniques;
- Funding for Wiluna land management base;
- Building of Martu-ku Ngurra campground at Lorna Glen (Matuwa);
- A commitment to 3 land management fee-for service contracts (industry and government);
- A commitment for accredited ranger training (DEC Cert II);
- Six Return to Country trips facilitated with over 150 participants;
- Over 24 hours of oral history footage collected;
- A Return to Country Film Project commissioned;
- The commencement of Cultural Education services (Curtin University Bush Camp, development of Nyunnyulangku Tjuma ('Telling Our Story') project proposal);
- Partnerships with over 25 organisations;
- Leadership development;
- Positive social outcomes;
- 4 national, 1 international and numerous state presentations and
- A raised profile for the programme (e.g. presentations and newsletters) - see <http://www.centraldesert.org.au/news/landmanagement/>

# HOW WE PERFORM

## Objective: Traditional Owner Capacity

**The Indigenous corporate entities established out of the native title process are functional, empowered and independent.**

As at 30 June 2011 there were seven (7) registered Prescribed Bodies Corporate (PBC) functioning within the Central Desert region.

### **Pila Nguru (Aboriginal Corporation) RNTBC**

The Spinifex native title holders nominated that the Pila Nguru (Aboriginal Corporation) RNTBC is to hold in trust the rights and interests recognised to exist in the determination made in the Federal Court of Australia on 28 November 2000.

In the reporting period from 1 July 2010 to 30 June 2011 Central Desert continued to provide advice to the Directors and assists Pila Nguru in complying with its obligations under its Rules and the Corporations Aboriginal and Torres Strait Islanders Act (CATSI Act). Central Desert also provided legal advice and assistance negotiating future act matters affecting Pila Nguru lands.

FaHCSIA provided some funding to Pila Nguru, via the Central Desert Program Funding Agreement (PFA), to support their day-to-day operations for the reporting period.

### **Tjamu Tjamu (Aboriginal Corporation) RNTBC**

On 4 June 2003 the Kiwirrkurra native title holders nominated that the Tjamu Tjamu (Aboriginal Corporation) is to hold in trust the rights and interests recognised to exist in the determination made in the Federal Court of Australia on 19 October 2001.

In the reporting period from 1 July 2010 to 30 June 2011 Central Desert continued to provide advice and assistance to maintain compliance with the CATSI Act and PBC rules. Central Desert also provided legal advice and assistance in negotiating future act matters affecting Tjamu Tjamu lands.

FaHCSIA provided some funding to Tjamu Tjamu, via the Central Desert PFA, to support their day-to-day operations for the reporting period.

### **Tjurabalan Native Title Land (Aboriginal Corporation) RNTBC**

The Tjurabalan native title holders nominated the Tjurabalan Native Title Land (Aboriginal Corporation) RNTBC (TNTLAC) to hold in trust the rights and interests recognised to exist in the determination made in the Federal Court of Australia on 20 August 2001.

TNTLAC did not seek assistance from Central Desert during the reporting period. Central Desert maintains open communications with TNTLAC.

### **Western Desert Lands Aboriginal Corporation (Jamukurnu-Yapalikunu) RNTBC**

The Martu native title holders nominated that the Western Desert Lands Aboriginal Corporation (Jamukurnu-Yapalikunu) is to hold in trust the rights and interests recognised to exist in the determination made in the Federal Court of Australia on 27 September 2002.

Central Desert provided legal advice and assistance to WDLAC during the reporting period together with some GIS and mentoring assistance.

### **Yarnangu Ngaanyatjarraku Parna (Aboriginal Corporation) RNTBC**

The Ngaanyatjarra Lands native title holders nominated that the Yarnangu Ngaanyatjarraku Parna (Aboriginal Corporation) is to hold in trust the rights and interests recognised to exist in the determination made in the Federal Court of Australia on 26 June 2005.

YNP (AC) did not seek assistance from Central Desert during the reporting period. Central Desert maintains open communications with YNP (AC).

### **Parna Ngururpa (Aboriginal Corporation) RNTBC**

In the reporting period Central Desert provided information and capacity building to the Ngururpa people regarding the roles and functions and the running of a PBC. The Office of the Registrar of Indigenous Corporations (ORIC) registered the Corporation on 18 September 2009. Directors visited Perth in May 2010 and met with Government agencies and had ORIC training on conducting business.

Central Desert also provided assistance negotiating future act matters affecting Ngururpa lands.

FaHCSIA provided some funding to Parna Ngururpa, via the Central Desert PFA, to support their day-to-day operations for the reporting period.

### **Mungarlu Ngurrurangkatajja Rirraunkaja (Aboriginal Corporation) RNTBC**

In the reporting period Central Desert provided information and capacity building to the Birrilburu people regarding the roles and functions and the running of a PBC. ORIC registered the Corporation on 11 October 2010.

Central Desert also provided assistance negotiating future act matters affecting Birrilburu lands.

FaHCSIA provided some funding to Mungarlu Ngurrurangkatajja Rirraunkaja, via the Central Desert PFA, to support their day-to-day operations for the reporting period.

# HOW WE PERFORM

## Objective: Determinations and Agreements

Central Desert is maintaining momentum in progressing high value determinations and agreements

### Native Title Matters

As at 30 June 2011 there had been 8 determinations that native title exists on lands within the Central Desert region.

Claim	FCA No.	Area	Date Filed	Date Determined
Spinifex	WAD6043/98	50,000 km <sup>2</sup>	30/09/98	28/11/00
Tjurabalan	WAD160/97	25,917 km <sup>2</sup>	18/12/97	20/08/01
Kiwirrkurra	WAD619/98	42,905 km <sup>2</sup>	30/09/98	19/10/01
Martu	WAD6110/98	16,764 km <sup>2</sup>	30/09/98	27/09/02
Ngaanyatjarra Lands part A	WAD6004/04	187,600 km <sup>2</sup>	23/04/04	26/06/05
Ngururrpa	WAD357/06	29,600 km <sup>2</sup>	08/12/06	18/01/07
Ngaanyatjarra Lands part B	WAD6004/04	1,427 km <sup>2</sup>	23/04/04	03/06/08
Birriliburu	WAD6284/98	66,875 km <sup>2</sup>	30/09/98	20/06/08

There were no native title claims determined during the reporting period 1 July 2010 to 30 June 2011.

Central Desert had 12 claims in progress for the reporting period 1 July 2010 and 30 June 2011.

**Birriliburu People No 2** parts A&B  
**FCA No.** W108/08 **Area** 105km<sup>2</sup>  
**Date Filed** 27/06/08

Central Desert remains in mediation in the National Native Title Tribunal to reach an agreed approach with the State for finalising the matter. A mediation protocol setting out a timetable for resolution of the matter is to be filed in the Court in August 2011.

**Birriliburu People No 3**  
**FCA No.** WAO50/2010 **Area** 3319km<sup>2</sup>  
**Date Filed** 15/03/10

In the last reporting period this claim did not pass the registration test. Central Desert has been requested by the State to provide further connection material to further this matter. A consultant has been engaged to do further claim research in the next reporting period.

**Gingirana**  
**FCA No.** WAD6002/06 **Area** 12,150km<sup>2</sup>  
**Date Filed:**10/03/06

Further research for the Gingirana claim area has been done and is continuing into the next reporting period.

**Kulyakartu**  
**FCA No.** WAD293/05 **Area** 3,550km<sup>2</sup>  
**Date Filed** 11/10/05

Some background research was completed, however substantive research towards a connection report did not take place because of funding restrictions. It is hoped that further research will take place in the next reporting period.

**Martu #2**  
**FCA No.** WAD141/10 **Area** 836.29km<sup>2</sup>  
**Date Filed** 01/06/10

Mediation with the State and other respondent parties is continuing, and it is anticipated that a consent determination of native title will proceed in the next reporting period.



# HOW WE PERFORM

## Karnapyrri

FCA No. WAD77/06

Area 151km<sup>2</sup>

Date Filed

22/03/06

Mediation with the State and other respondent parties is continuing, and it is anticipated that a consent determination of native title will proceed in the next reporting period.

## Pilki

FCA No. WAD6002/02

Area 24,399km<sup>2</sup>

Date Filed 12/08/02

Connection materials and supplementary connection materials have been submitted to the State. Central Desert has provided further supplementary information to the State. Central Desert is awaiting a response from the State in relation to its connection assessment.

## Tarlpa

FCA No. WAD248/07

Area 5,369km<sup>2</sup>

Date Filed 14/12/07

Central Desert and all parties to the claim are currently in Federal Court mediation. The matter has progressed substantially in the last six months.

## Tjiwarl

FCA No. WAD288/11

Area 13,623.41km<sup>2</sup>

Date Filed 17/06/11

Central Desert filed Form 1 in the Federal Court in June 2011. The claim is currently not registered.

## Wiluna

FCA No. WAD6164/98

Area 47,594km<sup>2</sup>

Date Filed 30/10/98

Central Desert and all parties to the claim are currently in Federal Court mediation. The matter has progressed substantially in the last six months.

## Wiluna No 2

FCA No. WAD241/04

Area 5,615km<sup>2</sup>

Date Filed 26/10/04

Central Desert and all parties to the claim are currently in Federal Court mediation. The matter has progressed substantially in the last six months.

## Yilka

FCA No. WAD297/08

Area 12,260 km<sup>2</sup>

Date Filed 15/12/08

Programming orders have been finalised in the Federal Court and Central Desert and the respondent parties have filed their pleadings. Following the provision of an amended Form 1, the Yilka claim passed the registration test on 30 June 2011. Central Desert have been working on preparation of Indigenous witness statements for the first tranche of hearing dates scheduled for October 2011. Anticipate litigation resolved by end of 2012.



## Progress on Other Native Title Activities

**Additional to those registered claims Central Desert is researching and preparing claim applications for a number of groups across the region.**

### Cosmo Newberry (Appeal)

FCA No: WAD 43/07

Area 12,260km<sup>2</sup>

The Cosmo Newberry claim boundary was located wholly within the Wongatha native title claim area. On July 5 2007 the Federal Court of Australia dismissed the Cosmo Newberry claim along with all other overlapping claims in the Wongatha area. On March 2 2007 Central Desert lodged on behalf of the Cosmo Newberry claimants an appeal against the decision.

The Cosmo Newberry appeal is adjourned pending the resolution of the Yilka native title claim.

### East Wongatha

Central Desert is researching the eastern part of the area left unclaimed following the dismissal of the Wongatha claim in 2007. During the reporting period Central Desert undertook field and desktop research and held several information sessions with potential claimants. Central Desert is expecting to formalise a claim strategy in the next reporting period.

### Ngurra Kayanta

**(previously known as East of Martu)**

During the reporting period Central Desert completed final research for this claim. It is anticipated that an authorisation meeting will be held in the first half of 2011/2012 and the claim will be lodged in the second half of 2012/2013.

# HOW WE PERFORM

## West of Warlpiri

This is a low priority area and little more than maintaining ongoing communications with Central Land Council and monitoring any future act notifications is expected in the next reporting period.

## South of Tarlpa

The Tjiwarl claim has been filed over part of this area. The areas that are unclaimed will now require further anthropological research.

## Nullarbor

Central Desert has briefed out preliminary anthropological and historical research and is running the project in conjunction with work on East Wongatha.

## Compensation Matters

As at 30 June 2011 there has been no compensation applications lodged by Central Desert.

In the years before the reporting period, Central Desert was well advanced in negotiations with the State over a proposal for an Indigenous Conservation Title (ICT) as an alternative tenure for the lands that have had native title extinguished by the Gibson Desert Nature Reserve (GDNR) and Karlamilyi National Park (previously known as Rudall River National Park). The ICT Bill was before the parliament when in September 2008 the government called an election and lost office. Consequently the ICT Bill lapsed.

## Gibson Desert Nature Reserve

As stated by Black J at the Ngaanyatjarra Lands determination in June 2005, but for the granting of the GDNR the people of the Gibson Desert would have been enjoying the full benefits of exclusive possession native title rights over their land since June 2005. The people of the Gibson Desert were prepared to consider the ICT as a part of a package in lieu of compensation for the extinguishment of native title rights over their land. Central Desert has continued research and the preparation of materials in support of a compensation claim. Central Desert plans to hold an authorisation meeting and file a compensation application in the Federal Court during the next reporting period.

## Karlamilyi National Park

Similarly for Martu the establishment of Karlamilyi National Park extinguished native title within the park boundary. Central Desert continued research and the preparation of materials in support of a potential compensation claim.

## Other compensation matters

Central Desert is undertaking consultations with a view to seeking compensation for the numerous 'past acts' that have been undertaken on native title land across the region since the advent of the Racial Discrimination Act in 1975 where compensation previously has not been claimed.

## Agreements

### Land Access and Mineral Exploration Agreements

Central Desert, on instructions from its various client groups, continues to develop strong Land Access and Heritage Agreements with mining companies wishing to enter onto native title lands. The agreements vary from area to area depending on the nature of the land tenure and whether an area is subject to a determination of native title.

On areas where native title is determined, the agreements that have been developed encompass all aspects of land access including: heritage issues, rehabilitation of the land, compensation, cultural awareness, employment and training opportunities and access to and from an area of interest. Some agreements also include special conditions for mining companies wishing to explore for uranium.

### Other Agreements

Central Desert on instructions from its various clients continues to develop agreements designed to facilitate access to determined native title land. These agreements may be utilised by such interest groups as tourists, tour operators and researchers.

## Objective: Central Desert Capacity

**Central Desert has the capacity to deliver on its mission.**

### Cross Cultural Exchange Processes

Central Desert recognises effective two-way inter-cultural understanding and exchange as an essential pre-requisite to meaningful and sustainable native title outcomes. In this reporting period Central Desert:

- Supported the attendance of two claimants and native title holders at the 2011 Native Title Conference;
- Provided ongoing support to a team of six Indigenous people in field, liaison or strategic roles;
- Supported attendance by 3 Liaison Officers at in-house and external workshops and
- Encouraged our Board and all non-field staff to attend and engage in on-country activities.

# HOW WE PERFORM

## Best Practice Workplace

At the foundation of this outcome is the creation of a shared view of directions and values that contribute to building long term relationships and tenure for staff within Central Desert. Throughout this year, new initiatives to assist with achieving this outcome included:

- Providing staff with clear expectations through the ongoing review and development of new job descriptions, employment contracts and conditions, and the management of a Performance Evaluation and Learning system. This system provides the opportunity for performance evaluation as well as encouraging learning and development;
- Ensuring a quality environment, resources and equipment through:
  - The ongoing development of a project specific accounting and reporting system
  - The purchase of an additional 4WD vehicle to support the land management team using funding support received from Lotterywest
  - The upgrade and ongoing maintenance of the IT systems and network;
- Developing and implementing documented policies and procedures;
- Involving staff in decisions at all levels of planning and reporting of projects and encouraging them to contribute ideas and give feedback. Staff develop project plans, attend operational planning meetings and regular staff meetings and
- Further development and consolidation of our business services team.

## Broadening the Organisation's Funding Base

In order to support and add to its current range of activities, Central Desert is continually investigating further funding and income opportunities.

FaHCSIA provided Central Desert with core funding from the native title program to provide the services described and approved in the 2009/2010 grant funding agreement operational plan. Core funding for the year and anticipated core funding in forward years is:

- 2011-12 \$3,553,000
- 2012-13 \$3,625,000

The agreement with State Office of Native Title (ONT) to provide funding for future acts in recognition of the pressures brought to bear by the resources boom expired on June 30, 2010. The company did not receive any funding in 2010-11 from ONT.

Central Desert continually negotiates with industry to assist with the funding of meetings and to provide training to claimants or native title holders in situations where there are mutual benefits. In this reporting period, mining and exploration companies have been encouraged to assist with funding for meetings to ensure fast tracking of agreement negotiations. They have also supported training of claimants and native title holders in relation to monitoring compliance with exploration agreements. We again received funding for Land Management projects in the Wiluna Area from five mining companies under a project with the Wiluna Regional Partnership Agreement (RPA). The WA Department of Environment and Conservation (DEC) also contributes to this project.

Further grant funding received during the year included amounts from:

- Lotterywest to complete the "Return to Country" project in Wiluna together with an Oral History project and support to purchase a new Land Management vehicle;
- Midwest Development Commission to fund the construction of a land management facility in Wiluna;
- SEWPAC under the Indigenous Protected Area Program; and
- Rangelands NRM for land management projects in the Wiluna region.

The ratio of funding from FaHCSIA to other agencies for 2010-2011 was: 85% to 15%

Central Desert wishes to thank the various departments and companies for their support during the year.

## Trends Influencing Principal Functions and Services

The State's failure to provide a clear policy statement on its native title negotiating position through the reporting period and the restructuring of the old Office of Native Title has caused delays and additional costs for Central Desert. In April 2011 the State established a new unit to deal with native title matters and on 28 June 2011 the State circulated a draft ILUA and a covering overview of its proposed negotiating position.

The increasing trend of 3rd party respondents to use the native title claims process to expand their own rights. For example 3rd party mining and pastoral respondents often seek to have native title claimants agree to the recognition of activity or rights by those respondents which are in excess of their existing legal rights as a condition to their consenting to a determination of native title.

The increasing number of private lawyers seeking to act for breakaway or disaffected native title claimants.



# HOW WE PERFORM

## External Scrutiny

The Minister has made no directions or determinations during the reporting period in relation to Central Desert.

There have been no judicial or Administrative Tribunal decisions in relation to Central Desert during the reporting period, other than legal decisions that affected native title matters generally.

During the reporting period FaHCSIA commissioned a 203FBA(7) review of a decision by Central Desert denying a request for legal and anthropological services. On the findings of the review FaHCSIA affirmed the Central Desert decision.



## Management of Human Resources

### Our Staff

Central Desert Native Title Services owes its continued success to the outstanding efforts of our staff. We value each of them highly and thank them all for their dedication to helping achieve successful, sustainable native title outcomes for the people of the Central Desert.

We thank all of the people listed below who were employed by Central Desert during the 2010/2011 year.

#### Full or Part-time Staff

Beth Woodward	Lindsey Langford
Cecillia Tucker	Malcolm O'Dell
Claire Greer	Mark D'Lima
Darren Farmer	Mercedes Brante
Des Godber	Michael Ierace
Hamish Morgan	Michelle Alexander
Heather Lynes	Monica Franz
Gemma Wheeler-Carver	Monique Jekel
Ian Rawlings	Phil Ramsay
Irene Assumpter Akumu	Rachel Melville
Jacob Tyndall	Richard West
Jeremy Maling	Rob Thomas
Jessica Clements	Robert Wongawol
Jillian Rickard	Sarah Bell
Karine Flematti	Sarah Hobson
Kate Fuller	Sean Calderwood
Kate Fulton	Sian Hanrahan
Kate Turtley-Chappel	Stephen Bai
Katrina Shaw	Sue Ware
Kim Baldwin	Sue Yoong
Khristo Newall	Tessa Herrmann
Leah Davies	Vera Elliott
	Victor Ashwin

#### Casual Staff

Alastair Netterfield	Ellen Maybery
Alec Poezyn	Kelman Patch
Alex Toyne	Melanie Molloy
Bala Murali	Nyssa Colquhoun
Christina Araujo	Robin Smythe

# HOW WE PERFORM

## Staffing Levels and Retention Rates for the Year

	2011	2010	Change	%
Staff as at 30 June	44	39	5	13
During Year				
Full time	38	32	6	19
Part Time	6	10	(4)	(40)
Casual	11	3	8	267
Temporary	2	-	2	-
Maternity Leave	-	-	-	-
<b>Total</b>	57	45	12	
Staff Turnover	12	12	-	-
% Change	21	27		
Retention rate	79	73		

At 30 June 2011 Central Desert Native Title Services comprised a core staff of 32 full-time employees, 5 part-time and 7 casual.

A turnover of 12 staff (which includes casual staff and those on fixed term contracts) during the reporting period represents a retention rate of 79%, compared with 73% in 2010.

The predicted increase in workload for the 11/12 year will necessitate the recruitment of a further 3-4 operational and liaison staff.

Staff remuneration is based on individual common-law agreements negotiated with regard to operational requirements, the prevailing recruitment environment, and available resources. All staff are supported and encouraged to participate in regular professional development workshops and courses. These are sourced from a wide range of training providers to consolidate and increase relevant skills and knowledge.

## Occupational Safety and Health Performance

Central Desert Native Title Services has a comprehensive Occupational Safety and Health (OSH) Policy and is fully compliant with the statutory obligations of the *Occupational Safety and Health Act 1984* and the *Occupational Safety and Health Regulations 1996*.

**The organisation's OSH procedures are reviewed regularly and updated as necessary.**

	2011	2010
Incidents reported	2	2
Lost Time (days)	1	-

## Consultants and Competitive Tendering and Contracting

Central Desert is committed to achieving value for money in the purchasing of goods and services, including tendering and contracting. Central Desert maintains a register of consultants with skills and experience in relevant areas.

In accordance with our grant conditions Central Desert ensures that contract specifications do not bias or predetermine the outcome by placing unreasonable restrictions or qualifications on the prospective tenders.

Where services are expected to cost more than \$20,000 but not greater than \$80,000 we obtain 3 written competitive quotes from suitable suppliers or service providers.

Where we expect the cost of an asset or service to exceed \$80,000 we either obtain public tenders or invite 3 suitable, qualified service providers to tender for the provision of the asset or service.

Exemptions to the above procedures apply to:

- The engagement of an auditor;
- The acquisition of services from water, electrical, telephone, gas or municipal authorities where there is no other competitor in reasonable proximity; or

# HOW WE PERFORM

- In respect of native title related activities for the engagement of anthropological, legal or other professional service providers, or their staff, who are members of, or eligible for membership of the relevant professional association, where the service fee is less than \$80,000.

## Native Title Consulting Agreements:

	2011	2010
Number of Consultancies for goods or services	0	28
Value of consultancies for Goods or Services	\$719,549	\$392,683
Consultancies with Traditional Owners	\$50,490	\$8,905





# HOW WE PERFORM

## Outputs

NTRBs are required to report on the number of the following they have dealt with throughout the year.

	2011	2010	2009
<b>Facilitation and Assistance</b>			
The Claims Experience			
Number of claims at 1 July	13	10	9
Plus: Filed this year by NTSP	2	3	1
Less: Claims determined	-	-	-
Less: Claims dismissed	-	-	-
Less: Claims Withdrawn	-	-	-
Less: Claims amalgamated/Altered	2	-	-
Number of Current active Claims at 30 June	13	13	10
Number of these registered with the NNTT	13	13	10
Claims in Development	5	3	3
<b>Non-climant Applications</b>	-	-	-
<b>Compensation claims</b>	-	-	-
<b>The Agreements Experience</b>			
Future Acts			
Notices received	238	321	81
Responses to Future Acts	238	321	81
Agreements			
Agreements concluded	55	56	104
Agreements in development	-	-	-
ILUAs			
ILUAs concluded and registered	-	-	-
ILUAs in development	-	-	-
<b>Complaints and Disputes</b>			
Complaints			
Received	-	-	-
Resolved	-	-	-
Pending	-	-	-
Disputes relating to native title	-	-	-
Disputes relating to ILUAs, rights of access and other matters	-	-	-
Requests for reviews of decisions not to assist			
Completed	1	-	-
Pending	-	-	-

# ANNUAL AUDITED FINANCIAL REPORT



# SUMMARY FINANCIAL INFORMATION

As At 30 June 2011

	Budget 2010-11	Actual 2010-11	Variance 2010-11	Actual 2009-10
<b>Income</b>				
FaHCSIA Funding				
Unexpended grants	124,271	124,272	1	543,595
Capital	240,000	240,000	-	-
Operational	4,483,470	4,483,470	-	3,502,000
Other Income				
ONT Grant	-	-		169,000
Other Income	18,000	32,314	14,314	-
Recoveries	120,000	158,176	38,176	84,525
Interest	30,000	32,560	2,560	30,453
	5,015,741	5,070,792	55,051	4,329,573
<b>Expenditure</b>				
Capital Acquisitions	240,000	181,912	(58,088)	420,158
Activities	3,033,609	2,731,915	(301,694)	1,852,335
Corporate	1,742,132	1,670,118	(72,014)	1,932,807
	5,015,741	4,583,945	(431,796)	4,205,300
<b>Net Result</b>	-	486,847	486,847	124,273

All amounts are net of GST



# DIRECTORS REPORT

Your directors present this report on the company for the year ending 30 June 2011.

## Review of Operations

In its fourth full year of operations the company continued to perform its responsibilities under the *Native Title Act 1993* ("NTA") as well as providing a range of related services to Indigenous communities in the Central Desert area. The details of these services and the operating results are shown below and are further expanded upon in the full Annual Report.

## Operating Results

The total comprehensive income of the company amounted to a loss of \$130,348 after depreciation. (2010: surplus of \$362,995).

## Principal Activities

The company provides services equivalent to a Native Title Representative Body, and therefore the company has specific functions under Part 11, Division 3 of the *Native Title Act 1993*. These functions are:

- i. Facilitation & assistance functions referred to in section 203BB;
- ii. Certification functions referred to in section 203BE;
- iii. Dispute resolution functions referred to in section 203BF;
- iv. Notification functions referred to in section 203BG;
- v. Agreement-making functions referred to in section 203BH;
- vi. Internal review functions referred to in section 203BI, and
- vii. Other functions referred to in section 203BJ, and such other functions as are conferred on representative bodies by the Act.

The Australian Taxation Office ("ATO") endorsed the company as a Public Benevolent Institution and it conducts a range of charitable activities. The company is also endorsed as a Deductible Gift Recipient. Donations of \$2 or more are tax deductible.

No change in its tax status as a result of activities undertaken during the year is likely.

## Significant Changes in State of Affairs

No significant changes in the company's state of affairs occurred during the year.

## After Balance Date Events

No matter has arisen since the end of the year that will or may significantly affect:

- i. the company's operations in future financial years or
- ii. the results of those operations in future financial years, or
- iii. the company's state of affairs in future financial years.

On 29 July 2011 the company moved into new office premises located at 76 Wittenoom Street East Perth. The company took a 5 year lease with two 3 year options.

## Likely Developments

The company expects to form a subsidiary during 2011-2012 to deliver administrative, financial, labour hire, and training services to support communities, Prescribed Bodies Corporate ("PBC") and projects on Aboriginal Land.

Other than the matter listed above, there are no significant changes expected in the nature of the operations of the company.

## Environmental Performance

The company is not subject to any particular and significant environmental regulation under a Commonwealth, State or Territory law.

# DIRECTORS REPORT

## Distributions to members during the year

No dividends or distributions were recommended, declared or paid to members during the year. The company is a non-profit company and its Constitution does not allow payments including dividends, bonuses or distributions of profit, directly or indirectly, to members, officers, servants, agents or employees other than as reasonable remuneration for services actually rendered.

## Directors

The names of each person who has been a director during the year to the date of this report are listed below. The Directors have been in office since the beginning of the financial year unless otherwise stated.

Mr. George Marshall Irving LLB, Chairperson and Audit Committee Member

Hon Frederick Michael Chaney LLB AO, Audit Committee Member

Dr Fiona Mary Skyring PhD BA (Hon)

Mr. Peter James Thomas MBA BEcon BSc, Audit Committee Chairperson

## Meetings of Directors

During the financial year, meetings of directors, including committees of directors, were held. Attendances by each director during the year were as follows:

### Meetings of Directors

	Director's Meetings		Audit Committee Meetings	
	Eligible to attend	Number attended	Eligible to attend	Number attended
Mr. George Marshall Irving	3	3	0	0
Hon Frederick Michael Chaney	3	3	0	0
Dr Fiona Mary Skyring	3	3	0	0
Mr. Peter James Thomas	3	3	0	0

## Company Secretary

Mr. Ian James Rawlings held the position of company secretary throughout the year. Mr. Rawlings is also the Chief Executive Officer of the company. Mr. Ric West was appointed as a secretary during the year. Mr. West JP FIPA CPA is a certificated member of Chartered Secretaries Australia and serves as the company's Business Services Manager and Chief Financial Officer.

## Indemnifying Officers or Auditor

The company has provided Deeds of Access and Indemnity to Directors to the extent allowed at law. Other than these, no indemnities have been given during or since the end of the financial year, for any person who is or has been an officer or auditor of the company. The company holds an Association liability insurance policy with CGU which includes Director's and Officer's and Professional Indemnity cover.

## Proceedings on Behalf of the Company

No person has applied for leave of Court to bring proceedings on behalf of the company or intervene in any proceedings to which the company is a party for the purpose of taking responsibility on behalf of the company for all or any part of those proceedings. The company was not a party to any such proceedings during the year.

# DIRECTORS REPORT

## Auditor's Independence Declaration

The company's auditor is Mr. Simon James Edward Foley CPA BBus (ASIC Reg. 273581). Mr. Foley's independence declaration for the year ended 30 June 2011 has been received and can be found on page 4 of the financial statements.

Signed in accordance with a resolution of the board of directors.



George Irving  
Chairperson



# INDEPENDENT AUDITORS REPORT



The Members

Central Desert Native Title Services Ltd

## INDEPENDENT AUDITOR'S REPORT

### Report on the Financial Statements

We have audited the accompanying general purpose financial statements of Central Desert Native Title Services Ltd (the "company") which comprises the statement of financial position as at 30 June 2011, the statement of comprehensive income, statement of changes in equity and the statement of cash flows for the year then ended, a summary of significant accounting policies and other explanatory notes, and the directors' declaration. We have also audited the grant acquittal statements attached.

#### *The Responsibility of Directors for the Financial Statements*

The directors of the company are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including Australian Accounting Interpretations) and the *Corporations Act 2001*. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

#### *Auditor's Responsibility*

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial statements.

#### *Independence*

In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001* and the Accounting Professional and Ethical Standards Board.



# INDEPENDENT AUDITORS REPORT

## Independent Auditor's Report (Cont)

### Auditor's Opinion

In our opinion the financial statements of the company are in accordance with the *Corporations Act 2001*, including

1. giving a true and fair view of the company's financial position as at 30 June 2011 and of its performance for the Year ended on that date; and
2. complying with Australian Accounting Standards (including Australian Accounting Interpretations) and complying with the *Corporations Regulations 2001*.

### Inherent Uncertainty Regarding Going Concern

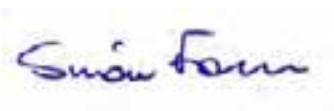
Without qualification to the opinion expressed above, attention is drawn to the following matter. The financial statements are prepared on the basis of company being a going concern. This is dependent upon continued funding from government agencies.

### Report on other Legal, Contractual and Regulatory Requirements

Compliance with Commonwealth Grant Conditions for Native Title Grants

In accordance with clause 10.7 of the 2009-2011 General Terms and conditions relating to Native title Program Funding Agreements, I certify that:

1. The actual expenditure is in accordance with the budget
2. The financial statement for the activity for the financial year is based on proper books and records; and
3. You are able to pay all your debts as and when they fall due and that you have sufficient resources to discharge all your debts at the end of the financial year.
4. Where an asset has been purchased using grant funds, adequate insurance has been arranged in accordance with clause 12 of the Agreement, and the asset has been included in the Association's asset register.



Simon Foley CPA BBus

Registered Company Auditor

23 September 2011



# INDEPENDENT AUDITORS DECLARATION



The Directors  
Central Desert Native Title Services Ltd  
76 Wittenoom Street  
EAST PERTH WA 6004

Dear Sirs,

## AUDITOR'S INDEPENDENCE DECLARATION UNDER SECTION 307C OF THE CORPORATIONS ACT 2001

I declare that, to the best of my knowledge and belief, during the Year Ended 30 June 2011 there have been:

1. no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and
2. no contraventions of the requirements of the Accounting Professional and Ethical Standards Board in relation to the audit.

A handwritten signature in blue ink that reads "Simon Foley".

Yours faithfully,  
Simon Foley CPA BBus  
Registered Company Auditor  
23 September 2011





# DIRECTORS' DECLARATION

## For The Year Ended 30 June 2011

The directors of the company declare that:

1. The financial statements and notes, as set out in the following pages, are in accordance with the *Corporations Act 2001*:
  - a. comply with applicable Accounting Standards and the *Corporations Regulations 2001*; and
  - b. give a true and fair view of the financial position as at 30 June 2011 and of the performance for the year ended on that date of the company.
3. In the directors' opinion there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the board of directors.



George Irving  
Chairperson  
23 September 2011



Peter Thomas  
Director  
23 September 2011

# STATEMENT OF FINANCIAL POSITION

As At 30 June 2011

	Note	2011 \$	2010 \$
<b>Current Assets</b>			
Cash and cash equivalents	6	1,351,158	972,115
Trade and other receivables	8	426,291	343,504
Other current assets	9	85,189	200,522
Total Current Assets		1,862,638	1,516,141
<b>Non-Current Assets</b>			
Property, plant & equipment	10	450,028	451,552
Other non-current assets	11	294,023	-
Total Non-Current Assets		744,051	451,552
Total Assets		2,606,688	1,967,694
<b>Current Liabilities</b>			
Trade and other payables	12	246,255	169,976
Current tax liabilities	13	127,191	141,399
Payroll liabilities	14	32,228	3,089
Provisions and accruals	15	268,167	316,390
Unexpended grants	16	913,402	230,324
Trust liabilities	17	51,809	26,813
Other current liabilities	18	10,908	44,060
Total Current Liabilities		1,649,960	932,050
<b>Non-Current Liabilities</b>			
Provisions and accruals	15	175,445	124,010
Total Non-Current Liabilities		175,445	124,010
Total Liabilities		1,825,405	1,056,060
Net Assets		781,283	911,634
<b>Equity</b>			
Member's Funds		781,283	911,634

The accompanying notes form part of these financial statements.

# STATEMENT OF COMPREHENSIVE INCOME

As At 30 June 2011

	Note	2011 \$	2010 \$
Revenue from continuing operations	4	6,565,037	6,030,134
Other gains	4	69,495	72,675
Employee benefits expense		(3,093,648)	(2,445,911)
Services and supplies		(1,938,049)	(1,660,962)
Other expenses	5	(1,450,307)	(1,307,850)
Interest expense		-	-
Depreciation / amortisation		(270,579)	(287,564)
Other Losses		(12,295)	(37,528)
Net Income before income tax		(130,348)	362,995
Income tax expense	3	-	-
Net Income after income tax		(130,348)	362,995
Other comprehensive income			
Reclassification adjustments		-	-
Total Comprehensive Income		(130,348)	362,995

The accompanying notes form part of these financial statements.



# STATEMENT OF CHANGES IN EQUITY

For The Year Ended 30 June 2011

	Retained Earnings	Reserves		Total
		General	Asset Revaluation	
	\$	\$	\$	\$
Balance at 30 June 2009	548,636	-	-	548,636
Total comprehensive income for the period	362,995	-	-	362,995
Movement in reserves	-	-	-	-
Revaluation increment	-	-	-	-
Balance at 30 June 2010	911,631	-	-	911,631
Total comprehensive income for the period	(130,348)	-	-	(130,348)
Movement in reserves	-	-	-	-
Revaluation increment	-	-	-	-
Balance at 30 June 2011	781,283	-	-	781,283

The accompanying notes form part of these financial statements.

# STATEMENT OF CASH FLOWS

For The Year Ended 30 June 2011

	Note	2011 \$	2010 \$
<b>Cash Flow from Operating Activities</b>			
Receipts from government and customers		7,239,219	5,589,534
Payments to employees		(3,061,296)	(2,381,154)
Payments to suppliers		(3,297,786)	(2,818,608)
Interest received		62,548	34,764
Finance costs		-	-
Net cash from operating activities	7	942,685	424,536
<b>Cash Flow from Investing Activities</b>			
Proceeds from sale of property & equipment		-	35,830
Payment for property & equipment		(563,643)	(315,224)
Net cash used in investing activities		(563,643)	(279,394)
<b>Cash Flow from Financing Activities</b>			
Repayment of financing commitments		-	-
Increase in financing commitments		-	-
Net cash from financing activities		-	-
Net (decrease) increase in cash held		379,042	145,142
Cash at the end of the financial year	6	1,351,158	972,115
Cash at the beginning of the financial year	6	972,115	826,973
Net Increase / (Decrease) in cash held		379,043	145,142

The accompanying notes form part of these financial statements.

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## 1. THE REPORTING ENTITY

Central Desert Native Title Services Ltd is a public company limited by guarantee. It was incorporated under the *Corporations Act 2001* on 16 April 2007 and domiciled in Australia.

The financial statements cover the company as an individual entity.

The Registered and Business address of the Company changed on 30 July 2011 from:

Until 30 July 2011

LG, 170 Wellington Street  
East Perth, WA, 6004

From 30 July 2011

76 Wittenoom Street  
East Perth, WA, 6004

## 2. BASIS OF PREPARATION OF THE FINANCIAL REPORT

### Date of Issue

These financial statements were authorised for issue by the Directors on 23 September 2011. The directors have the authority to amend the financial statements after that date.

### Basis of Accounting

The financial statements is a general purpose financial statements that has been prepared in accordance with Accounting Standards, Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board and the requirements of the *Corporations Act 2001*, the Regulations and the company's constitution.

Australian Accounting Standards set out accounting policies that the AASB has concluded would result in a financial statements containing relevant and reliable information about transactions, events and conditions to which they apply. Compliance with Australian Accounting Standards ensures that the financial statements and notes also comply with International Financial Reporting Standards. Material accounting policies adopted in the preparation of these financial statements are presented below. They have been consistently applied unless otherwise stated.

The statements are prepared on an accruals basis from the records of the company.

They are based on historic costs and do not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The report is presented in Australian dollars (\$AUD) and are rounded to the nearest dollar.

### Going Concern

The accounts have been prepared on a going concern basis.

### Economic Dependence

The ability of the company to continue as a going concern is dependent upon continued support from various Government funding bodies. At the date of this report the directors have no reason to believe that governments will not continue to fund the native title operations of the company.

### Compliance with International Financial Reporting Standards

Australian Accounting Standards require a statement of compliance with International Financial Reporting Standards (IFRSs) to be made where the financial statements complies with these standards. Some Australian equivalents to IFRSs and other Australian Accounting Standards contain requirements specific to not-for-profit entities that are inconsistent with IFRS requirements. The company is a not-for-profit entity and has applied these requirements, so while these financial statements comply with Australian Accounting Standards including Australian Equivalents to International Financial Reporting Standards (AEIFRSs) it cannot make this statement.

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## Adoption of new Australian Accounting Standard requirements

The following standards and interpretations have been applied for the first time

Reference	Title	Appl'n Date of Standard	Appl'n Date for Group
AASB 2009-5	Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project	1 Jan 10	1 Jul 10
AASB 2009-8	Amendments to Australian Accounting Standards – Group Cash-settled Share-based Payment Transactions [AASB 2]	1 Jan 10	1 Jul 10
AASB 2009-10	Amendments to Australian Accounting Standards – Classification of Rights Issues [AASB 132]	1 Feb 10	1 Jul 10
AASB 2010-3	Amendments to Australian Accounting Standards arising from the Annual Improvements Project	1 Jul 10	1 Jul 10
Interp 19	Interpretation 19 Extinguishing Financial Liabilities with Equity Instruments	1 Jul 10	1 Jul 10

The following Australian Accounting Standards issued or amended and are applicable to the association but not yet effective and have not been adopted in preparation of the financial statements at reporting date.

Reference	Title	Appl'n date of standard*	Appl'n date for Group*	Impact
AASB 9	Financial Instruments	1 Jan 13	1 Jul 13	a
AASB 2009-11	Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12]	1 Jan 13	1 Jul 13	b
AASB 124 (Revised)	Related Party Disclosures (December 2009)	1 Jan 11	1 Jul 11	b
AASB 2009-12	Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Interpretations 2, 4, 16, 1039 & 1052]	1 Jan 11	1 Jul 11	b
AASB 2009-14	Amendments to Australian Interpretation – Prepayments of a Minimum Funding Requirement	1 Jan 11	1 Jul 11	b
AASB 1054	Australian Additional Disclosures	1 Jul 11	1 Jul 11	a
AASB 2010-2	Amendments to Australian Accounting Standards arising from reduced disclosure requirements	1 Jul 13	1 Jul 13	c
AASB 2010-4	Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 1, AASB 7, AASB 101, AASB 134 and Interpretation 13]	1 Jan 11	1 Jul 11	b
AASB 2010-5	Amendments to Australian Accounting Standards [AASB 1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Interpretations 112, 115, 127, 132 & 1042]	1 Jan 11	1 Jul 11	b
AASB 2010-6	Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets [AASB 1 & AASB 7]	1 Jul 11	1 Jul 11	a
AASB 2010-7	Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023, & 1038 and interpretations 2, 5, 10, 12, 19 & 127]	1 Jan 13	1 Jul 13	b
AASB 2010-8	Amendments to Australian Accounting Standards – Deferred Tax: Recovery of Underlying Assets [AASB 112]	1 Jan 12	1 Jul 12	b
AASB 2011-1	Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence project [AASB 1, AASB 5, AASB 101, AASB 107, AASB 108, AASB 121, AASB 128, AASB 132, AASB 134, Interpretation 2, Interpretation 112, Interpretation 113]	1 Jul 11	1 Jul 11	c
AASB 2011-2	Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence project – Reduced disclosure regime [AASB 101, AASB 1054]	1 Jul 13	1 Jul 13	c

Impact : – (a) Not determined at date of the financial report (b) No effect (c) No effect but may reduce detail in disclosures The following Standards were adopted early. There was no material impact on the results for the Corporation on adopting the standards.



# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

Reference	Title	Appl'n Date of Standard	Appl'n Date for Group
AASB 1053	Application of Tiers of Australian Accounting Standards	1 Jul 13	1 Jul 10

The company has determined that it is a Tier 2 entity and has adopted the Reduced Disclosure Regime in presentation of its financial report for the year. There was no material impact on the results for the Corporation on adopting the standards.

## Comparatives

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

## 3. SIGNIFICANT ACCOUNTING POLICIES

The following is a summary of the material accounting policies adopted by the Company in the preparation of the financial statements. The accounting policies have been consistently applied, unless otherwise stated.

### Cash and cash equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within short-term borrowings in current liabilities on the statement of financial position.

### Financial Instruments

#### Recognition and Initial Measurement

Financial instruments, incorporating financial assets and financial liabilities, are recognised when the company becomes a party to the contractual provisions of the instruments. Trade date accounting is adopted for financial assets that are delivered within timeframes established by marketplace convention.

Financial instruments are initially measured at fair value plus transactions costs where the instrument is not classified as at fair value through profit or loss. Transaction costs related to instruments classified as at fair value through profit or loss are expensed to profit or loss immediately. Financial instruments are classified and measured as set out below.

#### De-recognition

Financial assets are derecognised where the contractual rights to receipt of cash flows expires or the asset is transferred to another party whereby the entity no longer has any significant continuing involvement in the risks and benefits associated with the asset. Financial liabilities are derecognised where the related obligations are either discharged, cancelled or expire. The difference between the carrying value of the financial liability extinguished or transferred to another party and the fair value of consideration paid, including the transfer of non-cash assets or liabilities assumed is recognised in profit or loss.

#### Classification and Subsequent Measurement

##### Financial assets at fair value through profit and loss

A financial asset is classified in this category if acquired principally for the purpose of selling in the short term or if so designated by management and within the requirements of AASB 139: Recognition and Measurement of Financial Instruments. Derivatives are also categorised as held for trading unless they are designated as hedges. Realised and unrealised gains and losses arising from changes in the fair value of these assets are included in the income statement in the period in which they arise.

##### Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are stated at amortised cost using the effective interest rate method.

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## Held-to-maturity investments

These investments have fixed maturities, and it is the company's intention to hold these investments to maturity. Any held-to-maturity investments held by the company are stated at amortised cost using the effective interest rate method.

## Available-for-sale financial assets

Available-for-sale financial assets include any financial assets not included in the above categories. Available-for-sale financial assets are reflected at fair value. Unrealised gains and losses arising from changes in fair value are taken directly to equity.

## Financial liabilities

Non-derivative financial liabilities are recognised at amortised cost, comprising original debt less principal payments and amortisation.

## Derivative instruments

The company does not deal with or hold derivative instruments.

## Fair value

Fair value is determined based on current bid prices for all quoted investments. Valuation techniques are applied to determine fair value for all unlisted securities, including recent arm's length transactions, reference to similar instruments and option pricing models.

## Impairment

At each reporting date, the company assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the income statement.

## Inventories

The company does not hold inventories of goods for sale.

## Investments (financial assets)

### Available-for-sale financial assets

All investments are classified as available-for-sale financial assets. Available-for-sale financial assets are reflected at fair value unless their fair value cannot be reliably measured. Unrealised gains and losses arising from changes in fair value are taken directly to equity.

### Fair value

Fair value is determined based on current bid prices for all quoted investments. Valuation techniques are applied to determine fair value for all unlisted securities, including recent arm's length transactions, reference to similar instruments and option pricing models.

### Recognition

Financial assets are initially measured at cost of trade date, which includes transaction costs, when the related contractual rights or obligations exist. Subsequent to initial recognition these instruments are measured as set out below.

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## Property, plant and equipment

Each class of property, plant and equipment is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

### Plant and equipment

Plant and equipment are measured on the cost basis.

### Depreciation

The depreciable amount of all fixed assets including buildings and capitalised leased assets, but excluding freehold land, is depreciated on a diminishing-value basis over the asset's useful life to the company commencing from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of depreciable assets are based on the ATO's estimated useful life for the class of assets

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date.

## Intangible assets

### Software

Software developed specifically for the company is recoded at cost. Software has a finite life and is carried at cost less any accumulated amortisation and impairment losses. It has an estimated useful life of between one and two years. It is assessed annually for impairment. All other software is expensed as it is purchased.

## Employee benefits

Provision is made for the company's liability for employee benefits arising from services rendered by employees to balance date. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits payable later than one year have been measured at present value of the estimated future cash outflows to be made for those benefits. These cashflows are discounted using market yields on national government bonds with terms to maturity that match the expected timing of cashflows.

Government grants received by the company do not currently allow the charging of employee liabilities against the grant revenue. The result is that unexpended grant liabilities are overstated by the amount of the accrued benefits. FaHCSIA permits employee entitlements to be charged against grants as and when they fall due and payable and may provide additional funds.

## Provisions

Provisions are recognised when the company has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

## Borrowings

Borrowing costs directly attributable to the acquisition, construction or production of assets that necessarily take a substantial period of time to prepare for their intended use or sale, are added to the cost of those assets, until such time as the assets are substantially ready for their intended use or sale.

All other borrowing costs are recognised in income in the period in which they are incurred.

## Funds Held on Trust

From time to time the company holds funds on trust for Native Title Claimant groups pending the formation of a Prescribed Body Corporate ("PBC"). Such funds are held as liabilities and retained in the company's bank accounts pending the establishment of bank accounts for the purpose. The receipt of those funds, and interest pertaining to the bank accounts, are not recognised as revenue to the company.

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## Revenue

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed. Any consideration deferred is treated as the provision of finance and is discounted at a rate of interest that is generally accepted in the market for similar arrangements. The difference between the amount initially recognised and the amount ultimately received is interest revenue.

### Grant Revenue

Grant revenue is recognised in the income statement when it is controlled. When there are conditions attached to the grant revenue relating to the use of those grants for specific purposes it is recognised as a liability until such time as those conditions are met or the services provided.

### Sale of Services

Revenue recognition relating to the provision of services is determined with reference to the stage of completion of the transaction at the reporting date and where the outcome of the contract can be estimated reliably. Stage of completion is determined with reference to the services performed to date as a percentage of total anticipated services to be performed. Where the outcome cannot be estimated reliably, revenue is recognised only to the extent that related expenditure is presently recoverable.

### Sale of Goods

Revenue from the sale of goods is recognised at the point of delivery as this corresponds to the transfer of significant risks and rewards of ownership of the goods and the cessation of all involvement in those goods.

### Interest

Interest revenue derives from interest on funds held on deposit and are recognised when they are received. Other interest received is recognised using the effective interest rate method, which, for floating rate financial assets, is the rate inherent in the instrument. Dividend revenue is recognised when the right to receive a dividend has been established.

### Donations and Bequests

Donations and bequests are recognised as revenue when received unless they are designated for a specific purpose where they are carried as prepaid income. All revenue is stated net of the amount of goods and services tax (GST).

## Taxation

### Public Benevolent Institution

The Australian Taxation office endorsed the company as a Public Benevolent Institution and it is eligible for the following concessions:

- i. GST concession;
- ii. FBT exemption;
- iii. Income taxation exemption.

The company is endorsed as a Deductible Gift Recipient. All donations of \$2 or more are tax deductible. No change in its tax status as a result of activities undertaken during the year is likely.

### Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST. Cash flows are presented in the cash flow statement on a net basis.

## Critical Accounting Estimates and Judgments

The preparation of the financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the entity's accounting policies. The directors evaluate estimates and judgments incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the group. No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.



# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## 4. REVENUE FROM CONTINUING OPERATIONS

	Note	2011 \$	2010 \$
<b>Revenue from continuing operations</b>			
Net grant revenue	15	4,809,252	4,236,229
Revenue from the sale of services			
Administration Fees		134,093	101,528
Fee for Service		1,196,759	1,529,324
Reimbursements		356,175	116,561
Donations		2,025	11,510
Sundry		4,185	218
Interest		62,548	34,764
		6,565,037	6,030,134
<b>Other Gains</b>			
Proceeds on sale of non current assets		69,495	20,697
Other Gains		-	51,978
		69,495	72,675

## 5. NET OPERATING RESULT

Net Operating Result before Income Tax is determined after the following significant Other Expenses:

	Note	2011 \$	2010 \$
Travel and accommodation expenses		648,599	586,499
Occupancy costs		355,110	224,719
Motor vehicle expenses		227,548	203,800
Program expenses		200,000	238,099
Repairs & maintenance		13,196	3,135
Bad debts written off/provided for		12,295	-
Provision for doubtful debts		7,068	7,068
Sundry		3,504	-
Charitable Activities		2,351	14,932
Plant & equipment		-	36,665

## 6. CASH AND CASH EQUIVALENTS

	Note	2011 \$	2010 \$
<b>Cash at Bank</b>			
Operating account		111,476	176,782
Max-i direct		244,554	541,861
FaHCSIA account		553,403	-
IPA cash mgt account		188,487	75,202
Gift fund account		6,547	1,156
Term deposit		154,660	150,000
Term deposit		56,173	-
<b>Trust Accounts</b>			
Pilki claimant group		35,559	26,813
<b>Cash on Hand</b>			
Gift cards held		-	-
Petty cash		300	300
		1,351,158	972,115

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

*Terms:* Cash at bank is held in at-call interest bearing deposits.

*Restriction:* Cash at bank includes an amount of \$913,402 representing the balance of unexpended grants. The restriction arises as a result of the terms and conditions of various funding agreements which require unspent funds to be returned or used in future years for the purposes specified in the funding agreements. A further amount of \$51,809 is held on Trust for claimant groups – see note 16.

## 7. CASH FLOW INFORMATION

### a) Reconciliation of Cash Flows from Operating activities

Note	2011 \$	2010 \$
Profit after income tax	(130,348)	362,995
<b>Non Cash Flows included in Profit</b>		
Depreciation and amortisation	270,579	287,564
Contribution of assets	566	(48,833)
Net other non cash flows in profit	-	(9,053)
<b>Changes in Assets and Liabilities</b>		
(Increase)/Decrease in receivables	(82,786)	40,271
(Increase)/Decrease in other current assets	115,333	(132,837)
Increase/(Decrease) in payables	76,297	(35,232)
Increase/(Decrease) in provisions and accruals	3,213	100,927
Increase/(Decrease) in current tax liabilities	(14,208)	141,399
Increase/(Decrease) in unexpended grants	683,078	(313,271)
Increase/(Decrease) in other liabilities	20,962	30,606
<b>Cash flows from operating activities</b>	<b>942,686</b>	<b>424,536</b>

## 8. TRADE AND OTHER RECEIVABLES

Trade receivables	435,860	350,573
Other receivables	2,726	-
Less: Provision for doubtful debts	(12,295)	(7,069)
	<b>426,291</b>	<b>343,504</b>

*Terms.* Trade and other debtors are non-interest bearing and are generally settled on terms of 30 days. Trade debtors are reported net of GST

### a) Ageing of amounts receivable, past due but not impaired

<b>Ageing</b>		
31-60	1,599	35,925
61-90	-	200
90+	-	20,069
	<b>1,599</b>	<b>56,195</b>

### b) Ageing of amounts receivable, past due and impaired

<b>Ageing</b>		
31-60	-	-
61-90	-	-
90+	12,295	7,069
	<b>12,295</b>	<b>7,069</b>

*Review:* Impaired receivables are reviewed for collectability and either written off or pursued to recovery

## 9. OTHER CURRENT ASSETS

Prepayments	57,287	-
Bonds	1,700	1,700
Deposits	14,183	1,000
Accrued Income	12,020	197,822
	<b>85,189</b>	<b>200,522</b>

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## 10. PROPERTY PLANT & EQUIPMENT

	Note	2011 \$	2010 \$
<b>Leasehold improvements</b>			
Leasehold improvements at cost		374,843	290,084
Less: accumulated depreciation		(253,725)	(211,890)
		121,118	78,194
<b>Motor vehicles</b>			
Motor vehicles at cost		627,636	561,736
Less: accumulated depreciation		(399,315)	(283,107)
		228,321	278,630
<b>Office equipment &amp; furniture</b>			
Office equipment & furniture at cost		187,159	165,356
Less: accumulated depreciation		(113,728)	(88,926)
		73,431	76,430
<b>Plant &amp; equipment</b>			
Plant & equipment at cost		50,094	29,384
Less: accumulated depreciation		(22,936)	(11,085)
		27,158	18,299
<b>Carrying Amount</b>		450,028	451,552

*Change of address:* On 30 July 2011, the company moved to new premises located at 76 Wittenoom Street East Perth. The extended lease on 170 Wellington Street expired on 31 August 2011. At that time a final adjustment on the carrying amount of leasehold assets at 170 Wellington Street was made. There was no material effect to the accounts as the carrying value had been reduced to nil over the life of the Lease.

### a) Movements in carrying amounts

	L/hold Imp \$	Motor Vehicles \$	OE & Furn \$	Plant & Equipment \$	Total \$
<b>2009</b>					
Balance at 1 July 2009	122,291	195,104	77,162	7,278	401,835
<b>Additions</b>					
by purchase	39,606	216,214	43,450	15,955	315,224
Depreciation expense	(83,703)	(166,955)	(32,446)	(4,461)	(287,564)
Adjustments	-	48,833	-	(473)	48,360
Impairment	-	-	-	-	-
Disposals	-	(14,567)	(11,736)	-	(26,303)
Carrying amount at 30 June 2010	78,194	278,630	76,430	18,299	451,552
<b>2010</b>					
<b>Additions</b>					
by purchase	84,759	134,780	29,370	20,711	269,620
Depreciation expense	(41,835)	(184,648)	(32,245)	(11,852)	(270,579)
Adjustments	-	-	-	-	-
Impairment	-	-	-	-	-
Disposals	-	(441)	(125)	-	(565)
Carrying amount at 30 June 2011	121,118	228,321	73,431	27,158	450,028

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## 11. OTHER NON-CURRENT ASSETS

	Note	2011 \$	2010 \$
Work In Progress		294,023	-
		294,023	-

**Work in Progress:** Work in Progress comprises the cost of construction work and fittings performed on the fit-out of 76 Wittenoom Street East Perth to the end of the financial year. The fitout was reclassified as Leasehold improvements at 31 August 2011 when practical completion of the fitout was reached.

## 12. TRADE AND OTHER PAYABLES

Trade payables	157,270	120,550
Other payables	1,717	1,192
Credit card		
Mastercard	51,310	48,173
American express	35,958	60
	246,255	169,976

**Credit Card Facility.** The company has a \$100,000 credit card facility with Westpac Banking Corporation of which \$48,690 remained unused at balance date. The Company has a \$70,000 credit card facility with American Express of which \$34,042 remained unused at balance date. MasterCard and American Express purchasing card balances are cleared on or about the 27th of each month.

## 13. CURRENT TAX LIABILITIES

GST payable	195,504	193,598
GST receivable	(125,880)	(87,790)
PAYG Withholding payable	57,567	35,591
	127,191	141,399

## 14. PAYROLL LIABILITIES

Salary Sacrifice Payable	-	1,868
Staff Deductions Payable	-	940
Superannuation payable	32,228	281
	32,228	3,089

## 15. PROVISIONS AND ACCRUALS

### a) Current

<b>Provisions</b>		
Audit fees	8,000	19,500
<b>Accrued Employee Entitlements</b>		
Wages	-	79,581
Annual Leave	152,217	160,354
Long Service Leave	92,955	56,955
Program Expenses	14,956	-
	268,127	316,390

### b) Non -current

<b>Accrued Employee Entitlements</b>		
Long Service Leave	175,445	124,010
	175,445	124,010

**Accrued Entitlements:** A significant proportion of company staff continue to have entitlements accrued from their service with a predecessor entity which transferred its business to the company upon its formation.

Accruals for Annual and Long Service Leave are not charged to grant funding.



# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## 16. UNEXPENDED GRANTS

	Year	Unexp B/fwd	New Grants	AGI	Transfers/ Repay	Exp'd	Unexp C/Fwd
<b>FaHCSIA</b>							
Native Title - Capital	10-11	-	175,000	-	-	175,000	-
Native Title - Operational	10-11	-	3,399,000	223,050	-	3,469,212	152,838
Cont Lit - GDNR	09-11	124,272	233,100	-	-	212,829	144,543
Cont Lit - Yilka	10-11	-	616,370	-	-	526,904	89,467
PBC Support Funds	10-11	-	300,000	-	-	200,000	100,000
		124,272	4,723,470	223,050	-	4,583,945	486,847
<b>SEWPAC</b>							
IPA Birriliburu	09-10	75,774	6,132	1,567	-	83,473	-
IPA Birriliburu	10-11	-	130,000	-	-	71,410	58,590
IPA MWW	10-11	-	100,000	-	-	-	100,000
IHP Kuju Wangka	10-11	-	120,000	-	-	55,624	64,376
<b>Lotterywest</b>							
Lottery West - Return to Country	09-10	9,642	-	780	-	10,422	-
Lottery West - Oral History	09-11	-	22,017	-	-	22,017	-
Lottery West - Motor Vehicle	10-11	-	65,000	299	-	65,299	-
<b>Other</b>							
Rangelands NRM	09-12	20,636	197,400	-	-	133,700	84,337
MWDC - LM Facility Wiluna	10-11	-	122,817	-	-	11,945	110,872
FRR - Parna Ngururpa	10-11	-	8,380	-	-	-	8,380
<b>Sub Total Non FaHCSIA</b>		<b>106,053</b>	<b>771,746</b>	<b>2,646</b>	<b>-</b>	<b>453,889</b>	<b>426,555</b>
<b>Total</b>		<b>230,324</b>	<b>5,495,216</b>	<b>225,696</b>	<b>-</b>	<b>5,037,834</b>	<b>913,402</b>

## 17. TRUST LIABILITIES

	Note	2011 \$	2010 \$
Funds held for Pilki Native Title claimants		35,559	26,813
Funds Held for Yilka Native Title Claim claimants		16,250	-
		51,809	26,813

## 18. OTHER CURRENT LIABILITIES

Unearned Income	10,908	44,060
	10,908	44,060

## 19. AUDITOR REMUNERATION

The company's auditor is Mr Simon James Edward Foley CPA BBus (ASIC Reg. 273581)

<b>Auditor remuneration for the year ended 30 June</b>		
Audit of the financial report	13,500	12,749
Audit of PBC accounts	6,738	2,277
<b>Other non-audit services</b>	<b>-</b>	<b>-</b>
	20,238	15,026

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## 20. KEY MANAGEMENT PERSONNEL

The Company's Key Management personnel comprise the Directors identified in the Director's Report and the following Management staff:

Position	2011	2010
Chief Executive Officer	Ian Rawlings	Ian Rawlings
Principal Legal Officer	Malcolm O'Dell	Malcolm O'Dell
Business Services Manager	Ric West	Ric West

### a) Remuneration of Key Management Personnel

	Directors		Management Staff	
	2011 \$	2010 \$	2011 \$	2010 \$
<b>Short Term Benefits</b>				
Salaries & allowances	-	-	510,576	446,230
Directors fees	-	950	-	-
Travel & allowances	-	-	-	-
<b>Post Employment Benefits</b>				
Superannuation	-	-	45,952	40,161
<b>Total</b>	-	950	556,528	486,390

*Source of Director's Fees:* Director's fees were not paid from any Government program funding received during the 2009/10 financial year.

## 21. RELATED PARTY TRANSACTIONS

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated. The sum of transactions with related parties are detailed below:

	2011 \$	2010 \$
George Irving LLB                      Legal Services - Native Title	-	11,000
	-	11,000

## 22. CAPITAL AND LEASING COMMITMENTS

### Operating Lease Commitments

Non-cancellable operating leases contracted for but not capitalised in the financial statements relate to office properties in Perth, Kalgoorlie and Wiluna Western Australia and leases for office equipment. Rental lease arrangements include market review clauses.

Operating Lease	Expiring	Payments due			
		within 1 Year	1-2 years	2-5 years	over 5 years
LG 170 Wellington Street East Perth	31/08/11	116,721	-	-	0
76 Wittenoom Street East Perth 1	31/03/16	312,704	673,095	1,141,185	
225 Picadilly St Kalgoorlie	18/07/13	22,092	1,841	-	0
Storage units (3 units)	30/06/12	12,936	-	-	0
Wiluna office - Thompson Street 2	01/10/12	385	880	1,320	
Wiluna LM depot - Wotton Street	29/06/22	1,628	3,256	4,884	204 pa
		466,466	679,072	1,147,389	0

# NOTES TO THE FINANCIAL STATEMENTS

## For The Year Ended 30 June 2011

1. **Options:** The lease on 76 Wittenoom Street East Perth contains a right to two optional renewal terms of three years each extending to 31/03/2022. Lease increases by 5% annually and is marked to market 2012, 2016 and 2019
2. **Crown Lease:** the crown lease on the Office at Thompson Street Wiluna, original granted to Ngaanyatjarra Council and transferred to the company on 24 Jan 2011, expires on 1/10/2012. It is expected that the lease will be renewed for a further 10 year period.

## 23. COMMITMENTS – GRANT FUNDING

Commitments entered into by the company for the supply of goods and services as at 30 June 2011, and which are to be paid from grant funds carried forward are as follows:

Note	2011 \$	2010 \$
Commitments relating to capital contracts entered into	127,163	61,125
Commitments for other goods or services	14,956	17,778
	142,119	78,903

The commitments arise from contracts for the delivery of goods or services that were entered into by 30 June 2011 but for which the goods or services had not been delivered or completed at balance date. Additionally, the company is committed to rental and operating lease commitments and accrued annual and long service leave entitlements for staff. Other than those items listed above, there are no other grant funding commitments

## 24. CONTINGENT ASSETS AND LIABILITIES

### Contingent Assets

There are no contingent assets of the Company.

### Contingent Liabilities:

- Make Good:** The lease on 170 Wellington Street East Perth contained a make-good provision requiring company to remove portioning, re-paint and re-carpet. At the date of publication of this report, the Company was negotiating with the landlord for a partial remission of make good requirements or reducing the extent of the make good. It is expected that any amount owing will not exceed \$40,000.
- Bank Guarantee:** A Bank Guarantee in favour of Kella Nominees Pty Ltd in the amount of \$201,614.60 is in place and represents the equivalent of 6 month's rental. The guarantee is secured by term deposits.

## 25. FINANCIAL INSTRUMENTS

### a) Financial Risk Management

The company's financial instruments consist mainly of deposits with banks accounts receivable and payable. The company does not have any derivative instruments at 30 June 2011.

#### i. Treasury Risk Management

Due to the limitations imposed on grant funding, all funds are held in at-call deposits or in short term investments with a major bank.

#### ii. Financial Risks

The main risks the Company is exposed to through its financial instruments are interest rate risk, liquidity risk and credit risk.

#### Foreign currency risk

The Company is not exposed to fluctuations in foreign currencies.

# NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2011

## Liquidity risk

The Company manages liquidity risk by monitoring forecast cash flows and ensuring that adequate unutilized borrowing facilities are maintained.

## Credit risk

The maximum exposure to credit risk, excluding the value of any collateral or other security, at balance date to recognized financial assets, is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements.

The company does not have any material credit risk exposure to any single receivable or group of receivables under financial instruments entered into by the company.

## Price risk

The company is not exposed to any material commodity price risk.

## b) Interest Rate Risk

The Company's exposure to interest rate risk, which is the risk that a financial instrument's value will fluctuate as a result of changes in market interest rates and the effective weighted average interest rates on those financial assets and financial liabilities, is as follows:

### i. Financial Assets

Financial Instrument	Floating Interest Rate		Non-Interest Bearing		Total		Weighted Ave Eff Int Rate	
	2011 \$	2010 \$	2011 \$	2010 \$	2011 \$	2010 \$	2011 %	2010 %
Cash	1,350,858	971,815	300	300	1,351,158	972,115	5.38	2.20
Receivables	-	-	438,586	350,573	438,586	350,573	-	-
Financial Assets	-	-	85,189	200,522	85,189	200,522	-	-
Total	1,350,858	971,815	524,075	551,395	1,874,933	1,523,210		

### iii. Financial Liabilities

Financial Instrument	Floating Interest Rate		Non-Interest Bearing		Total		Weighted Ave Eff Int Rate	
	2011 \$	2010 \$	2011 \$	2010 \$	2011 \$	2010 \$	2011 %	2010 %
Payables	-	-	246,255	169,976	246,255	169,976	-	-
Payroll	-	-	32,228	3,088	32,228	3,088	-	-
Tax Liabilities	-	-	127,191	141,399	127,191	141,399	-	-
Unexp Grants	-	-	230,324	230,324	230,324	230,324	-	-
Other	-	-	51,809	26,813	51,809	26,813	-	-
Total	-	-	687,807	571,600	687,807	571,600		

## 26. MEMBERS' GUARANTEE

The company is incorporated under the *Corporations Act 2001* and is a company limited by guarantee.

If the company is wound up the constitution states that each member is required to contribute a maximum of \$1 each towards the property of the company for payment of the debts and liabilities of the company. At 30 June 2011 the number of members was four (4).

## 27. EVENTS AFTER THE BALANCE DATE

No other matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the company, the results of those operations, or the state of affairs of the company in future financial years.



# ACKNOWLEDGEMENTS

We gratefully acknowledge the people and communities with whom we work: for their support, encouragement, and patience with what is often a time consuming and difficult process.

We also acknowledge our funding providers:

The Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA);

The Commonwealth Department of Sustainability, Environment, Water, Population and Communities;

Rangelands NRM WA;

Lotterywest;

Mid West Development Commission;

Mining companies participating in the Wiluna Regional Partnership Agreement (RPA);

Shire of Wiluna.




## For More Information:

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[www.centraldesert.org.au/who-we-are](http://www.centraldesert.org.au/who-we-are)



**Central Desert Native Title Services** produces high quality outcomes in all facets of native title work including: legal and anthropological research, managing future acts, mediation and litigation, cultural translation, governance and capacity building and natural resource management. The organisation facilitates and maintains strong co-operative relationships between Traditional Owners and government agencies, non-government organisations, exploration and mining companies, and other stakeholders.

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