

A photograph of a desert landscape. On the left, a large, dark tree with green foliage stands against a clear sky. In the background, a prominent red rock hill or cliff rises, dotted with small green shrubs. The foreground is filled with dense, low-lying desert vegetation, including green bushes and dry, yellowish grasses.

CENTRAL DESERT NATIVE TITLE SERVICES LIMITED

NEW BEGINNINGS

**ANNUAL REPORT
2007-2008**

With grateful acknowledgement

To the people and communities we represent, for their support, encouragement and patience with what can be a time consuming and difficult process.

To Ngaanyatjarra Council for its ongoing commitment to the people of Ngaanyatjarra Lands and for Council's support in the transition of its native title responsibilities to Central Desert Native Title Services Limited.

To our funding bodies:

- The Australian Government Department of Families, Housing, Community Services, and Indigenous Affairs (FaHCSIA);
 - The Government of Western Australia's Office of Native Title (ONT).
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Board of Directors

Central Desert Native Title Services Limited (Central Desert) was incorporated on 16 April 2007 and commenced operations on 1 July 2007. At the end of the reporting period the Board consisted of three Directors and the Board is intending to expand to five Directors in the coming year.

The Directors

Mr George Irving (Chairperson)

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 AO

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."

Mr John Thurtell

John Thurtell is an Indigenous Affairs consultant. He has worked extensively on program and service provision in Aboriginal communities, community governance, native title matters and the negotiation of mining and compensation agreements. He has worked in the Ngaanyatjarra Lands, the Kimberley, Pilbara and Goldfields in Western Australia, the Anangu Pitjantjatjara Yankunytjatjara Lands in South Australia, Far North Queensland and Victoria.



Our Vision

That the Indigenous Peoples of the Central Desert are using their traditional lands to achieve their social, cultural and economic aspirations.

Strategic Focus Areas

1. Central Desert Capacity:

We have the capacity to deliver on our three year aspirations.

2. Determinations and Agreements:

We are maintaining our momentum in negotiating determinations and agreements.

3. Prescribed Body Corporate Capacity:

We are servicing Prescribed Bodies Corporate that are functional, empowered and independent.

4. Social and Economic Outcomes:

We are contributing to improving the social and economic conditions of the peoples of the Central Desert region in a culturally respectful way.

Mission

To secure for the Indigenous Peoples of the Central Desert:

- The highest level of native title rights and interests; or
- Alternative forms of title to land in those areas where native title cannot be recognised.

To build for the Indigenous Peoples of the Central Desert, native 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.

Values

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

Chairperson's Report - To the Indigenous Peoples of the Central Desert:

It gives me great pleasure to present the very first Annual Report of Central Desert Native Title Services Ltd.

As you know, prior to 1 July 2007, professional Native Title services in the Central Desert region were provided by the Native Title Unit of Ngaanyatjarra Council (NgC). In 2006, however NgC asked the government to help create a separate Native Title service, so that NgC could focus on its other important work.

Accordingly, in early 2007, Central Desert Native Title Services Ltd (Central Desert) was incorporated with two temporary Directors appointed by the government to get things going. Then, on 1 July 2007, most of the staff who had worked in the Native Title Unit was transferred to Central Desert. This was a big change for the staff and, not surprisingly, there was some concern to ensure that their new employer would be as understanding of the circumstances, history and aspirations of their clients as NgC has always been. A lot of thought and effort went into finding and appointing three Directors who would have such an understanding and I was honoured to join the Hon. Fred Chaney and Mr John Thurtell in accepting that appointment.

The first meeting of the Board was held in November 2007. I would like to thank my fellow Directors for their vote of confidence in electing me to the Chairperson's position and for their dedication and commitment to the task of creating a workable Constitution and an impressive set of policy documents to guide the future operations of Central Desert.

I would also like to welcome a new Director to the Board. Dr Fiona Skyring is an Historian who has worked extensively with native title communities in the Kimberley region, giving voice to their histories and appearing in Federal Court Native Title hearings as an expert witness on their behalf.

It has been a very challenging year and the Board would like to publicly acknowledge the herculean effort of the staff who, not only successfully completed their heavy work schedule during the first year of Central Desert's operation, including securing three determinations of native title, but also shouldered the burden of establishing Central Desert and the shared responsibility of creating a strategic plan and other policy documents.

This new financial year has brought further challenges. A significant cut in funding from the Commonwealth Government has left Central Desert with insufficient resources to fully implement the work that was scheduled to take place over the next 12 months. We understand that this funding cut is a temporary measure only and that our funding will be increased next year following a review of resources. The change in government, at the State level, has also created uncertainty as to the status of existing negotiations and the future of the proposed Indigenous Conservation Act.

In short, while you can rest assured that the staff of Central Desert will be working as hard as ever to achieve successful outcomes; it will now, unfortunately, take longer to do so. We ask for your patience and support, and assure you that both the staff and the Board remain dedicated to fulfilling our Mission.

George Irving
Chairperson



CEO Report

On July 1, 2007 Central Desert Native Title Services Ltd (Central Desert) commenced its operations and the Ngaanyatjarra Council closed its Native Title Unit.

Central Desert's major challenge for its first year of operations was how to deliver a full, dynamic and pre-existing field-operations program while at the same time settling into being a new organisation with evolving governance and administrative requirements. I am pleased to be able to report that at the end of the reporting period the Central Desert Board is in place and active, a strategic plan and a governance framework have been developed and are being implemented, administrative systems have been established and are being fine-tuned and our field-operations team has had a productive and successful year.

The many fine achievements of this year were the result of a tremendous effort on the part of the whole Central Desert team and I take this opportunity to thank them all. I also offer special thanks to the Senior Management Team of Malcolm O'Dell (Principal Legal Officer), Robyn Pope (Business Support Manager), Sian Hanrahan (Senior Legal Officer) and Nick Smith, and later Sarah Bell, (Coordinators Anthropology) for their support and for their valued commitment to the organisation and to our clients. The Senior Management Team was the bridge between the existing core workload and the establishment and bedding down of the new systems and structures that enabled the organisation to function as a whole through such unsettled times.

The Central Desert Board has provided sound direction and solid support to the organisation and to me in my role as CEO. I thank the Board deeply and I look forward to a strong and productive working relationship with them.

Looking to the future, the election of the Rudd Government in November 2007 has bought with it a mix of optimism, uncertainty and frustration. The Minister for Indigenous Affairs and the Attorney General both gave speeches early in their term with indications of the Government's desire to make changes to the native title system to enable speedier outcomes; however, the most tangible change to date has been a reduction in the Federal native title funding allocation to Central Desert, as well as most other native title bodies, for 2008/2009. This reduction will significantly slow native title outcomes in the region for the next 12 to 18 months.

Since the end of the reporting period there has also been a change of government in Western Australia. As yet there is no indication from the new State Government on how it will be approaching native title.

Given the change and uncertainty at both the State and Federal levels and our very tight funding position 2008/2009 is shaping up to be another challenging year. With the strong team that we have and the experience of the Board guiding us we face the year with confidence and look forward to providing another solid year of service to our constituents, within the constraints of our funding allocation.

Ian Rawlings
Chief Executive Officer



PLO Report

The legal environment for the period 1 July 2007 to 30 June 2008 was influenced by amendments to the Native Title Act and to legislation governing the establishment and regulation of Prescribed Bodies Corporate (PBCs). The amendments to the Native Title Act, among other things, require all parties to a native title application to negotiate in good faith to reach resolution of that claim. This should assist the National Native Title Tribunal (NNTT) in identifying the particular issues of non-government respondents to native title claims earlier in the mediation process, thereby speeding up the finalisation of native title claims. The holding of a 'scoping conference' in October 2008 for the Wiluna claim will be the first opportunity for the NNTT to apply the negotiation in good faith principles in the Central Desert region.

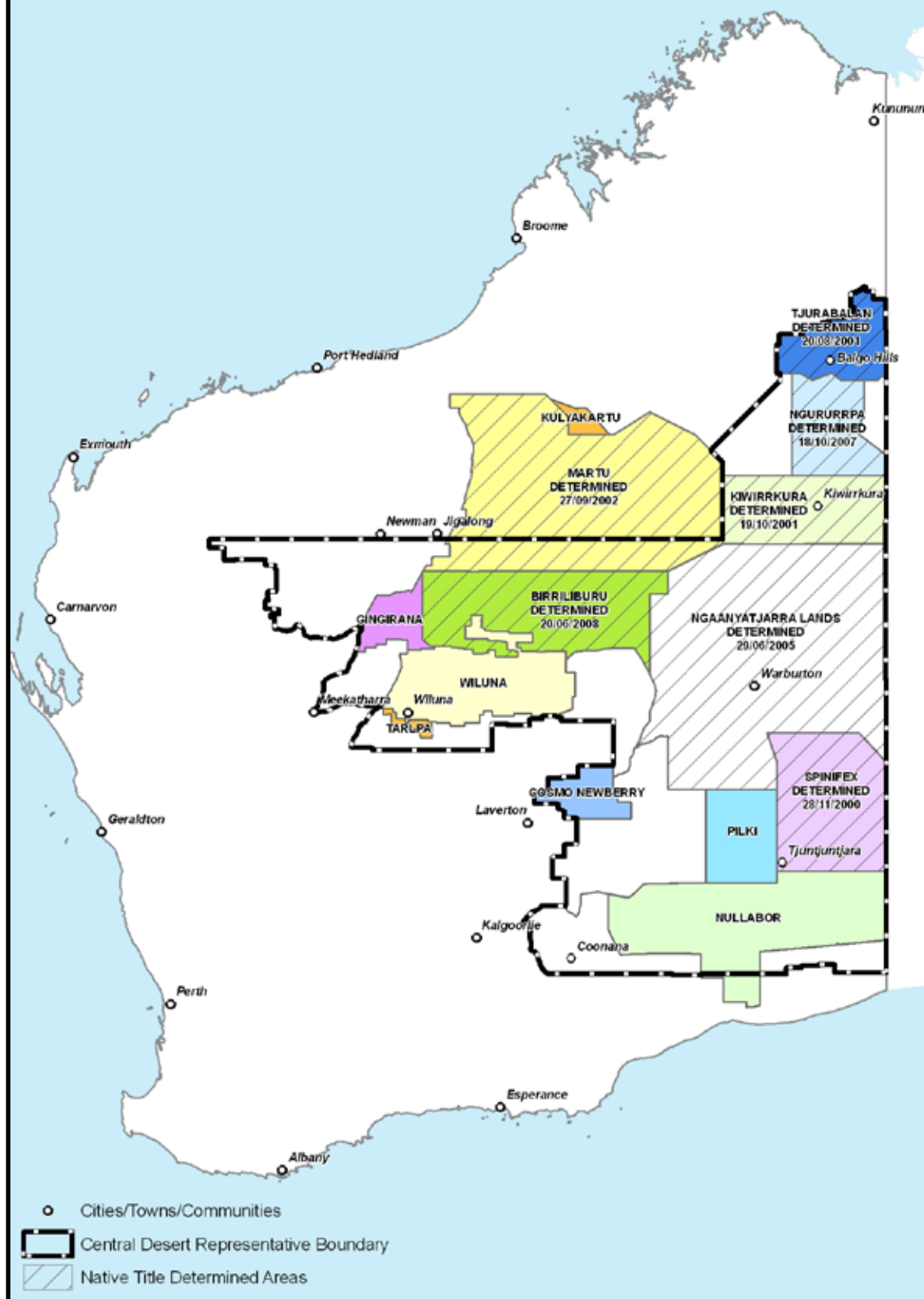
The changes to the legislation governing PBCs mean that the constitutions of all the existing PBCs serviced by Central Desert will need to be amended. Central Desert has already begun the task of assisting PBCs in making those changes, however the capacity to undertake this significant task is hampered by Federal government funding restrictions.

In addition to the general legal environment affecting the Central Desert region, a number of specific legal issues arose during the period. These include the general issue of compensation arising under the Native Title Act, including the specific issues of the taxation treatment of compensation and whether there are any legal 'defences' to the payment of compensation by state or federal governments. Also at issue is the interpretation of Category C past acts as defined under the Native Title Act and the application of trespass laws on determined native title land. Central Desert continues to actively investigate resolution of these issues.

Malcolm O'Dell
Principal Legal Officer



THE CENTRAL DESERT REGION



Strategic Plan

The strategic plan identifies four strategic focus areas that have been ratified by the Board along with tasks, timeframes and measuring tools to measure our success. Our major achievements for the year have been:

STRATEGIC FOCUS AREA ONE - CENTRAL DESERT CAPACITY

Cross cultural exchange processes

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

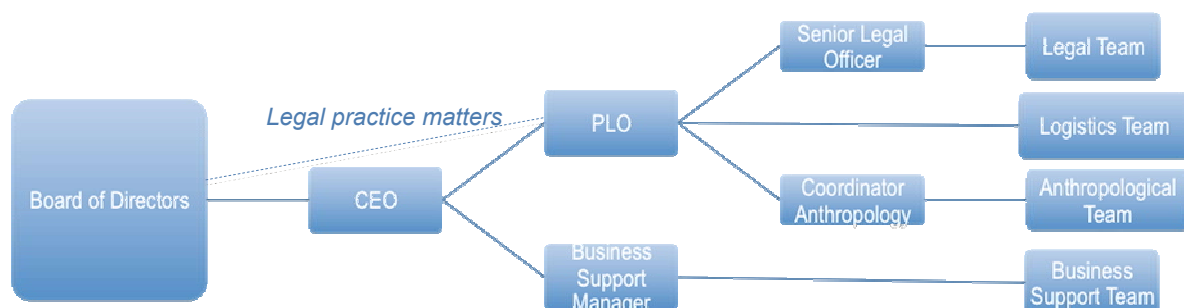
- Supported the attendance of 16 claimants and native title holders at the 2008 Native Title Conference.
- Provided ongoing support to a team of two permanent and five casual Indigenous Liaison Officers.
- Supported attendance by four Liaison Officers at in-house and external workshops.
- Encouraged all non-field staff to attend and engage in on-country activities. Four non-field staff attended the Ngururra and Birrilburu determinations and numerous other on-country activities.

Best practice workplace

At the foundation of this outcome is the creation of a shared view of directions and values, commitments and feelings of loyalty and personal worth for all staff within Central Desert. Throughout this year, new initiatives to assist with achieving this outcome included:

- Development and consolidation of a business unit. This included the recruitment of a Business Support Manager in October 2007 and a redefining of tasks within the business support team.

Organisational Chart



- Providing staff with clear expectations through the development of new job descriptions, employment contracts and conditions, and the implementation 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 implementation and ongoing development of a project specific accounting and reporting system.
 - The establishment of a logistics unit to coordinate staff travel and manage motor vehicles and operational equipment.
 - The purchase of an additional five 4WD vehicles to support the operational team.
 - The upgrade of the computer network, including hardware.
 - The renovation of the Central Desert office to accommodate the new staffing structure.
- Developing and implementing documented policies and procedures which integrate the requirements of quality standard ISO9001:2000, risk management and corporate governance best practice. Each policy is written with the collaboration of all managers and feedback from staff.
- 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 weekly staff meetings.
- Having fun. This has included occasional afternoon or morning teas, a great Christmas party, a Melbourne Cup lunch or simply sharing conversation over lunch or after work.



Develop and implement a program to broaden the organisation's funding base

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

FaHCSIA provided Central Desert with one-off set up funds late in the 2006/2007 funding year and allowed those funds to be carried forward into this reporting period. These additional monies funded a Change Manager to assist with the set up of Central Desert, enabled the establishment of new administrative and governance systems, covered the upgrade of essential assets and enabled the Perth office to be renovated to accommodate the new circumstances.

The State Office of Native Title increased its future acts funding in recognition of the pressures brought to bear by the resources boom. ONT also provided an additional grant of funds to ensure timely resolution of heritage matters in the Central Desert region following the February 2007 Federal Court decision to dismiss the Wongatha claim.

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. A fact finding tour for Tjamu Tjamu members in relation to potential uranium exploration and mining on their country was also funded by industry.

STRATEGIC FOCUS AREA 2 - DETERMINATIONS AND AGREEMENTS

Native Title Determinations

Between 1 July 2007 and 30 June 2008 Central Desert finalised three determinations of Native Title:

- **Ngururrpa** - In a sitting of the Federal Court on Yakka Yakka Road south of the community at Balgo, Chief Justice Black made a determination of exclusive use, occupation and possession native title in favour of the Ngururrpa people. This determination set a record for the quickest determination of Native Title with the claim being filed on 8 December 2006 and being determined a little over 10 months later on 18 October 2007.

Central Desert extends special thanks to Consultant Anthropologist Dr Scott Cane for his excellent connection report, which told the strong story of the Ngururrpa

people's connection to country. Central Desert also thanks Senior Legal Officer, Sian Hanrahan and staff Anthropologist Carly Talbot for their dedicated management of this claim through to determination. We also extend our thanks to the Ngururrpa people for the support and acceptance with which they embraced Central Desert staff.



- **Ngaanyatjarra Lands (Part 2)** - On 3 June 2008 Justice French handed down the second and final part of the Ngaanyatjarra Lands Determination. Ngaanyatjarra Lands Part 2 as it was generally described was omitted from the initial determination of native title for the Ngaanyatjarra Lands due to an overlap existing at that time.

The finalisation of Ngaanyatjarra Part 2 brings an end to the long journey taken by the people of the Ngaanyatjarra Lands to secure their native title rights and interest. A very long list of people has been associated with the development and finalisation of this claim; first and foremost, the Ngaanyatjarra Council for conceiving the claim and running the claim for most of its duration. In addition, the determination would not have been possible without the work done by Anthropologist David Brooks. David brought his considerable experience and research skills over a number of years to bear in preparing the connection report for the Ngaanyatjarra Lands.



The former Principal Legal Officers of Ngaanyatjarra Council, Dan O'Dea and Ingrid Hebron, undertook the bulk of the legal groundwork associated with the claim. Rob Blowes SC ably assisted them. More recently Senior Legal Officer Sian Hanrahan undertook the final stages of bringing the Ngaanyatjarra Lands Part 2 to determination. Anthropologists Sally Hodgson, Di Newham and Jan Turner, through their hard work, also made the determination possible.

Numerous other people including the former head of the Ngaanyatjarra Council native title unit Bill Lawrie, Ngaanyatjarra Council Liaison Officers Reggie Smith and Mark Butler, in-house Ngaanyatjarra Council and Central Desert staff, and the people of the Ngaanyatjarra Lands also should be congratulated on their effort in bringing this matter to finalisation.

- **Birriliburu** - On 20 June 2008 Justice French handed down a determination of exclusive use occupation and possession native title to the Birriliburu claimants.

Anthropologist Dr Lee Sackett wrote an excellent connection report bringing to bear over 30 years experience in working with the people of the Little Sandy Desert who comprise the claim group for the Birriliburu Claim.

In recent years a legal team headed by Central Desert Principal Legal Officer Malcolm O'Dell has directed the progress of the claim towards determination. Anthropologists Dr Bill Kruse and Sarah Bell were also instrumental in progressing the claim, as were Project Officer Lisa Maher and Lawyer Joe Fardin. Liaison Officers Henry Ashwin, Slim Williams and Melvin Farmer were invaluable in helping to bring this claim to determination.



Progress on Other Native Title Applications

As well as achieving a significant number of native title outcomes, Central Desert continues to progress several other claims within its service area. These are Kulyakartu, Martu Part 2 (including Karnapyrri), Birriliburu Part 2, Wiluna (including Wiluna 2), Pilki, Tarlpa, Nullarbor, and Cosmo Newberry. All of this work progressed in accordance with the Federal Court's timetable for the year. In particular, substantial progress was made on the Pilki, Cosmo Newberry and Wiluna claims and Central Desert hopes to negotiate native title outcomes on these matters over the next 18 months.



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.

STRATEGIC FOCUS AREA THREE - PRESCRIBED BODY CORPORATE (PBC) CAPACITY

Central Desert continues to support, either directly or indirectly, four existing PBCs. These are:

Western Desert Lands Aboriginal Corporation (Jamukurnu-Yapalikunu) (WDLAC) representing the Martu native title holders; Yarnangu Ngaanyatjaraku Parna (Aboriginal Corporation) (YNP) representing the people of the Ngaanyatjarra Lands, Pila Nguru (Aboriginal Corporation) representing the Spinifex people and Tjamu Tjamu (Aboriginal Corporation) representing the Kiwirrkura people.

Of these, WDLAC and YNP have their own staff and generally deal with their own affairs. Central Desert provides assistance to Pila Nguru and Tjamu Tjamu, including negotiating land access matters on their behalf and assistance with corporate and financial compliance.

In addition to the existing PBCs, Central Desert has been working with the Ngururra and Birriliburu native titleholders to develop their Prescribed Bodies Corporate with the intention that they will be up and running in calendar year 2009.

Funding for PBCs remains a problem although WDLAC, Pila Nguru, and Tjamu Tjamu each received a small amount of Commonwealth funding in the second half of the 2007/2008 financial year.

The Tjurabalan Determined area is in the Central Desert region. The Tjurabalan PBC has not sought assistance from Central Desert in the reporting period.



STRATEGIC FOCUS AREA FOUR – SOCIAL AND ECONOMIC OUTCOMES

Central Desert is committed to seeing tangible and 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 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.

Our achievements in this focus area include:

A number of workshops were held with Tjamu Tjamu and the developing Ngururrpa PBC to investigate different approaches to handling money that could flow from exploration and mining activity. From these workshops Tjamu Tjamu has established a policy and process to direct income into a range of activities for the benefit of the community. Ngururrpa native title holders have commenced an internal dialogue, supported by Central Desert staff, to consider their approach to dealing with potential income.

Central Desert is playing a major role in a project coordinated by the Australian National University (ANU) in relation to a proposed management plan for the Canning Stock Route (CSR). Funding from the Commonwealth Department of Environment Water Heritage and the Arts was used by Central Desert, Kimberley Land Council and WDLAC to facilitate the establishment of a pan-Indigenous working group. This working group gives the claimants and native title holders of the CSR a strong voice in the development of the ANU project and other projects that flow from it.

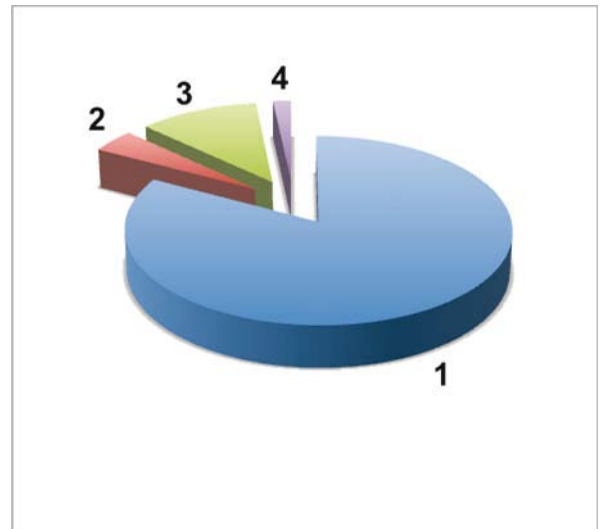
Central Desert is continually engaging with State and Federal agencies on post determination matters, primarily to resolve specific matters but also to build awareness and capacity in addressing the post determination environment generally. In this reporting period we have been successful in persuading the Department of Industry and Resources to change their approach in relation to the expedited procedure on determined native title land.

The Kalgoorlie Indigenous Coordination Centre approached Central Desert for advice and support in identifying and engaging the appropriate people in the negotiation of a Wiluna Regional Partnership Agreement. We have been successful in facilitating the attendance of a number of Wiluna native title claimants in preliminary discussions and have committed to providing further support to this project.

Financial Overview – 2007/2008

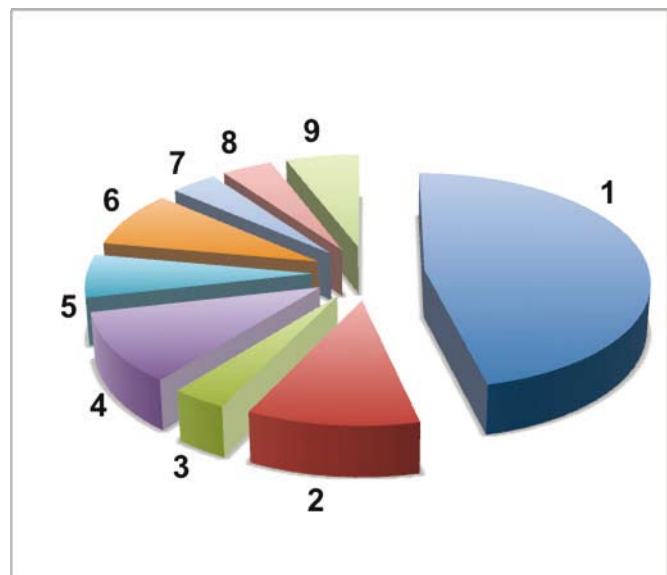
Audited Revenue - \$4,062,060

- 1 Federal Government Funding – 83%**
- 2 State Government Funding – 4%**
- 3 Central Desert Generated Income – 11%**
- 4 Other Income – 2%**



Audited Operating Expenditure - \$4,000,150

- 1 Salaries – 47%**
- 2 Administration – 11%**
- 3 PBC Support – 3%**
- 4 Meetings and Travel – 11%**
- 5 Motor Vehicles – 6%**
- 6 Consultants – 8%**
- 7 Rent – 4%**
- 8 Depreciation – 4%**
- 9 Forward committed funds – 6%**



Note: the full audited statements for Central Desert Native Title Services Ltd can be viewed on the Central Desert website: www.centraldesert.org.au



Central Desert 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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