

2004-05 ANNUAL REPORT

NEW SOUTH WALES DEPARTMENT OF ABORIGINAL AFFAIRS AND OFFICE OF THE REGISTRAR, ABORIGINAL LAND RIGHTS ACT 1983



New South Wales Department of
Aboriginal Affairs



Front cover artwork:
New Beginnings
By Mandy Davis, Tobwabba Art in Forster

This design is representing New Beginnings for our people. The new tree symbolises our connection to the land, as it grows and spreads its branches it creates more options for our people.

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2004-05

ANNUAL REPORT

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The Hon. Milton Orkopoulos MP
Minister for Aboriginal Affairs
Parliament House
Macquarie St
Sydney NSW 2000

Dear Minister

I have pleasure in forwarding for presentation to Parliament the 2004-2005 Annual Report of the New South Wales Department of Aboriginal Affairs and the Registrar, Aboriginal Land Rights Act 1983.

The report has been prepared in accordance with the requirements of the Annual Reports (Departments) Act 1985.

Yours sincerely

Jody Broun
Director General

26 October 2005



Two girls at a NAIDOC week fair in Campbelltown



A stylized, abstract illustration of a tree trunk and branches in shades of blue and green, positioned on the left side of the page.

Introduction

1.1 CHARTER

The Department of Aboriginal Affairs was established in March 1994, replacing the Office of Aboriginal Affairs within the Premier's Department. Our Department:

- advocates for the voice of Aboriginal people in NSW to be heard in the development of NSW government policies and services, and administration of the *Aboriginal Land Rights Act 1983 (NSW)*
- leads and influences NSW government agencies on Aboriginal affairs
- monitors, supports and reports on the effectiveness of NSW government agencies in their development and delivery of policies and services affecting Aboriginal people
- supports and monitors non-government and business initiatives aimed at assisting Aboriginal people to establish and maintain their rights and overcome ongoing social and economic disadvantage
- provides expert specialist knowledge of Aboriginal affairs within the NSW Government.

1.2 AIMS AND OBJECTIVES

Our vision

Social, economic and cultural strength for Aboriginal people in NSW.

The policies and programs of the Department of Aboriginal Affairs and the Registrar, *Aboriginal Land Rights Act 1983 (the Act)* are designed to assist Aboriginal people to establish and maintain their rights, and to overcome the ongoing social and economic disadvantage faced since European occupation. We are committed to developing and implementing policies and programs and working with other government departments in a way that involves Aboriginal people and communities as equal partners.

The priorities of our Department and the Registrar are grounded in a commitment to social justice and Aboriginal self-determination, along with recognition and respect for the diverse cultures of the Aboriginal people of NSW.

Our services

- *Two Ways Together* – coordination, planning, reporting, portfolio support, regional and local plans
- National/State representation and policy integration
- Regional Support Program
- Strategic policy advice
- Monitoring, compliance and reporting
- NSW Aboriginal Languages Centre
- Assistance and support for the protection of Aboriginal cultural heritage
- Administration of the *Aboriginal Land Rights Act 1983 (the Act)*
- Development of community engagement strategic policy
- Aboriginal Communities Development Program (ACDP)
- Family History Records Program

1.3 OUR VALUES

The Department of Aboriginal Affairs and the Registrar have established shared values, which drive our work, our interactions with Aboriginal people and our many stakeholders. Recognising the same values will help us to successfully implement our corporate plan for 2005-2008.

Our values are:

Culture – we have a strong commitment to and celebrate Aboriginal culture

Leadership – we are at the forefront of all we do with our clients, colleagues and each other

Excellence – we are highly professional, innovative and focussed on delivering the best

Celebration – we celebrate our successes, the contribution we make and have fun

Team spirit – we work together to achieve our goals and support each other to deliver the best.





Betty Pitt-French Units

These units were built through the Aboriginal Communities Development Program, a partnership between the Commonwealth Government and the State of New South Wales. The program was established in 1972 to provide financial assistance to Aboriginal communities for the development of infrastructure and services. The Betty Pitt-French units are a testament to the program's success in improving the living conditions of Aboriginal communities.

The units were built by the Moree Shire Council and the Moree Aboriginal Community. They were dedicated to the memory of Betty Pitt-French, a dedicated community worker who played a significant role in the development of the Moree Aboriginal Community.

The units were built in 1978 and are a testament to the program's success in improving the living conditions of Aboriginal communities.

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Local Moree children at the opening of the Betty Pitt-French units built through the Aboriginal Communities Development Program



Overview

2.1 DIRECTOR GENERAL'S YEAR IN REVIEW

My second year as Director General presented many challenges and opportunities for the Department.

Restructure and Reform Program

The Council on the Quality and Cost of Government (CQCG) reviewed the Department's role, functions, efficiency and effectiveness. The review considered the:

- impact of the Commonwealth's changed Aboriginal Affairs arrangements
- abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC)
- clients and stakeholders' perceptions of the Department
- our current role.

The review's outcomes supported the Department maintaining our current policy, service delivery and regulatory programs, increasing our regional presence and strengthening our role as the lead agency of *Two Ways Together*, the NSW Government's 10 year Aboriginal affairs plan. We introduced a restructure and reform program to help achieve this. The restructure included setting up five regional offices and strengthening our strategic policy division and management structure.



Review of the *Aboriginal Land Rights Act 1983* (the Act)

The former Aboriginal Affairs Minister, Andrew Refshauge announced a review in May 2004, to overhaul the Aboriginal Land Rights system and set up the Taskforce to conduct the review. The aim of the Taskforce is to ensure the land council system can meet future economic challenges and build sustainable benefits for Aboriginal people in NSW.

The Taskforce has concentrated its attention on the most urgent and complex aspects of the land council system. This included considering the Act's land dealings provision, which is how land councils deal with and dispose of land. The Taskforce also reviewed land council governance, structure, representation and benefits.

The Minister stated that he was committed to returning an elected Council as soon as possible. The Taskforce will finalise its discussion papers on options during the next year to help achieve this. The Government will also consult with Aboriginal communities about these options.

Our Voice Our Future Summit

The changing landscape in Aboriginal Affairs at the Commonwealth level, particularly the abolition of ATSIC, has had a major impact on us. Our Department, in partnership with NSW peak Aboriginal organisations and ATSIC Regional Councils, convened the 'Our Voice Our Future' summit in September 2004. Collectively we discussed how to deal with the loss of ATSIC's representative voice in NSW.

Three hundred Aboriginal leaders and community members from across NSW attended the summit. It highlighted the importance of working together on an effective framework for representation.

Some of the elements participants identified as necessary in a replacement structure included: cultural considerations, including the incorporation of traditional values and recognition of the role of Elders representation at local, regional, state and federal levels with one forum for each community, rather than many forums representation at national level; representation not government appointees; recognition of current structures, such as peak bodies; ownership by and accountability to the community; recognition of the roles of traditional owners, women and young people; and recognition of traditional boundaries and structures.

The summit's outcomes formed the basis for further work at local and regional levels. Representative structures have formed in the Murdi Paaki region. In other areas locally based representative groups have formed which may feed into larger regional networks.

Aboriginal Info Net

During the year the Department launched the Aboriginal Info Net, an informative internet site that provides a link to information and services relevant to Aboriginal people in NSW. To access this site go to www.aboriginal.nsw.gov.au.

Priorities for next year

The reform program will help our Department maintain a strong focus over the next three years on the following priority areas:

- Whole-of-government leadership
- Clear and appropriate policy advice
- Promotion and advocacy for Aboriginal culture
- Strengthened community engagement and partnerships
- Improved access to and planning of government services

2.2 OUR PEOPLE - MANAGEMENT AND STRUCTURE

THE EXECUTIVE



Director General
Jody Broun DipTeach, BEd, MPhil



Executive Director, Executive and Business Strategy
Jonathan Wassell B Com, MBA (exec)



Executive Director, Policy and Regulation
Marcia Ella-Duncan



Executive Director, Communities and Programs
Steve Merritt GradCert Public Service Management

2.3 DEPARTMENTAL DIVISIONS

EXECUTIVE AND BUSINESS STRATEGY

Director General's Office

The unit provides support and advice to the Director General. It also acts as the link between the Department and the Minister for Aboriginal Affairs, and other agencies at both a state and national level. It is responsible for:

- ministerial liaison and briefings
- media and public relations
- departmental input into whole-of-government initiatives.

Corporate Services

Corporate Services provides a wide range of support to the Director General and staff. It is responsible for managing and coordinating the Department's financial, human resources, information technology, records and administrative systems. Specific responsibilities include:

- accounting, budgeting and financial management
- staffing matters, recruitment, salaries and training
- records and correspondence management
- assets, equipment and building services management.

POLICY AND REGULATION

Strategic Policy

The unit provides advice to ensure that NSW government policies, programs and activities for Aboriginal people are responsive, relevant, timely and outcome-oriented. The unit provides strategic advice, analysis and support to the *Two Ways Together* Cluster Groups, as well as having an important monitoring role. The unit also leads the Economic Development Cluster Group.

The Strategic Policy Unit advises the NSW government on policy and legislation matters impacting on Aboriginal people, as well as advocating on behalf of Aboriginal people to ensure the community's voice is heard. Fostering cross agency collaboration with agencies and communities is also a core role of the unit.

The unit also has responsibility for:

- coordination of the Minister's and Director General's representation on national bodies, including the Ministerial Council for Aboriginal Affairs
- secretariat support to the Chief Executive Officer Group on Aboriginal Affairs.

Compliance Unit

The department is also responsible for the development and implementation of policies in relation to the responsibilities

of the Minister for Aboriginal Affairs under the *Aboriginal Land Rights Act 1983*. A large part of this work is to ensure that the Aboriginal Land Council system functions as effectively as possible to meet economic, cultural and social needs of Aboriginal people in NSW. The Department also supports the functions of the Registrar, *Aboriginal Land Rights Act 1983*.

COMMUNITIES AND PROGRAMS

Regional offices

Our regional offices have a range of responsibilities in line with NSW government priorities. These offices:

- initiate, facilitate and promote consultation with the Aboriginal community and stakeholders
- provide strategic advice on Aboriginal community issues to government agencies
- create effective links between relevant funding programs and the Aboriginal community
- assist in the delivery of the Aboriginal Communities Development Program (ACDP)
- support Local Aboriginal Land Councils and their compliance with the Aboriginal Land Rights Act.

Statewide Services Unit

The unit is responsible for the administration of the ACDP. This is a \$240 million capital construction and upgrade program to raise the health

and living standards of Aboriginal communities that have urgent environmental health needs. A Statewide Services Team is based in Sydney, to perform the following functions:

- continue support for the La Perouse project
- monitor and manage all departmental programs on a statewide basis, including the ACDP.
- support collaboration and capacity building in urban Aboriginal communities.
- support regional teams or troubleshoot short-term issues.

The Statewide Services Unit also looks after:

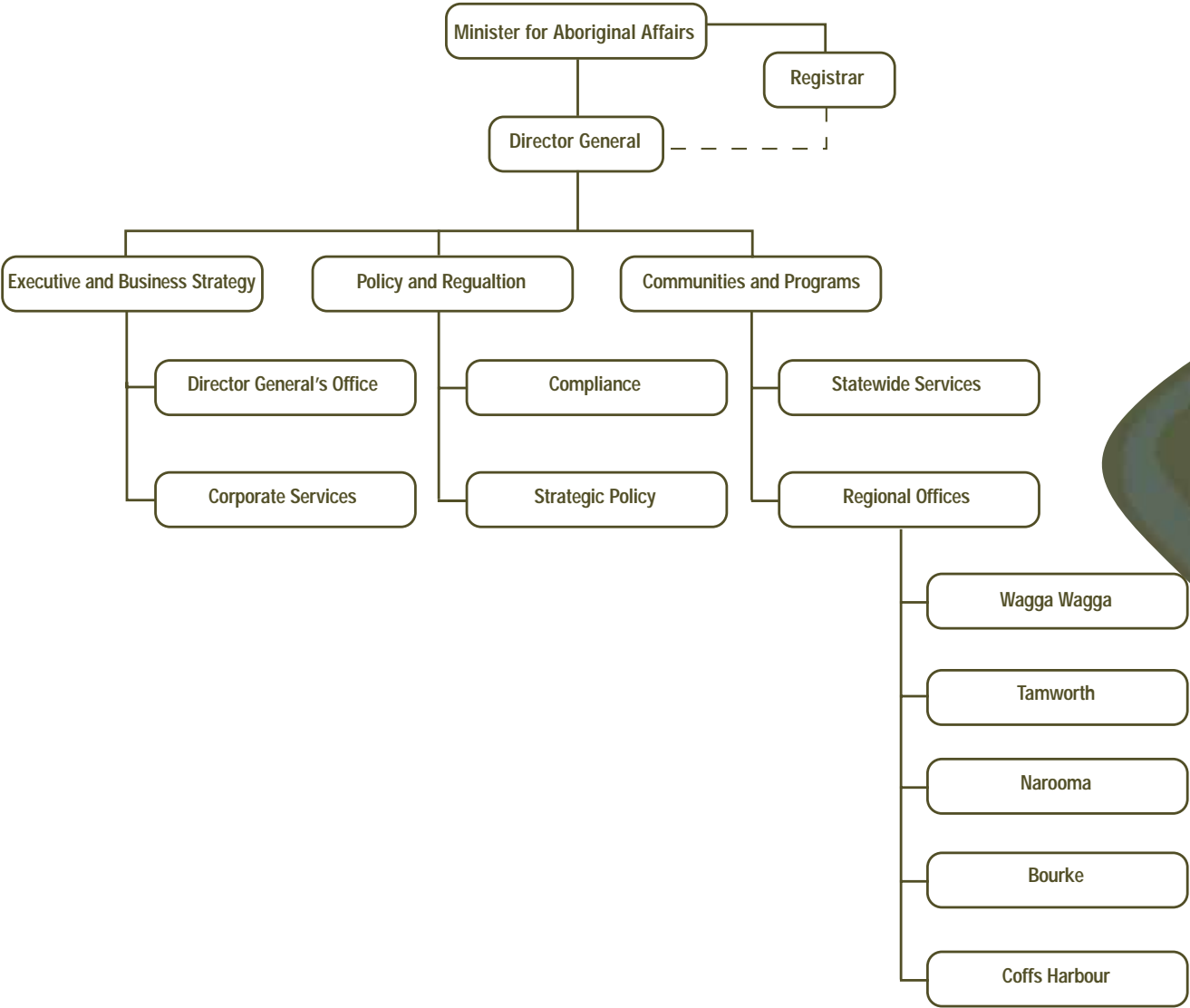
Family History work

The unit assists people in getting access to records of the Aborigines Protection Board and the Aborigines Welfare Board. These records contain valuable information for people wanting to find out more about their family history. People researching their family history can apply, through the Department's Archives Officer, to see these records.

NSW Aboriginal Languages Research and Resource Centre

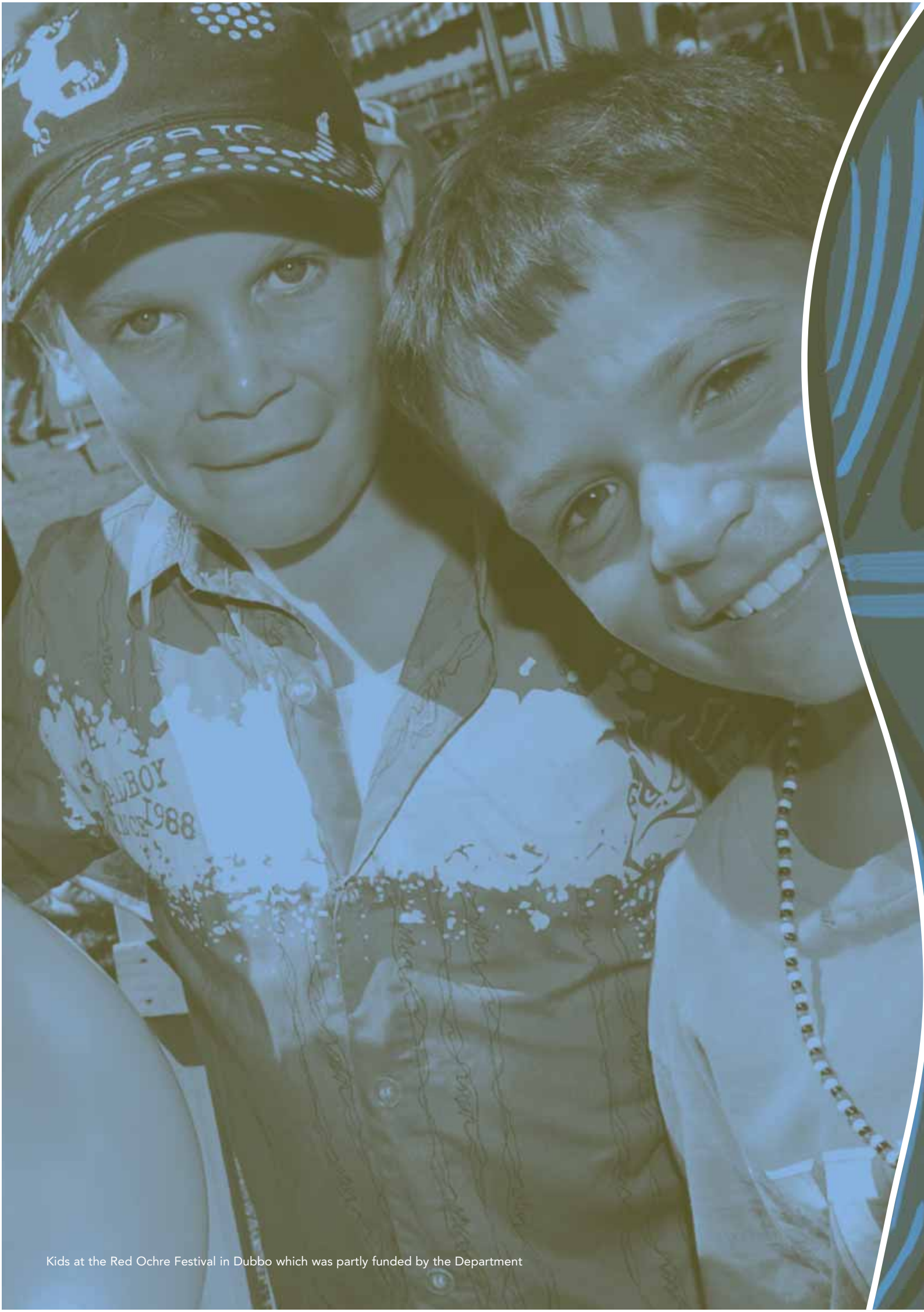
The unit is also responsible for the NSW Aboriginal Languages Research and Resource Centre (NSWALRRC), which opened in March 2003. The Language Centre is located at Tranby College in Glebe. It plays a key role in helping Aboriginal people and communities across NSW to revive and strengthen Aboriginal languages, by providing advice in areas such as teaching, research and recording of languages.

2.4 ORGANISATIONAL CHART





Indian novelist and human rights campaigner Arundhati Roy (centre) winner of the 2005 Sydney Peace Prize with Departmental staff members Kaylene (left) and Kylie McLeod (right). The Department assisted Ms Roy donate her prize winnings to three Indigenous organisations, including the Mudgin-Gal Women's Corporation in Redfern



Kids at the Red Ochre Festival in Dubbo which was partly funded by the Department



Performance Report

3.1 PROVISION OF ADVICE TO OTHER AGENCIES, WHOLE OF GOVERNMENT COORDINATION.

3.1.1 IMPLEMENTATION OF TWO WAYS TOGETHER, NSW ABORIGINAL AFFAIRS POLICY

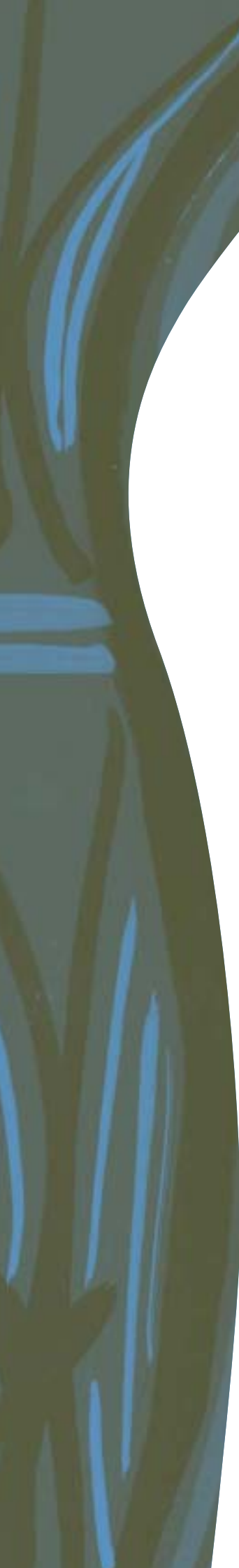
Two Ways Together, the Aboriginal Affairs Plan (TWT)

Two Ways Together is a whole of government policy to coordinate service delivery to Aboriginal people. Seven cluster groups with membership from 60 agencies and Aboriginal peak bodies have been formed under the plan, to address priority areas identified by Aboriginal people.

The Department of Aboriginal Affairs is a member of each cluster and provides them with policy and other advice, and is also a partner to approximately 40 identified actions.

Our Department chairs the Aboriginal Affairs Plan Coordinating Committee (AAPCC), which meets six times a year to coordinate the work of the clusters. The Chairs of Cluster Groups and Peak Body Chairs are members of the AAPCC.

Cluster groups meet quarterly and are implementing action plans to address gaps in service delivery and better coordinate government responses to areas of need. Clusters report on the progress of their action plans to the AAPCC, which identifies common issues and linkages and reports



on overall progress to the CEO Group on Aboriginal Affairs.

The AAPCC provides advice to the CEO Group on issues arising from cluster work and makes recommendations on operational, policy and other components of the Aboriginal Affairs Plan.

Our Department held a review of progress of *Two Ways Together* in February 2005. We made recommendations to the CEO Group for structural changes to the Cluster Groups. This advice has resulted in the creation of the Family and Communities Clusters to better coordinate work across the human services sectors. It provides stronger alignment with the priority areas identified under the Council of Australian Government's (COAG) Indicator Framework.

Two Ways Together is the overarching framework for a number of initiatives in Aboriginal affairs including:

- the Review of Aboriginal Education and implementing its recommendations
- the Aboriginal Justice Plan
- Families First, Better Futures and the Aboriginal Child Youth and Family Strategy.

We developed and published a *Two Ways Together* booklet and distributed it to Aboriginal communities and community organisations and other NSW agencies. We produced seven fact sheets about the clusters' work and provided design and editorial advice. The fact sheets are for Aboriginal people, agency staff and other stakeholders.

The first Report on Indicators was released in June 2005. It is a baseline report with data on ATSIC regions that identifies to

government and communities where resources should be targeted. It is the first data report across Aboriginal affairs in NSW.

TWO WAYS TOGETHER PACKAGE INITIATIVES

In early 2004 the NSW Government approved a \$40 million package over 4 years of initiatives in the areas of:

- reducing incarceration and family violence
- improving year 3 and 5 literacy and numeracy and retention rates
- reducing otitis media (conductive hearing loss)
- increasing Aboriginal employment
- improving living conditions.

The initiatives are evidence based and accelerate or extend programs which were already producing positive outcomes for Aboriginal people.

The majority of the programs are location based, rather than state wide initiatives, allowing the package to be developed around the particular needs of communities, rather than developing a 'one size fits all' approach.

Reducing Incarceration and Family Violence

- 19 new community justice groups at a cost of \$295,000 in Year 1
- intensive court supervision in Bourke and Brewarrina at a cost of \$306,000 in Year 1
- a Family Violence Program in Dubbo at a cost of \$183,000 in Year 1

- a Family Violence Program in Lismore and Tabulam called *Rekindling the Spirit* at a cost of \$472,000 in Year 1
- a Family Violence Program in Newtown and Redfern called *Walking Together* at a cost of \$303,000 in Year 1
- improving Intensive Family Based Services in Campbelltown and Condobolin and the extension of the existing program in Casino, at a cost of \$1.9 million in Year 1.

Improving Year 3 and 5 Literacy and Numeracy, and School Retention Rates

- an education program for 0-12 year olds in Mt Druitt, Ballina and Walgett called *Kids Excel* at a cost of \$1.75 million in Year 1
- an education program for Year 9 students and above in Mt Druitt, Ballina and Dubbo called *Youth Excel* at a cost of \$1.392 million in Year 1
- 160 scholarships statewide for high school students at a cost of \$160,000 in Year 1.

Reducing Otitis Media - Conductive Hearing Loss

- a state-wide screening and intervention program for 0-6 year olds, at a cost of \$780,000 in Year 1.

Increasing Aboriginal Employment

- supporting 35 scholarships for teachers and 50 nursing cadships statewide at a cost of \$130,000 in Year 1.

Improving Living Conditions

- the *Housing for Health* initiative to improve conditions in an additional 670 houses in the Far West Area Health Service region at a cost of \$1.25 million in Year 1
- a Water and Sewerage Operation and Maintenance Program in 11 communities in the far west of NSW at a cost of \$450,000 in Year 1.

New Ways of Doing Business (NWDB)

New Ways of Doing Business guides NSW Government agencies on how to work with Aboriginal people and communities. It includes as its initial focus:

- increasing Aboriginal employment to 2% across the service
- providing cultural awareness training to all staff
- increasing the number of partnership agreements between government and Aboriginal organisations
- increasing the number of Aboriginal people on boards and committees.

Our Department advises and supports all NSW agencies on implementing *New Ways of Doing Business* and monitors progress through the AAPCC. We are working with the Premier's Department on developing a reporting framework for NWDB.

Thirty percent of NSW Government agencies with a role in Aboriginal Affairs have implemented NWDB.



Original Affairs

work in
partnership with
original people
New South

Professor Larissa Behrendt speaking at a *Two Ways Together* forum hosted by the Department

Some Points About Canada

- Constitutional protection
Bill of Rights
(section 35)
- Treaties
- A broader understanding of what
Aboriginal title means (recognition of
self-government)

3.1.2 POLICY, INFORMATION AND ADVICE ON ISSUES AFFECTING ABORIGINAL PEOPLE

Policy forum

Our Department held a policy forum on whole of government policy-making with Professor Larissa Behrendt. Policy makers from over 16 agencies attended, as well as Aboriginal peak body representatives. Professor Behrendt's paper was distributed to participants and posted on our website at www.daa.nsw.gov.au

Economic development

Partnerships were put in place via the *Two Ways Together* Economic Development Cluster to promote the four action areas of employment, building Aboriginal enterprise, asset utilisation, and training and skills development. Cluster members include:

- Aboriginal Housing Office (AHO)
- Indigenous Land Corporation (ILC)
 - NSW Aboriginal Land Council (NSWALC)
- Department of Education and Training
- Department of State and Regional Development

- Department of Infrastructure, Planning and Natural Resources
- Department of Primary Industries
- Department of Employment and Workplace Relations
- GROW
- Office of Indigenous Policy Coordination
- NSW Chamber of Commerce
- Department of Commerce
- Department of Tourism, Sport and Recreation
- Premier's Department
- Local Government and Shires Association.

The ILC and NSWALC are particularly important given the emphasis on using community assets, such as land holdings.

A key activity was creating a forum involving 16 agencies to expand use of the government's guidelines and promote Aboriginal participation in government-funded construction. This initiative will generate employment, training and business opportunities for Aboriginal communities.

The cluster also serves as the forum that will carry out the government's new Aboriginal Tourism Strategy. The strategy was developed after consultation with Aboriginal tourism operators.



Aboriginal Trust Fund

Our Department provided regular input into the structure, development and implementation of the Aboriginal Trust Fund Repayment Scheme (ATFRS).

We established an Archives Unit, which includes an Archives Officer and an additional five positions. The Unit is responsible for completing an index of all archival material. This will help our staff to provide quick access to relevant archival material to support claims to both the ATFR Scheme and potential claimants. We attended four community consultations on the scheme's implementation. We also informed the Aboriginal community about their rights to make claims under the scheme.

Culture, Natural Resources, Environmental Management

Our Department is frequently asked to give advice on matters relating to cultural heritage, natural resources and environmental management, and the likely impact of laws, policies and programs on Aboriginal communities. This includes advice on engaging Aboriginal communities in policy and program development in areas as diverse as heritage protection, catchment management, marine park zonings and native vegetation protection. Our staff frequently attend interagency forums and community consultation meetings on these matters.

3.1.3 GENERATION OF EMPLOYMENT OPPORTUNITIES

Our Department coordinated the NSW Government submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into Indigenous employment.

This submission outlined NSW Government strategies to support and increase Aboriginal public sector employment and training. The submission also incorporated NSW Government agencies' policies and programs to increase Aboriginal employment in the private sector.

An examination of the Aboriginal community employment sector was also included with an analysis of the Community Development and Employment Program (CDEP). Proposals for an Aboriginal community cultural centre in Dubbo and a regional economic zone trial in the far west of NSW, to target Aboriginal employment were also looked at.

A number of issues were briefly outlined given their impact on education and training for Aboriginal people. These included a study on the impact of the Job Search Test on Aboriginal unemployed people, an analysis of the impact of recent changes to Abstudy and the burden of the Higher Education Contribution (HECS) on Aboriginal students.

The NSW Government Aboriginal employment initiatives implemented include:

- working with NSW Government agencies to promote the target of two percent or greater employment of Aboriginal people
- linking education and employment through cadetships, apprenticeships and traineeships
- providing financial support for agencies employing an Aboriginal person
- encouraging state agencies to use their purchasing power through procurement and construction contracts to engage Aboriginal people and businesses
- identifying appropriate Aboriginal employment targets according to the agencies' client base.

3.2 PROVISION OF HOUSING AND ENVIRONMENTAL HEALTH INFRASTRUCTURE

3.2.1 ABORIGINAL COMMUNITIES DEVELOPMENT PROGRAM (ACDP)

The Aboriginal Communities Development Program is a capital construction and infrastructure upgrade program, which was announced in May 1998. It started in July 1998 and is expected to end in July 2008. The Program has a budget of \$240 million and is aimed at raising the health and living standards of selected, priority Aboriginal communities, which have an identified, major environmental health need. The ACDP has not replaced existing funding programs.

The ACDP has four main components that include:

- Priority communities
- Water and Sewerage
- Housing for Health
- Sustainability

The Department of Commerce, formerly the Department of Public Works and Services, is engaged as Program Managers. Project Managers have also been appointed for each priority community.

The total ACDP funding spent since the program started until the end of June 2005 is \$132.25 million.

The ACDP achieved the following milestones during the 2004-05 financial year:

- The Aboriginal Communities Development Program (ACDP) spent \$38.71 million, which was within the target figures for 2004-05.
- The Housing for Health (HfH) Program was fully implemented in 25 communities and the capital upgrade has begun in another eight communities. The HfH consultation process has also been completed in 10 communities. To date 860 houses have been modified or repaired through the program and 129 of these were carried out during the 2004-05 financial year.

- The HfH Program's expenditure for 2004-05 was \$1.8 million, which is above the target of \$1.66 million.
- Since the ACDP began, a total of 56 projects to repair or upgrade existing water and sewerage services have been completed. A further 29 projects are in progress, with two in the feasibility stage, 11 in design and 16 under construction.
- The ACDP repairs and construction component has completed:
 - 488 house refurbishments
 - 85 spot purchase houses
 - 74 new construction houses.
- It is estimated that the new and spot purchased houses will provide homes for approximately 630 people.
- Up to 222 apprentices and trainees have been employed over the program's life.

The implementation and nature of the program has seen many issues and concerns arise. This required the development of innovative policies and guidelines to enable the seamless rollout of the program. These included working closely with Aboriginal housing providers, who have been unable to meet the NSW Government guidelines and criteria for accreditation, which was restricting the program's rollout.

Our Department worked closely with the Aboriginal Housing Office, Department of Commerce and other agencies, to develop steps to enable the program to run effectively, while housing providers achieved milestones, which were agreed to by all parties. These milestones included tenants signing Tenancy Lease Agreements and increased rental payment and collection. Many communities now have approximately 90% of tenants paying consistently.

Capacity Building


Community Governance: Community Working Parties (CWPs) have been established in each of the 22 priority communities. The CWP comprises a representative cross section of the community elected by the local people. The CWP selects project managers through tender processes.

The Community Working Parties provide capacity for communities to:

- determine what needs to be done
- how it can be achieved
- who will benefit from the project



Former Minister for Aboriginal Affairs, Dr Andrew Refshauge, handing the keys over to Aunty Wilma for her ACDP built home in Bourke

- 
- establish priorities and order of work
 - collaborate with all partners to develop program monitoring measures
 - determine how results can be measured.

Aboriginal owned and operated building companies have been developed to implement the ACDP in 14 communities. It is intended that these building companies will deliver employment and training opportunities initially and will then enhance the economic development opportunities and sustainability in these communities.

Community Partnerships

A key aspect of the ACDP is the need to develop partnerships with a range of stakeholders. The Employment and Training Program has a partnership developed between the Department of Aboriginal Affairs, the Community Working Party, Community Development Employment Program (CDEP), the Commonwealth Department of Workplace Relations and TAFE.

The housing and infrastructure program required the collaboration of the Department of Aboriginal Affairs, the Community Working Party, Aboriginal housing providers, Aboriginal Housing Office, NSW Aboriginal Land Council, Office of Fair Trading and the Department of Commerce.

Memoranda of understanding

Our Department has developed memoranda of understanding with NSW TAFE and the Aboriginal Housing Office.

3.3 PROMOTION AND PROTECTION OF LAND, HERITAGE AND NATURAL RESOURCES

ADMINISTRATION OF ABORIGINAL LAND RIGHTS ACT 1983 (ALRA)

Aboriginal Land Rights Act 1983 review

The Minister for Aboriginal Affairs announced a review of the *Aboriginal Land Rights Act 1983* in May 2004. The Minister appointed a Taskforce to conduct the review. The Taskforce members were the Department of Aboriginal Affairs' Director General, the Administrator of the NSW Aboriginal Land Council and the Registrar.

The Minister asked the Registrar to chair the Taskforce. The Taskforce worked on the ALRA review throughout the year and will continue its work during the next financial year.

At the end of 2004/05, the Taskforce had completed a substantial issues paper about the land dealing provisions of the ALRA and was awaiting Cabinet approval to distribute it publicly. The Taskforce is scheduled to complete two more issues papers by the end of August 2005. One is about governance, structure, representation and benefits under the ALRA, while the other is about housing.

The government will conduct community consultation about the ALRA review after the public release of the Taskforce's issues papers. The Minister has directed that amending legislation should be ready for presentation to the Parliament in the first parliamentary session of 2006.

3.3.2 ADVOCACY FOR PROTECTION OF HERITAGE AND ACCESS TO NATURAL RESOURCES

Native Title

Our Department has been responsible for coordinating the resolution of the Wellington Common native title claim. We are assisting the Minister for Aboriginal Affairs in the compulsory acquisition of the Common and its transfer to the Wiradjuri Wellington Aboriginal Town Common Aboriginal Corporation (WWATCAC). The claim was the first to be lodged under the Commonwealth *Native Title Act 1993*.

An Indigenous Land Use Agreement (ILUA) was drafted but not registered by the National Native Title Tribunal. A further agreement giving effect to the mediation outcomes provided in the ILUA was signed by the Minister and registered as a deed. The parties to the Agreement are the NSW Government, the native title claimants, the Wellington Shire Council and the WWATCAC. The Wellington Local Aboriginal Land Council did not opt into the Agreement, however its mediated rights to two lots of adjoining land and water easements has been preserved in the Agreement.

Transfer of the land will enable the Wellington Wiradjuri traditional owners to pursue joint management agreements with relevant government agencies. Prior to transferring the land to WWATCAC,

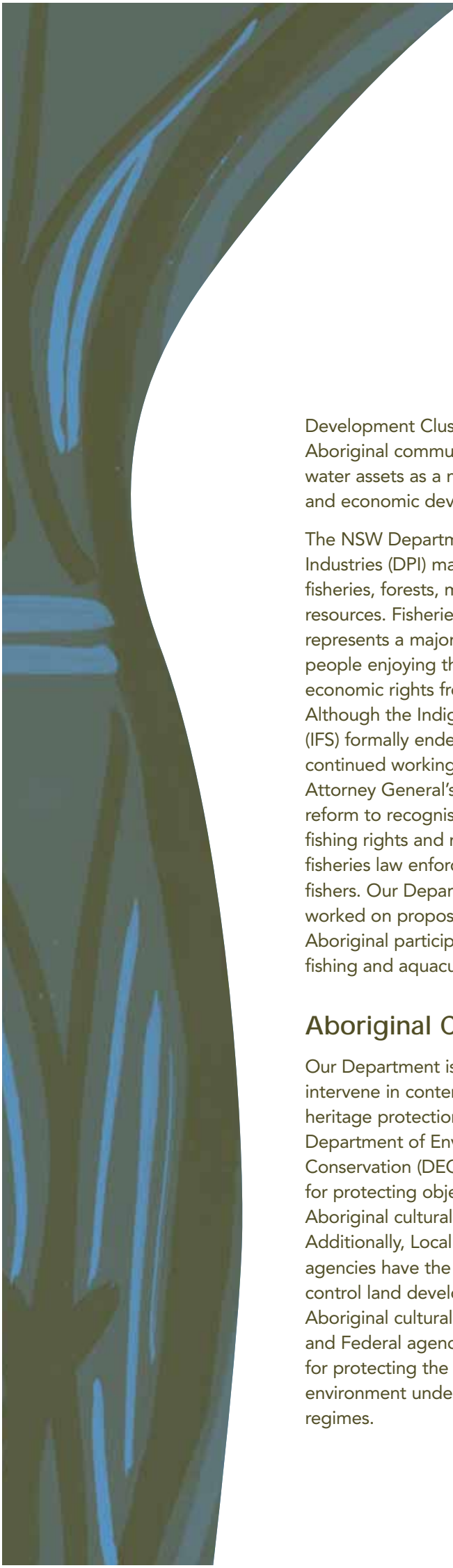
the Minister must undertake the statutory notification requirements. The required period of notice of compulsory acquisition of the Common under the Native Title Act 1993 (C/Wlth) passed without any further party claiming a native title interest in the subject lands. Ninety days notice of the proposed acquisition of the Common by the Minister under the Land Acquisition (Just Terms Compensation) Act 1991 is the final step required prior to acquisition of the Common and its transfer to the WWATCAC.

Natural Resource and Environmental Management

Access to water and enjoyment of water rights are important issues for Aboriginal communities, particularly in rural and regional areas. Recent changes to water management laws can provide benefits to Aboriginal communities.

The \$5 million Aboriginal Water Trust, which provides funding assistance to Aboriginal water-reliant enterprises, was a joint initiative with the Department of Infrastructure Planning and Natural Resources (DIPNR). We worked with DIPNR on setting up the Trust and a Management Committee to oversee the Trust's operations. The Department also prepared an information sheet on changes to water management laws that was distributed to all Aboriginal Land Councils.

Our Department and DIPNR have used the *Two Ways Together* Economic



Development Cluster to consider ways Aboriginal communities can use their water assets as a means of driving social and economic development.

The NSW Department of Primary Industries (DPI) manages the State's fisheries, forests, minerals and agricultural resources. Fisheries management law represents a major challenge to Aboriginal people enjoying their cultural and economic rights from fisheries resources. Although the Indigenous Fishing Strategy (IFS) formally ended in June 2004, we continued working with DPI and the Attorney General's Department on law reform to recognise Aboriginal cultural fishing rights and minimise the impact of fisheries law enforcement on Aboriginal fishers. Our Department and DPI have also worked on proposals to increase Aboriginal participation in commercial fishing and aquaculture.

Aboriginal Cultural Heritage

Our Department is regularly asked to intervene in contentious Aboriginal cultural heritage protection disputes. The Department of Environment and Conservation (DEC) has legal responsibility for protecting objects and places of Aboriginal cultural heritage significance. Additionally, Local Government and State agencies have the planning powers to control land development, which can harm Aboriginal cultural heritage. Various State and Federal agencies are also responsible for protecting the natural and cultural environment under various legislative regimes.

The fragmentation of powers to protect Aboriginal cultural heritage can lead to disputes between Aboriginal people and governments at all levels. We can advise Aboriginal people on the best ways to protect and manage their cultural heritage.

Our Department held a series of workshops on the mid north coast, to discuss solutions to this fragmented protection regime. They also looked at ways to improve relationships between Aboriginal communities and government agencies responsible for protecting Aboriginal heritage. The workshops involved representatives of the Nambucca, Coffs Harbour and Corindi Beach Aboriginal communities and representatives from the DEC, DIPNR, Heritage Office and local councils. The Department's regional staff can adopt this cooperative approach to resolving cultural heritage protection conflicts and disputes in future.

The DEC issued the *Interim Community Consultation Requirements for Applicants* in December 2004, for people who were seeking consent to destroy or remove Aboriginal heritage objects or places, under Part 6 of the *National Parks and Wildlife Act 1974*.

The new consultation guidelines followed court cases concerning gold mining at Lake Cowal (near West Wyalong) and coastal development at Sandon Point (near Wollongong). The Department is working with the DEC and other agencies to improve the protection of Aboriginal heritage.

3.3.3 CAPACITY BUILDING TO ALLOW GREATER ACCESS TO LAND

Our Department is updating a publication listing former Aboriginal Reserves, which was originally published by the Ministry of Aboriginal Affairs as a Land Rights research aid. The update will also include new research. Land descriptions will be verified and updated, previously omitted Aboriginal reserves will be added and historical and personal accounts about life on the Reserves will be gathered. The research has drawn on materials kept by our Department, NSW Archives, NSW Aboriginal Land Council and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). The Department has also sought advice from Aboriginal Land Councils, Aboriginal communities and local historical societies on historical and personal accounts of life on the Reserves.

Aboriginal communities have expressed a strong interest in contributing to the publication, as well as confirming the need for this type of information. The revised publication will be a useful resource, containing more detailed information about each Reserve, more photographs and greater historical and personal accounts. The publication is aimed at Aboriginal communities, schools and the general public, to tell the story of Aboriginal Reserves in NSW.

Community Capacity Building

The Environmental Trust's Integrated Environment Program granted our Department \$200,000 in December 2004 for a project aimed at increasing the capacity of Aboriginal people in environmental, heritage and natural resource management.

We established a Steering Committee to oversee the project, which comprised of project partner agencies and peak bodies, Aboriginal community representatives and community capacity building experts. Unfortunately, we were unable to engage a project manager to carry out the project and consequently have sought a 12 month extension from the Environmental Trust. Our staff presented the project's methodology, Asset Based Community Development, at natural resource management committee workshops. It has also been adapted for use in other community capacity building projects.

Our Department is also a member of the Environmental Trust's Protecting Our Places Technical Review Committee. Over \$1.4 million has been given to 48 Aboriginal community organisations to undertake environmental restoration or education work. The program has built Aboriginal communities' capacity to actively manage their natural environment.

We have published and distributed a land management booklet, *NSW Aboriginal people acquiring and managing land for conservation purposes*. The booklet explains in plain

English the main ways that Aboriginal people can own or be involved in managing and conserving that land. Copies of the booklet (2000) and a poster (500) were distributed to all Aboriginal Land Councils, Native Title claimant groups, and Aboriginal heritage and natural resource management groups.

Aboriginal Owners

Part 4A of the *National Parks and Wildlife Act 1974* (NPWA) recognises the Aboriginal cultural significance of conservation reserves. It establishes a scheme for Aboriginal people with a cultural association with these lands to own and jointly manage the lands. Conservation reserves are eligible for Aboriginal ownership if they are listed in Schedule 14 of the NPWA. Lands are also eligible if they were crown lands that were claimed by an Aboriginal Land Council (ALC) and the grant was refused because the land was required for the essential public purpose of nature conservation (under section 36A of the *Aboriginal Land Rights Act 1983*).

Under this scheme, a conservation reserve is vested in an Aboriginal Land Council. The ALC holds it on behalf of Aboriginal owners and leases it back to the Minister for the Environment, as an Aboriginal-owned national park. The Park is managed by an Aboriginal owner-majority Board of Management.

The conservation reserve is returned to

Aboriginal ownership after the lease is negotiated between representatives of the Environment Minister, the relevant Aboriginal Land Councils and an Aboriginal Negotiating Panel (ANP). The Minister for Aboriginal Affairs appoints the ANP, whose role is to represent Aboriginal people who have a cultural association with the land (or Aboriginal owners), during the negotiation of the lease.

The Minister has appointed negotiating panels for Mutawintji, Biamanga and Gulaga National Parks (near Narooma), Mt Grenfell Historic Site (near Cobar), Stockton Bight and Warrell Creek Nature Reserve (near Nambucca). Negotiations continued at Stockton Bight, Biamanga and Gulaga National Parks and Warrell Creek during 2004-05. Our Department provides assistance and support to these ANPs so that negotiations can achieve the best outcomes for the Aboriginal parties.

The Minister for Aboriginal Affairs also provides his concurrence to the Minister for the Environment, on the Aboriginal Owner-majority Board of Management of an Aboriginal-owned conservation reserve.

Mutawintji National Park was returned to its Aboriginal owners in 1998. The Minister for Aboriginal Affairs gave his concurrence to a new Mutawintji National Park Board of Management in January 2005, after the original Board's term ended.

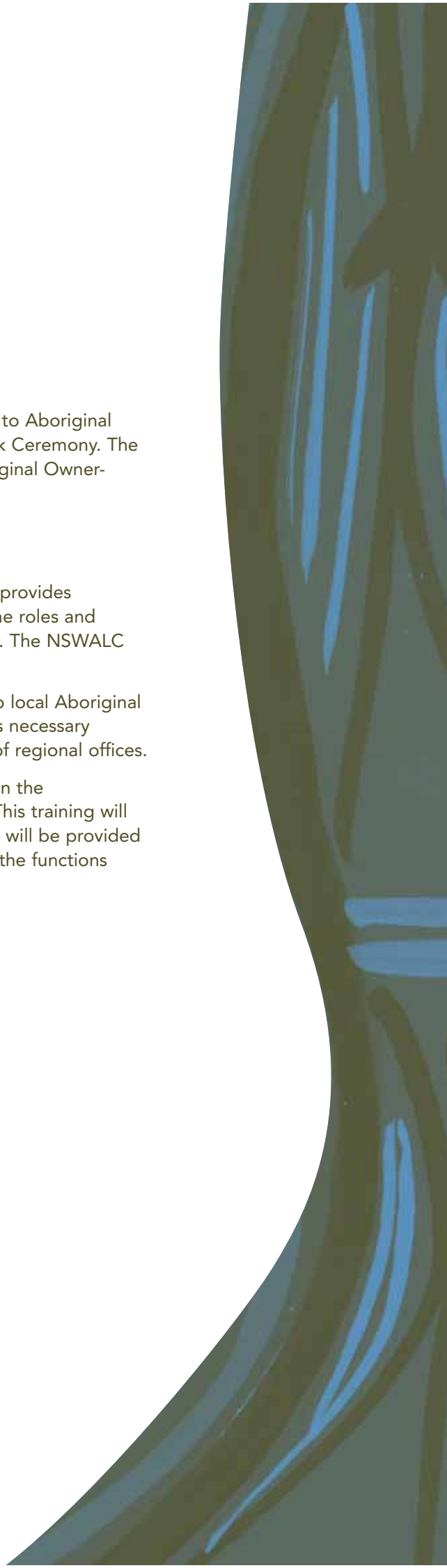
The Environment Minister handed the Mt Grenfell Historic Site back to Aboriginal ownership on 17 July 2004. Our Department attended the Handback Ceremony. The Minister for Aboriginal Affairs provided his concurrence for an Aboriginal Owner-majority Board of Management in March 2005.

Assistance for Aboriginal Land Councils

Currently, the New South Wales Aboriginal Land Council (NSWALC) provides workshops about the *Aboriginal Land Rights Act 1983* (ALRA) and the roles and responsibilities of the Council's Chairperson, Secretary and Treasurer. The NSWALC zone offices support these workshops.

Our Department will further develop policies and procedures to help local Aboriginal Land Councils function with regard to section 52 of the ALRA. This is necessary because of the restructure of our Department and the introduction of regional offices.

The restructure allows the Registrar and our staff to work together on the development and delivery of training for Aboriginal Land Councils. This training will relate to the councils' functions prescribed under the ALRA. Training will be provided to our staff, including those in regional offices, about the ALRA and the functions associated with the Registrar and the Minister for Aboriginal Affairs.



3.4 COMMUNITY SUPPORT AND PARTNERSHIP

3.4.1 ADMINISTRATION OF COMMUNITY PARTNERSHIPS PROJECT

The Community Partnerships Project operated during the year from Menindee, Gosford and Narooma. The project has an important function of facilitating community engagement with Government agencies. Aboriginal Community Working Parties (CWPs) were established in each site as a primary point of contact for Government agencies.

The Council on the Quality and Cost of Government (CCQG) examined the work of the Community Partnerships project when it reviewed our Department. The outcomes of the review resulted in an enhanced departmental regional presence.

3.4.2 PROVISION OF GRANTS

The CCQG review of our Department suggested a more strategic use of our grants program. The major grants rounds were not advertised during the past year, while our Department considered a more effective way of providing grants.

Our Department continued providing some discretionary grants during 2004-05. These grants provide up to \$4,000 to Aboriginal people and organisations to fund economic, social and cultural opportunities to benefit their community. Our Department approved approximately \$64,996.00 of funding for a range of activities. These included:

- capacity building
- language revitalisation
- elders recognition
- cultural activities.

Our Department also improved the way it develops and delivers information to Aboriginal people and communities about funding available from other agencies. Our information base has helped our staff provide referrals to individuals and organisations to access appropriate grants and services from other sources.



Shondelle Bolt speaking at the *Our Future Our Voice* Leadership Summit facilitated by the Department



3.4.3 ASSISTING ABORIGINAL PEOPLE ACCESS THEIR FAMILY HISTORY RECORDS

Aborigines Protection Board and the Aborigines Welfare Board

Our Department is the custodian of the records of the Aborigines Protection Board (APB) and the Aborigines Welfare Board (AWB) although they are kept at NSW State Records.

The lives of Aboriginal people in NSW were controlled by the Aborigines Protection Board, later renamed the Aborigines Welfare Board, between 1883 and 1969. The Board created and kept detailed records on Aboriginal children who were removed from their families, including correspondence, school reports, educational and health information.

The Board was responsible for the forced removal of more than five thousand Aboriginal children. They were often placed directly into indentured service as

domestic or farm labourers or sent to children's homes such as Kinchela and Cootamundra.

The Board also kept detailed information on all aspects of life on stations and reserves, such as financial statements, salary and employment details, tenancy agreements and applications to leave the reserves.

These records contain valuable information for Aboriginal people wanting to find out more about their family history. Aboriginal people wishing to research their family history can apply to our Department to see these records. People seeking to access this information need to complete an application form, which includes a research declaration, family history research request and a permission form. These forms must be completed and returned to our Department with copies of two forms of proof of identification.

We have received family history research requests from every state in Australia, as well as some from overseas. Our Department has completed approximately 250 family history applications during the past year.

3.5 SUPPORT OF COMMUNITY LANGUAGE INITIATIVES

3.5.1 LANGUAGE MAINTENANCE SUPPORT

NSW Aboriginal Languages Research & Resource Centre (ALRRC)

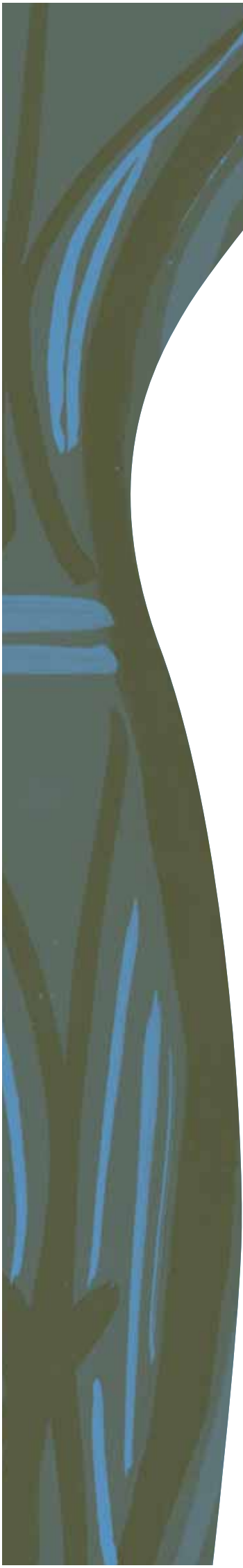
The centre is involved with all existing geographical language projects in NSW. These projects cover the State and represent at least 70% of the geographical language groups in NSW, which meets our target of 70% for 2004-2005.

The centre has helped at least six new projects to start in the 2004-2005 financial year. It has also been involved in at least 50 language events and projects, which exceeds our target of 34. The centre is making a major contribution to the maintenance and protection of strong culture in NSW.

The ALRRC opened in March 2003 and has its offices at Tranby College in Glebe. The NSW Government has allocated \$1.019 million over four years to fund the centre. It is now playing a key role in assisting Aboriginal people and communities to revitalise NSW Aboriginal languages. It does this by arranging or providing:

- technical advice, such as linguistic and teaching advice
- research assistance
- assistance to record language speakers
- relevant language revival related training tailored to community needs
- mentoring of, networking and collaboration between language initiatives across the state
- advice about funding sources available to language projects
- strong advocacy for the revival of Aboriginal languages.

The centre is also a central point of contact for the general public for information about Aboriginal languages in NSW.



An Advisory Board guides the centre's work to ensure that Aboriginal communities have a high level of input. The Board's membership includes representatives from:

- Aboriginal people, speakers and keepers of language from various language groups and NSW regions
- Aboriginal Education Consultative Group
- Aboriginal and Torres Strait Islander Commission
- NSW Aboriginal Land Council
- Australian Institute of Aboriginal and Torres Strait Islander Studies
- Federation of Aboriginal and Torres Strait Islander Languages.

The centre has a strategic plan, which was developed with the Advisory Board in 2003-2004. It emphasises assistance to community language projects, and recording and archiving languages on a central database. These activities have provided the main focus for work at the centre.

The Commonwealth Department of Communication Technology and the Arts (DCITA) has provided the centre with additional funding of \$150,000 under the Endangered Languages Funding Program. This builds on the previous year's funding from the Commonwealth.

The funding's main purpose is to help maintain and continue to develop the NSW Aboriginal Languages Database. The database project aims to create a digital archive of all known information, historical and contemporary, about NSW Aboriginal

languages. This information will then be made easily available to NSW Aboriginal people who want to work on their languages. Access to the database contents will be on terms agreed by language communities and copyright holders.

The project's ultimate aim is to provide NSW Aboriginal people with a fully community controlled, powerful online tool to do language work and to archive information about their languages in one convenient location. Management will be centralised and at this stage facilitated by the centre.

The centre continues to maintain its website at www.alrrc.nsw.gov.au. It contains information about its activities, language projects in NSW, events such as workshops or conferences, and funding advice for language projects. The website will also be the portal for access to the database.

The centre has continued its work with several other organisations this year, to run workshops and develop projects to assist NSW Aboriginal people to gain skills to enable them to work on revitalising their languages. These workshops and projects benefited from funding made available through our Department's major grants program and the Commonwealth Government's Endangered Languages Funding Program. These included:

- workshops in regional centres on Aboriginal place naming with the Australian National Placenames Survey, Macquarie University and the Geographical Names Board

- the centre's director continued to travel throughout NSW assisting and participating in Aboriginal language workshops and projects in regional centres, including Muruwari, Paakantyi, Gamilaraay, Wayilwan, Ngiyampaa, Gumbaynggirr, Wangkumara, Bundjalung, Gundungurra, Dharawal/Dhurga, Ngarigu, Dharug, Wiradjuri, Wemba Wemba, Perrapa Perrapa, Awabakal, Dhangatti, Wonnarua, Yuin and Yorta Yorta
- participation in the activities of the Many Rivers Regional Language Centre at Bowraville
- a workshop at the centre on information technology communication resources for language revitalisation work, assisted by Melbourne University, Sydney University and the Australian National University
- a workshop at the centre on the NSW Aboriginal Languages Database
- continuing a project to develop an Australian Indigenous Languages Summer School with the Koori Centre and Department of Linguistics, University of Sydney
- continuing a project to develop an Adult and Community Education (ACE) Indigenous Languages Syllabus for delivery in ACE centres across NSW
- continued support for and work with the centre's Advisory Board
- projects to assist the development of materials to support the NSW Aboriginal Languages Syllabus K-10 with the Board of Studies NSW and Department of Education.

The centre has also established and continues to develop a collection of books, CDs, CD ROMs, DVDs, pamphlets and other relevant materials on Aboriginal languages and revitalisation of those languages. Community members and other visitors to the Centre can use these resources.

3.6 REGISTRAR ABORIGINAL LAND RIGHTS

Priorities of the Registrar, *Aboriginal Land Rights Act 1983*

- The effective and efficient performance of the statutory and ancillary functions of the Registrar in accordance with the *Aboriginal Land Rights Act 1983* (ALRA)
- The provision of timely and accurate advice and assistance to Aboriginal Land Councils in accordance with the ALRA
- The provision of timely and accurate advice and assistance to persons seeking to be registered as Aboriginal owners pursuant to the ALRA
- The provision of timely and accurate advice to the Minister administering the ALRA
- The provision of information and the promotion of the ALRA to all relevant persons
- The effective performance and development of the resources of the Registrar's office.

Performance Report

The Office of the Registrar, *Aboriginal Land Rights Act 1983* is a statutory office created under this Act. The Registrar is a statutory office holder and appointed under the *Statutory and Other Offices Remuneration Act 1975* (SOORA).

The Registrar is administratively linked to the Department of Aboriginal Affairs, however the independence of the Office of the Registrar is recognised by the NSW Government. This means the Registrar is able to carry out all statutory functions without actual or perceived influence. The Registrar reports to the Minister administering the ALRA, in relation to his statutory functions.

The Office of the Registrar is a separate legal entity from the Aboriginal Land Councils constituted under the ALRA.



Handback of Mount Grenfell 2004



Summary of Statutory Functions

The *Aboriginal Land Rights Amendment Act 2001*¹ added new statutory functions and amended existing functions of the Registrar. The Registrar's functions are listed in s.165 of the amended ALRA. The following list highlights the Registrar's new or amended functions:

- to register land claims made under the ALRA by the New South Wales Aboriginal Land Councils or Local Aboriginal Land Councils,
- to maintain the Register of Aboriginal Land Claims and the Register of Aboriginal Owners,
- to approve the rules of the New South Wales Aboriginal Land Council and Local and Regional Aboriginal Land Councils,
- to make recommendations to the Minister and carry out such other prescribed functions in relation to the constitution of Local Aboriginal Land Council areas and the constitution of Local Aboriginal Land Councils, the alteration of area boundaries of Local Aboriginal Land Council areas and the changing of names of Local Aboriginal Land Councils,
- to make recommendations to the Minister and carry out such other prescribed functions in relation to, the alteration of area boundaries of Regional Aboriginal Land Council areas and the changing of names of Regional Aboriginal Land Councils,
- to issue compliance directions to

Aboriginal Land Councils, officers of Aboriginal Land Councils and councillors relating to the administration of the ALRA and the regulations and to refer failures to comply with such directions to the Court,

- to mediate, conciliate or arbitrate disputes relating to the administration of Aboriginal Land Councils or to refer such disputes to independent mediators, conciliators or arbitrators,
- to investigate complaints regarding the non-disclosure of pecuniary interests and breaches of the ALRA and the regulations,
- such other functions conferred or imposed on the Registrar by or under the ALRA or any other Act.

A number of ancillary functions arise from the explicit statutory functions of the Registrar. These principal ancillary functions are to:

- provide advice about the meaning and operation of the ALRA, *Aboriginal Land Rights Regulation 2002* (ALRR) and the rules of Aboriginal Land Councils
- provide advice about the Aboriginal Land Claims process
- provide advice about the information required for a person to establish their descent and cultural association with land to enable them to be registered as an Aboriginal Owner pursuant to the ALRA
- to provide information, education and training about the ALRA and ALRR.

¹ Please note: *The Aboriginal Land Rights Amendment Act 2001* commenced on 25 October 2002. This act amended the *Aboriginal Land Rights Act 1983* and so the principal Act remains the *Aboriginal Land Rights Act 1983*.

Aboriginal Land Council Operations

The Registrar continued to provide advice and assistance to Aboriginal Land Councils during 2004-2005.

Particular emphasis was given to implementing a revised Register of Aboriginal Land Claims, the procedures for dispute resolution (mediation, conciliation and arbitration), the procedures for the practise of issuing compliance directions and investigations of failures to disclose pecuniary interests or other breaches of the ALRA. The Registrar has assisted in the resolution of a number of disputes within Local Aboriginal Land Councils (LALCs).

Aboriginal Land Claims

The ALRA provides that LALCs or the New South Wales Aboriginal Land Council (NSWALC) may make a claim for Crown Land that:

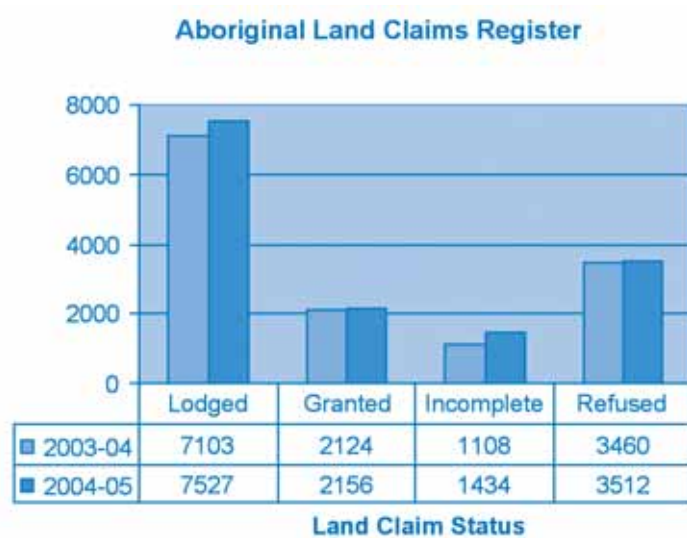
- Are able to be lawfully sold or leased, or are otherwise reserved or dedicated for any purpose, under the *Crown Lands Act 1989*
- Are not lawfully used or occupied
- Do not compromise lands which, in the opinion of the Crown Lands Minister, are not needed or likely to be needed as residential lands
- Are not needed or likely to be needed for an essential public purpose
- Do not comprise lands that are subject to an application for a determination of Native Title (other than a non-claimant application that is an unopposed application) that has been registered in accordance with the *Commonwealth Native Title Act 1993* or the *Native Title Act 1994 (NSW)*
- Do not comprise lands that are the subject of an approved determination of Native Title (within the meaning of the *Commonwealth Native Title Act 1993*), other than an approved determination that no Native Title exists in the lands.

Individual land claims must be lodged with the Registrar before they can be forwarded to the Minister who administers Crown Lands for determination. The Registrar must decide whether the land claim is in a proper form and in certain circumstances if it can be approved.

Local Aboriginal Land Councils may lodge a claim for land within their area without the approval of the Registrar. Such a land claim must clearly identify the land claimed, and if so, the Registrar is bound to register the claim. If a LALC or LALCs make a land claim outside their area(s), the Registrar must approve the claim before it can be registered.

Once a land claim is registered it is referred to the Department of Lands for investigation to determine if it is 'claimable Crown Land'. The Minister, who administers the *Crown Lands Act 1989*, is responsible for determining land claims.

Table below provides a summary of all land claims since the ALRA started in 1983.



Aboriginal Land Council areas and boundary matters

A map of NSW showing the boundaries of Local Aboriginal Land Councils and Regional Aboriginal Land Councils, including the location of National Parks listed for joint management, is available from the Registrar's Office. Copies of these maps are distributed to Aboriginal organisations, government agencies and interested parties across NSW.

The Register of Aboriginal Owners

There is a legal process called joint management in NSW. Joint management has been defined as 'a negotiated and legally binding agreement, usually in the form of a lease, between indigenous owners of land and a national parks agency, for the formal establishment and management of a national park on land owned by Aboriginal people.'²

Both houses of the NSW Parliament unanimously passed laws to enable joint management of certain lands in NSW in 1996 (see map on page 45). This is in line with recommendation 315 of the Royal Commission into Aboriginal Deaths in Custody. It advocated for the establishment of joint management arrangements to 'protect and preserve the rights and interests of Aboriginal people with cultural, historical and traditional association with national parks'.³

²D. Lawrence, Kakadu, The Making of a National Park, Melbourne University Press, Carlton South, 2000, p. 8.

³Second Reading Speech, 20 November 1996, NSW Legislative Assembly, Hansard, p.6276

The Office of the Registrar has a role in the joint management process by being legally required to keep a Register of Aboriginal Owners. Aboriginal owners are central to the joint management process and receive a range of legal rights. One of these rights is to be considered for appointment to boards of management set up for lands

The Registrar, in keeping the Register of Aboriginal Owners, has the following responsibilities:

- to use his best endeavours to enter in the Register the name of every Aboriginal person with a cultural association with land in NSW;
- to only enter the name of an Aboriginal person in the Register, if the Registrar is satisfied that the Aboriginal person:
 - has consented to the entry of their name in the Register; and
 - is directly descended from the original Aboriginal inhabitants of the cultural area in which the land is situated; and
 - has a cultural association with the land derived from the traditions, observances, beliefs, customs or history of the original Aboriginal inhabitants of the land.

[illegible]

NEW SOUTH WALES DEPARTMENT OF ABORIGINAL AFFAIRS AND
OFFICE OF THE REGISTRAR, ABORIGINAL LAND RIGHTS ACT 1983

- to give priority to the entry in the Register of the names of Aboriginal people with a cultural association with land listed in Schedule 14 to the *National Parks and Wildlife Act 1974* (Schedule 14 areas) or land that has been claimed by Aboriginal Land Councils under 36A of the ALRA (36A lands).

Lands listed in Schedule 14 are reserved or dedicated (for example as a National Park or Historic Site) under the *National Parks and Wildlife Act 1974*. They have been identified as being of cultural significance to Aboriginal people.

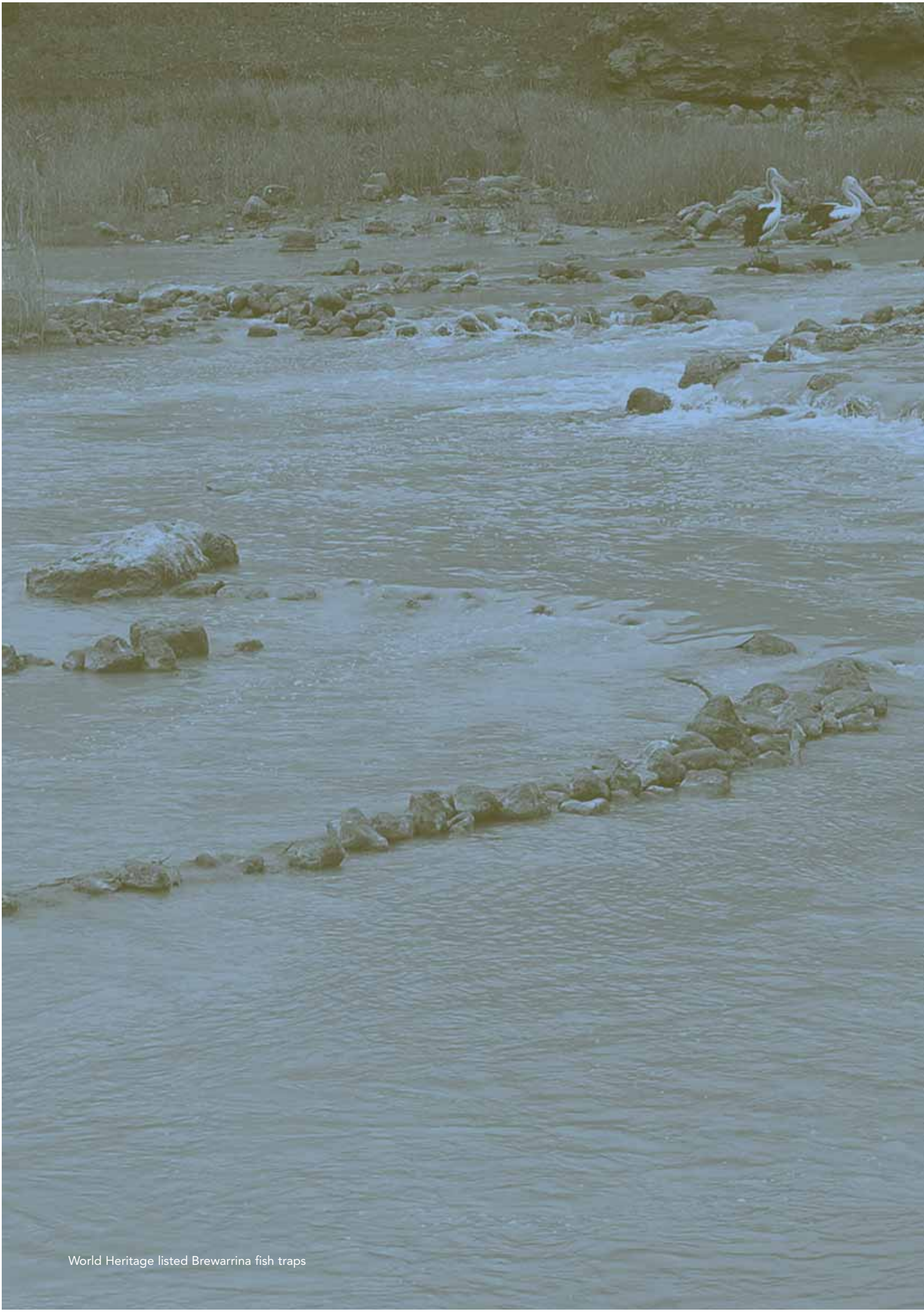
There are currently seven Schedule 14 areas:

- Mutawintji National Park (under joint management since 1998)
- Mount Grenfell Historic Site (joint management commenced in July 2004)
- Mungo National Park (currently under an informal co-management arrangement with the Department of Environment and Conservation)
- Mount Yarrowyck Nature Reserve
- Jervis Bay National Park
- Biamanga National Park (joint management to commence in late 2005)
- Gulaga National Park (joint management to commence in late 2005).

Aboriginal Land Councils can claim certain Crown land under the *Aboriginal Land Rights Act 1983*. Land that is needed for *essential public purpose of nature conservation* is not considered under the legislation to be 'claimable Crown land'. However, where an Aboriginal Land Council has claimed this type of land, provision is made in section 36A of the ALRA for the land to be granted to an Aboriginal Land Council for joint management subject to certain conditions.



View of Gulaga National Park from Wallaga Lake



World Heritage listed Brewarrina fish traps



Kids celebrating NAIDOC week in Sydney

Bring it

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Centennial Plaza
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Statement by the Director General of the Department of Aboriginal Affairs

Pursuant to section 45F of the Public Finance and Audit Act 1983,
I state that:

The accompanying financial statements have been prepared in
accordance with the provisions of the Public Audit and Finance Act,
1983, the Financial reporting Code for Budget Dependent Agencies,
the Public Finance and Audit Regulations 2000 (as applicable) and the
Treasurer's Directions.

The statements exhibit a true and fair view of the financial position of
the NSW Department of Aboriginal Affairs as of 30 June 2005, and
transactions for the year then ended.

There are no circumstances which would render any particulars
included in the financial statements to be misleading or inaccurate.

A blue ink signature of Jody Broun.

Jody Broun
Director General

20 October 2005



Ms Jody Broun
Director General
Department of Aboriginal Affairs
Level 13, Tower B
280 Elizabeth Street
SYDNEY NSW 2010

Ron Hegarty
9275 7160
D0522183/0865/kg

20 October 2005

Dear Ms Broun

**STATUTORY AUDIT REPORT
FOR THE YEAR ENDED 30 JUNE 2005**

DEPARTMENT OF ABORIGINAL AFFAIRS

I have audited the accounts of Department of Aboriginal Affairs as required by the Public Finance and Audit Act 1983 (the Act). This Statutory Audit Report outlines the results of my audit for the year ended 30 June 2005, and details any significant matters that in my opinion call for special notice. The Act requires that I send this report to the Minister and to the Treasurer.

This report is not the Independent Audit Report, which expresses my opinion on the Department of Aboriginal Affairs' financial report. The Independent Audit Report, together with the Department's financial report, are attached.

Audit Result

I expressed an unqualified opinion on Department of Aboriginal Affairs' financial report and I have not identified any significant matters since I wrote to you on 21 October 2004. My audit is continuous and I may therefore identify new significant matters before the Auditor-General next reports to Parliament on the agency's audit. If this occurs, I will write to you immediately.

Auditor-General's Report to Parliament

Comment on the agency's activities and financial operations will appear in the Auditor-General's Report to Parliament. I will send a draft of this comment to you for review before the Report is tabled during November.

Scope of the Audit

As advised in the Engagement Letter, my audit procedures are targeted specifically towards forming an opinion on the Department of Aboriginal Affairs' financial report. This includes testing whether your agency has complied with key legislation that may materially impact on the financial report. The results of the audit are reported in this context.

Acknowledgment

I thank the Department's staff for their courtesy and assistance.

Yours sincerely

Ron Hegarty
Director, Financial Audit Services

cc The Hon Milton Orkopoulos MP, Minister for Aboriginal Affairs
The Hon M lemma MP, Treasurer



INDEPENDENT AUDIT REPORT DEPARTMENT OF ABORIGINAL AFFAIRS

To Members of the New South Wales Parliament

Audit Opinion

In my opinion, the financial report of the Department of Aboriginal Affairs:

- presents fairly the Department's financial position as at 30 June 2005 and its financial performance and cash flows for the year ended on that date, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and
- complies with section 45E of the Public Finance and Audit Act 1983 (the Act).

My opinion should be read in conjunction with the rest of this report.

The Director-General's Role

The financial report is the responsibility of the Director-General of the Department of Aboriginal Affairs. It consists of the statement of financial position, the statement of financial performance, the statement of cash flows, the program statement – expenses and revenues, the summary of compliance with financial directives and the accompanying notes.

The Auditor's Role and the Audit Scope

As required by the Act, I carried out an independent audit to enable me to express an opinion on the financial report. My audit provides reasonable assurance to members of the New South Wales Parliament that the financial report is free of material misstatement.

My audit accorded with Australian Auditing and Assurance Standards and statutory requirements, and I:

- evaluated the accounting policies and significant accounting estimates used by the Director-General in preparing the financial report, and
- examined a sample of the evidence that supports the amounts and other disclosures in the financial report.

An audit does not guarantee that every amount and disclosure in the financial report is error free. The terms 'reasonable assurance' and 'material' recognise that an audit does not examine all evidence and transactions. However, the audit procedures used should identify errors or omissions significant enough to adversely affect decisions made by users of the financial report or indicate that the Director-General had not fulfilled her reporting obligations.

My opinion does not provide assurance:

- about the future viability of the Department of Aboriginal Affairs,
- that the Department of Aboriginal Affairs has carried out its activities effectively, efficiently and economically,
- about the effectiveness of its internal controls, or
- on the assumptions used in formulating the budget figures disclosed in the financial report.

Audit Independence

The Audit Office complies with all applicable independence requirements of Australian professional ethical pronouncements. The Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of public sector agencies but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office are not compromised in their role by the possibility of losing clients or income.

Ron Hegarty FCPA
Director, Financial Audit Services

SYDNEY
20 October 2005

STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 30 JUNE 2005

	Notes	Actual 2005 \$'000	Budget 2005 \$'000	Actual 2004 \$'000
Expenses				
Operating expenses:				
Employee related	2(a)	5,837	5,373	4,739
Other operating expenses	2(b)	4,187	3,749	4,189
Maintenance		18	32	20
Depreciation	2(c)	383	245	252
Grants and subsidies	2(d)	37,965	39,722	32,254
Total Expenses		48,390	49,121	41,454
Less:				
Retained revenue				
Investment income	3(a)	192	12	73
Grants and contributions	3(b)	17,604	15,000	15,856
Other revenue	3(c)	69	-	135
Total Retained Revenue		17,865	15,012	16,064
Gain / (loss) on disposal of non-current assets	4	(6)	-	(76)
Net Cost of Services	19	30,531	34,109	25,466
Government Contributions:				
Recurrent appropriation	5	29,825	33,302	31,582
Capital appropriation	5	269	39	189
Acceptance by the Crown Entity of employee benefits and other liabilities	6	587	566	437
Total Government Contributions		30,681	33,907	32,208
SURPLUS / (DEFICIT) FOR THE YEAR FROM ORDINARY ACTIVITIES		150	(202)	6,742
TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH OWNERS AS OWNERS	15	150	(202)	6,742

[The accompanying notes form part of these statements]

STATEMENT OF FINANCIAL POSITION FOR THE YEAR ENDED 30 JUNE 2005

	Notes	Actual 2005 \$'000	Budget 2005 \$'000	Actual 2004 \$'000
ASSETS				
Current Assets				
Cash	8	7,838	6,882	6,877
Receivables	9	1,324	2,527	2,507
Other	10	38	31	51
Total Current Assets		9,200	9,440	9,435
Non-Current Assets				
Plant and Equipment	11	1,670	1,574	1,780
Other	10	200	238	238
Total Non-Current Assets		1,870	1,812	2,018
Total Assets		11,070	11,252	11,453
LIABILITIES				
Current Liabilities				
Payables	12	184	810	810
Provisions	13	545	386	385
Other	14	38	95	95
Total Current Liabilities		767	1,291	1,290
Non-Current Liabilities				
Provisions	13	54	26	26
Other	14	200	238	238
Total Non-Current Liabilities		254	264	264
Total Liabilities		1,021	1,555	1,554
Net Assets		10,049	9,697	9,899
EQUITY				
Accumulated Funds	15	10,049	9,697	9,899
Total Equity		10,049	9,697	9,899

[The accompanying notes form part of these statements]

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2005

	Notes	Actual 2005 \$'000	Budget 2005 \$'000	Actual 2004 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(5,345)	(5,125)	(4,610)
Grants and subsidies		(37,964)	(39,722)	(32,254)
Other		(9,586)	(4,584)	(7,931)
Total Payments		(52,895)	(49,431)	(44,795)
Receipts				
Interest received		130	12	41
Other		23,622	15,800	19,249
Total Receipts		23,752	15,812	19,290
Cash Flows From Government				
Recurrent appropriation	5	29,825	33,302	31,639
Capital appropriation	5	269	39	189
Cash reimbursements from the Crown Entity		346	322	280
Cash transfers to the Consolidated Fund		(57)	-	(307)
Net Cash Flows From Government		30,383	33,663	31,801
NET CASH FLOWS FROM OPERATING ACTIVITIES	19	1,240	44	6,296
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases of Plant and Equipment		(279)	(39)	(193)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(279)	(39)	(193)
NET INCREASE (DECREASE) IN CASH		961	5	6,103
Opening cash and cash equivalents		6,877	6,877	774
CLOSING CASH AND CASH EQUIVALENTS	8	7,838	6,882	6,877

[The accompanying notes form part of these statements]

PROGRAM STATEMENT - EXPENSES AND REVENUES FOR THE YEAR ENDED 30 JUNE 2005

Consolidated	Program 1 - Policy and Advisory Services on Aboriginal Affairs*		Program 2 - Aboriginal Communities Development Program* (ACDP)		Not Attributable		Total	
	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000
EXPENSES AND REVENUES								
Expenses								
Operating expenses								
Employee related expenses	5,009	4,018	828	721	-	-	5,837	4,739
Other operating expenses	3,231	3,274	956	915	-	-	4,187	4,189
Maintenance	18	20	-	-	-	-	18	20
Depreciation and amortisation	383	242	-	10	-	-	383	252
Grants and subsidies	1,057	1,192	36,908	31,062	-	-	37,965	32,254
Total expenses	9,698	8,746	38,692	32,708	-	-	48,390	41,454
Retained Revenue								
Investment income	192	73	-	-	-	-	192	73
Grants and contributions	566	2,926	17,038	12,930	-	-	17,604	15,856
Other revenue	69	135	-	-	-	-	69	135
Total Retained Revenue	827	3,134	17,038	12,930	-	-	17,865	16,064
Gain / (loss) on disposal of non-current assets	(6)	(76)	-	-	-	-	(6)	(76)
Net Cost of Services	8,877	5,688	21,654	19,778	-	-	30,531	25,466
Government contributions **	-	-	-	-	30,681	32,208	30,681	32,208
NET EXPENDITURE / (REVENUE)	8,877	5,688	21,654	19,778	(30,681)	(32,208)	(150)	(6,742)
NET EXPENDITURE / (REVENUE) FOR THE YEAR	8,877	5,688	21,654	19,778	(30,681)	(32,208)	(150)	(6,742)

* The name and purpose of each program is summarised in Note 7.

** Appropriations are made on an agency basis and not to individual programs. Consequently, government contributions must be included in the 'Not Attributable' column.

SUMMARY OF COMPLIANCE WITH FINANCIAL DIRECTIVES FOR THE YEAR ENDED 30 JUNE 2005

	2005				2004			
	Recurrent Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000	Capital Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000	Recurrent Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000	Capital Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000
ORIGINAL BUDGET APPROPRIATION / EXPENDITURE								
- Appropriation Act	33,302	33,075	39	39	22,689	22,582	39	39
	33,302	33,075	39	39	22,689	22,582	39	39
OTHER APPROPRIATIONS / EXPENDITURE								
- Treasurer's Advance	47	47	250	230	-	-	-	-
- Section 27 - expenditure for certain works and advances	(3,297)	(3,297)	-	-	-	-	-	-
- Transfers to / from another agency (s25 of the Appropriation Act)	-	-	-	-	9,000	9,000	150	150
	(3,250)	(3,250)	250	230	9,000	9,000	150	150
Total Appropriations / Expenditure / Net Claim on Consolidated Fund (includes transfer payments)	30,052	29,825	289	269	31,689	31,582	189	189
Amount drawn down against Appropriation		29,825		269		31,639		189
Liability to Consolidated Fund**		-				57		-

The Summary of Compliance is based on the assumption that Consolidated Fund monies are spent first (except where otherwise identified or prescribed).

** Liability to Consolidated Fund represents the difference between the "Amount drawn against Appropriation" and "Total Expenditure / Net Claim" on Consolidated Fund for the year.

Appropriations are reconciled to the Statement of Financial Performance at Note 5.

NOTES ACCOMPANYING AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting entity

The Department of Aboriginal Affairs (the Department) is a not-for-profit organisation that is a single reporting entity. There are no other entities under its control.

The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

(b) Basis of Accounting

The Department's financial statements are a general purpose financial report which has been prepared on an accruals basis and in accordance with:

- applicable Australian Accounting Standards;
- other authoritative pronouncements of the Australian Accounting Standards Board (AASB);
- Urgent Issues Group (UIG) Consensus Views;
- the requirements of the Public Finance and Audit Act 1983 and Regulation; and
- the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer under section 9(2)(n) of the Act.

Where there are inconsistencies between the above requirements, the legislative provisions have prevailed.

In the absence of a specific Accounting Standard, other authoritative pronouncements of the AASB or UIG Consensus View, the hierarchy of other pronouncements as outlined in AAS 6 "Accounting Policies" is considered.

Except for long service leave expense, the financial statements are prepared in accordance with the historical cost convention.

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

The accounting policies adopted are consistent with those of the previous year.

(c) Administered Activities

The Department does not administer any activities on behalf of the Crown Entity

(d) Revenue Recognition

Revenue is recognised when the Department has control of the good or right to receive, it is probable that the economic benefits will flow to the Department, and the amount of revenue can be measured reliably. Additional comments regarding the accounting policies for the recognition of revenue are discussed below.

(i) Parliamentary Appropriations and Contributions from Other Bodies

Parliamentary appropriations and contributions from other bodies (including grants and donations) are generally recognised as revenues when the Department obtains control over the assets comprising the appropriations/contributions. Control over appropriations and contributions is normally obtained upon the receipt of cash.

An exception to the above is when appropriations are unspent at year end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, unspent appropriations are accounted for as liabilities rather than revenue.

The liability is disclosed in Note 14 as part of 'Current/Non current liabilities - Other'. The amount will be repaid and the liability will be extinguished next financial year.

(ii) Investment income

Interest revenue is recognised as it accrues.

(e) Employee Benefits and other provisions

(i) Salaries and Wages, Annual Leave, Sick Leave and On-Costs

Liabilities for salaries and wages (including non-monetary benefits), annual leave and vesting sick leave are recognised and measured in respect of employees' services up to the reporting date at nominal amounts

based on the amounts expected to be paid when the liabilities are settled.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

The outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

(ii) Long Service Leave and Superannuation

The Department's liabilities for long service leave and superannuation are assumed by the Crown Entity. The Department accounts for the liabilities as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as "Acceptance by the Crown Entity of employee benefits and other liabilities".

Long service leave is measured on a present value basis. The liabilities that are expected to be settled more than twelve months after the reporting date are measured as the present value of the estimated future cash outflows to be made by employers in respect of services provided by employees up to the reporting date. The present value method is based on remuneration rates on what the entity expects to pay at each reporting date for all employees with five or more years of service. This means that where it is expected that employees will receive a pay rise after the reporting date, the increased pay rate is used in determining the employee benefit liabilities.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Fund and State Authorities

Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(iii) Other Provisions

Other provisions exist when the entity has a present legal, equitable or constructive obligation to make a future sacrifice of economic benefits to other entities as a result of past transactions or other past events. These provisions are recognised when it is probable that a future sacrifice of economic benefits will be required and the amount can be measured reliably.

(f) Insurance

The Department's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government agencies. The expense (premium) is determined by the Fund Manager based on past experience.

(g) Accounting for the Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of GST, except where:

- the amount of GST incurred by the Department as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense.
- receivables and payables are stated with the amount of GST included.

(h) Acquisitions of Assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Department. Cost is determined as the fair value of the assets given as consideration plus the costs incidental to the acquisition.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition

Fair value means the amount for which an asset could be

exchanged between a knowledgeable, willing buyer and a knowledgeable, willing seller in an arm's length transaction.

(i) Plant and Equipment

Plant and equipment costing \$5,000 and above individually are capitalised.

(j) Depreciation of Non-Current Physical Assets

Depreciation is provided for on a straight line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Department.

Depreciation Rates	% Rate
Office furniture and fittings	10.00
Computer equipment and software	25.00
General plant and equipment	14.28
Leasehold improvements are depreciated over the initial period of the lease.	

(k) Maintenance and Repairs

The costs of maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

(l) Operating Assets

Any leasing transactions for operating leases of buildings and motor vehicles are recognised as expenses in the period in which they are incurred.

(m) Receivables

Receivables are recognised and carried at cost, based on the original invoice amount less (where necessary) a provision for any uncollectable debts. An estimate for doubtful debts is made when collection of the full amount is no longer probable. Bad debts are written off as incurred.

(n) Payables

These amounts represent liabilities for goods and services provided to the Department.

(o) Budgeted Amounts

The budgeted amounts are drawn from the budgets as formulated at the beginning of the financial year and with any adjustments for the effects of additional appropriations, s 21A, s 24 and/or s 26 of the Public Finance and Audit Act 1983.

The budgeted amounts in the Statement of Financial Performance for the Year Ended 30 June 2005 and the Statement of Cash Flows for the Year Ended 30 June 2005 are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the Statement of Financial Position as at 30 June 2005, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts as per the audited financial statements (rather than carried forward estimates).

2. EXPENSES

(a) Employee related expenses	2005 \$'000	2004 \$'000
Salaries and wages (including recreation leave)	4,661	4,033
Superannuation	371	298
Long service leave	194	121
Workers compensation insurance	25	28
Payroll tax and fringe benefit tax	408	241
Redundancy	156	-
Payroll tax on superannuation	22	18
	5,837	4,739

(b) Other operating expenses	2005	2004
	\$'000	\$'000
Auditor's remuneration (audit or review of the financial reports)	26	25
Operating lease rental expense (minimum lease payments)	767	742
Insurance	8	8
Corporate services	404	315
Consultancies and contractors	681	656
Program fees ACDP	78	752
Travel expenses	378	250
Printing and stationery	82	102
Other fees	22	43
Publications and advertising	164	251
Special projects	849	304
Other operating expenses	728	741
	4,187	4,189
(c) Depreciation expense	2005	2004
	\$'000	\$'000
Plant and equipment	383	252
	383	252
(d) Grants and subsidies	2005	2004
	\$'000	\$'000
Indigenous Education Projects	784	693
Aboriginal Communities Development Program (ACDP)	36,908	31,062
Ministerial Council for ATSI Affairs (MCATSIA)	-	280
Other Grants	273	219
	37,965	32,254

In May 1998 the Minister announced a seven year \$200 million Aboriginal Communities Development Program (ACDP). This program commenced at the cessation of the agreed period of funding for the NSW Aboriginal Land Council. The ACDP is a capital construction and upgrade

program to raise the health and living standards of Aboriginal communities with urgent environmental health needs. The program includes many of the functions of the former Aboriginal Environmental Health Infrastructure Forum.

3. REVENUES

(a) Investment income	2005	2004
	\$'000	\$'000
Interest	192	73
	192	73
(b) Grants and contributions	2005	2004
	\$'000	\$'000
Aboriginal Communities Development Program (ACDP)	17,038	12,930
Grants from Commonwealth government agencies	350	2,805
Grants from budget sector agencies	216	121
	17,604	15,856
(c) Other revenue	2005	2004
	\$'000	\$'000
Lease incentive	38	27
Other	31	108
	69	135

4. GAIN / (LOSS) ON DISPOSAL OF NON-CURRENT ASSETS

	2005	2004
	\$'000	\$'000
Proceeds from disposal	50	-
Written down value of assets disposed	(56)	(76)
	(6)	(76)

5. APPROPRIATIONS

Recurrent appropriations	2005 \$'000	2004 \$'000
Total recurrent drawdowns from Treasury (per Summary of Compliance)	29,825	31,639
Less: Liability to Consolidated Fund (per Summary of Compliance)	-	57
	29,825	31,582

Comprising:

Recurrent appropriations (per Statement of Financial Performance)	29,825	31,582
	29,825	31,582

Capital appropriations	2005 \$'000	2004 \$'000
Total capital drawdowns from Treasury (per Summary of Compliance)	269	189
Less: Liability to Consolidated Fund (per Summary of Compliance)	-	-
	269	189

Comprising:

Capital appropriations (per Statement of Financial Performance)	269	189
	269	189

6. ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE BENEFITS AND OTHER LIABILITIES

The following liabilities and / or expenses have been assumed by the Crown Entity :

	2005 \$'000	2004 \$'000
Superannuation	371	298
Long service leave	194	121
Payroll tax (on superannuation)	22	18
	587	437

7. PROGRAMS / ACTIVITIES OF THE DEPARTMENT

(a) Program 1 - Policy and Advisory Services on Aboriginal Affairs

Objective: To bring about improvements in policies and services provided by the State consistent with the Government's policy of self-determination in Aboriginal affairs.

(b) Program 2 - Aboriginal Communities Development Program

Objective: To address major deficiencies in housing and essential infrastructure experienced by a number of Aboriginal communities.

8. CURRENT ASSETS - CASH

	2005 \$'000	2004 \$'000
Cash at bank and on hand	7,838	6,877
	7,838	6,877

For the purposes of the Statement of Cash Flows, cash includes cash on hand, cash at bank.

Cash assets recognised in the Statement of Financial Position are reconciled to cash at the end of the financial year as shown in the Statement of Cash Flows as follows:

	2005 \$'000	2004 \$'000
Cash (per Statement of Financial Position)	7,838	6,877
Closing cash and cash equivalents (per Statement of Cash Flows)	7,838	6,877

9. CURRENT / NON-CURRENT ASSETS - RECEIVABLES

Current Receivables	2005 \$'000	2004 \$'000
Interest	119	57
Employee advances	17	25
Goods and Services Tax recoverable from ATO	1,161	900
Kempsey, Aboriginal Housing Office	-	1,474
Other	27	51
	1,324	2,507

Non-current Receivables	2005 \$'000	2004 \$'000
Aboriginal Housing Loan Scheme	122	130
Less: Provision for doubtful debts	122	130
	-	-
Total Receivables	1,324	2,507

10. CURRENT / NON-CURRENT ASSETS - OTHER

Current	2005 \$'000	2004 \$'000
Prepayments	-	10
Lease Incentive	38	41
	38	51
Non-Current	2005 \$'000	2004 \$'000
Lease Incentive	200	238
	200	238

11. NON-CURRENT ASSETS - PLANT AND EQUIPMENT

Plant and Equipment	2005 \$'000	2004 \$'000
At Fair Value	2,398	2,197
Less: Accumulated Depreciation	728	417
Total Property, Plant and Equipment At Net Book Value	1,670	1,780

Reconciliations

Reconciliations of the carrying amounts of each class of property, plant and equipment at the beginning and end of the current financial year are set out below.

Plant and Equipment 2005	\$'000
Carrying amount at start of year	1,780
Additions	279
Disposals	(79)
Depreciation expense	(383)
Write back on disposal	73
Carrying amount at end of year	1,670

12. CURRENT LIABILITIES - PAYABLES

	2005 \$'000	2004 \$'000
Accrued salaries, wages and on-costs	120	56
Creditors	64	754
	184	810

13. CURRENT / NON-CURRENT LIABILITIES - PROVISIONS

Employee benefits and related on-costs	2005 \$'000	2004 \$'000
Current		
Recreation Leave	522	364
Long Service Leave on-costs	23	21
	545	385
	2005 \$'000	2004 \$'000
Non-current		
Long Service Leave on-costs	54	26
	54	26
Aggregate employee benefits and related on-costs	2005 \$'000	2004 \$'000
Provisions - current	545	385
Provisions - non-current	54	26
Accrued salaries, wages and on-costs (Note 12)	120	56
	719	467

14. CURRENT / NON-CURRENT LIABILITIES - OTHER

Current	2005 \$'000	2004 \$'000
Liability to consolidated fund	-	57
Lease incentive	38	38
	38	95

Liability to Consolidated Fund results from under expenditure against amounts drawn down against appropriation.

Other non current liabilities	2005 \$'000	2004 \$'000
Lease incentive	200	238
	200	238

In accordance with UIG abstract 3 an amount of \$303,000 was included as lease incentive in 2003. This amount represents the value of the rent free period the department received for the period 30th September, 2002 to 30th April, 2003 in relation to the relocation to 280 Elizabeth Street Sydney. Over the period of the lease, the liability will be extinguished on an equal basis and recognised as lease incentive revenue in note 3(c) and form part of operating lease expense in note 2(b).

15. CHANGES IN EQUITY

Accumulated funds		
Balance at the beginning of the year	9,899	3,157
Changes in equity - other than transactions with owners as owners		
Total	150	6,742
Balance at the end of the financial year	10,049	9,899

16. COMMITMENTS FOR EXPENDITURE

(a) Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable

	2005 \$'000	2004 \$'000
Not later than one year	752	516
Later than one year and not later than five years	3,104	2,174
Later than five years	843	338
Total (including GST)	4,699	3,028

Operating Lease commitments of \$4.699 million include \$427K of GST recoverable from the Australian Tax Office.

17. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Department has a potential \$12.5 million liability relating to a claim which is covered under Treasury Managed Fund. The Department is not aware of any contingent assets associated with its operations.

18. BUDGET REVIEW

Net cost of services

Actual net cost of services for the year was \$30.531 million, which is lower than the budgeted \$34.109 million. This was due primarily to the reduction of work program and it is anticipated the work will be carried out in future years.

Assets and liabilities

Current Assets: Total assets were \$240K below budget. This was due to decreases in receivables.

Non Current Assets: Total Non Current Assets were \$58K above budget. This was due to additional

supplementation to purchases of Plant and Equipment during the financial year.

Current and Non Current Liabilities: Total Liabilities were \$534K below budget. This was mainly due to the payment of \$510,620 made to NSW Health Department during the year 2005.

Cash flows

Cash flows from operating activities were \$1.196million above budget mainly due to the realisation of outstanding debtors and reduced expenditure for ACDP program.

19. RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

Reconciliation of cash flows from operating activities to the net cost of services as reported in the Statement of Financial Performance.

	2005 \$'000	2004 \$'000
Net cash used on operating activities	1,240	6,296
Cash flows from Government / Appropriations	(30,094)	(31,771)
Acceptance by the Crown		
Entity of employee benefits and other liabilities	(587)	(437)
Depreciation	(383)	(252)
Decrease / (increase) in provisions	(188)	(72)
Increase / (decrease) in prepayments and other assets	(1,234)	906
Decrease / (increase) in payables	626	(337)
Decrease / (increase) in other liabilities	95	277
Net gain / (loss) on sale of plant and equipment	(6)	(76)
Net cost of services	(30,531)	(25,466)

20. RESTRICTED ASSETS

The Department's financial statements include the following balances that are restricted by externally imposed conditions eg. Terms of bequest or legislated fund. The balances are held in cash deposits.

Current	2005 \$'000	2004 \$'000
Aboriginal Assistance Fund	42	42
Housing for Aborigines Scheme	155	155
	197	197

Aboriginal Assistance Fund - Conditions imposed:
Bequests and Aboriginal Land Rights Act

Housing for Aborigines Scheme Conditions imposed:
Unexpended NSW Treasury Funding

21. FINANCIAL INSTRUMENTS

Cash

Cash comprises cash on hand and bank balances within the Treasury Banking System. Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11 am unofficial cash rate adjusted for a management fee to Treasury. The average rate over the period was 4.33% (4.06% in 2004) and the final rate was 4.50% (4.25% in 2004).

Receivables

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debt is raised when some doubt as to collection exists. The credit risk is the carrying amount (net of any provision for doubtful debts). No interest is earned on trade debtors. The carrying amount approximates net fair value. Sales are made on 30 day terms.

Bank Overdraft

The Department does not have any bank overdraft facility.

Trade Creditors and Accruals

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. Treasurer's Direction 219.01 allows the Minister to award interest for late payments. No interest was paid during the period (\$ Nil 2004).

22. IMPACT OF ADOPTING AUSTRALIAN EQUIVALENTS TO IFRS

The Department will apply the Australian equivalents to International Financial Reporting Standards (AEIFRS) from 2005-06.

The Department is managing the transition to the new standards by allocating internal resources and engaging Central Corporate Services Unit (CCSU) to analyse the pending standards and Urgent Issues Group Abstracts to identify key areas regarding policies, procedures, systems and financial impacts affected by the transition. To date, all the phases identified and reported in the Financial Statements for the year ended 30 June 2004 have been completed. In particular, a draft Balance Sheet as at 1 July 2004 was prepared under AEIFRS (in parallel with existing AGAAP financial information and financial statement) and submitted to the NSW Treasury and Audit Office

The Department has determined the key areas where changes in accounting policies are likely to impact the

financial report. Some of these impacts arise because AEIFRS requirements are different from existing AASB requirements (AGAAP). Other impacts are likely to arise from options in AEIFRS. To ensure consistency at the whole of government level, NSW Treasury has advised agencies of options it is likely to mandate for the NSW Public Sector. The impacts disclosed below reflect Treasury's likely mandates (referred to as "indicative mandates")

Shown below are management's best estimates as at the date of preparing the 30 June 2005 financial report of the estimated financial impacts of AEIFRS on the Department's equity and profit/loss. The Department does not anticipate any material impacts on its cash flows. The actual effects of the transition may differ from the estimated figures below because of pending changes to the AEIFRS, including the UIG interpretations and / or emerging accepted practice in their interpretation and application. The Department's accounting policies may also be affected by a proposed standard to harmonise accounting standards with Government Finance Statistics (GFS). However, the impact is uncertain because it depends on when this standard is finalised and whether it can be adopted in 2005-06

(a) Reconciliation of key aggregates

Reconciliation of equity under existing standards (AGAAP) to equity under AEIFRS

Notes	30 June 2005** \$'000	1 July 2004* \$'000
Total Equity under AGAAP	10,049	9,899
Total equity under AEIFRS	<u>10,049</u>	<u>9,899</u>

Reconciliation of surplus / (deficit) under AGAAP to surplus / (deficit) under AEIFRS:

Notes	30 June 2005 \$'000
Surplus / (deficit) under AGAAP	150
Surplus / (deficit) under AEIFRS	<u>150</u>

Based on the above, if AEIFRS were applied in 2004/05 there would be no change to the Net Cost of Services.

Notes to tables above

1. AASB 138 *Intangible Assets* requires all research costs to be expensed and restricts the capitalisation of development costs. Current AGAAP permits some research and development costs to be capitalised when certain criteria are met. As a result, some currently recognised intangible assets will need to be derecognised. Further, intangibles can only be revalued where there is an active market, which is unlikely to occur. Therefore, revaluation increments and decrements will need to be derecognised and intangible assets recognised at amortised costs.

The adoption of AASB 138 will also result in certain reclassifications from property, plant and equipment to intangible assets (e.g. computer software and easements).

2. AASB 119 *Employee Benefits* requires the defined benefit superannuation obligation to be discounted using the government bond rate as at each reporting date, rather than the long-term expected rate of return on plan assets. Where the superannuation obligation is not assumed by the Crown, this will increase the defined benefit superannuation liability (or decrease the asset for those agencies in an overfunded position) and change the quantum of the superannuation expense.

3. AASB 119 requires present value measurement for all long-term employee benefits. Current AGAAP provides that wages, salaries, annual leave and sick leave are measured at nominal value in all circumstances. The Department has long-term annual leave benefits and

accordingly will measure these benefits at present value, rather than nominal value, thereby decreasing the employee benefits liability and changing the quantum of the annual leave expense.

(b) Financial Instruments

In accordance with NSW Treasury's indicative mandates, The Department will apply the exemption provided in AASB 1 First-time Adoption of Australian Equivalents to International Financial Reporting Standards not to apply the requirements of AASB 132 Financial Instruments: Presentation and Disclosures and AASB 139 Financial Instruments: Recognition and Measurement for the comparative figures in the financial year to 30 June 2005. These Standards will apply from 1 July 2005. None of the information provided above includes any impacts for financial instruments. However, when these Standards are applied, they are likely to impact on retained earnings (on first adoption) and the amount and volatility of profit / loss. Further, the impact of these Standards will in part depend on whether the fair value option can or will be mandated consistent with Government Finance Statistics.

(c) Grant recognition for not-for profit entities

The Department will apply the requirements in AASB 1004 Contributions regarding contributions of assets (including grants) and forgiveness of liabilities. There are no differences in the recognition requirements between the new AASB 1004 and the current AASB 1004. However, the new AASB 1004 may be amended by proposals in Exposure Draft (ED) 125 Financial Reporting by Local Governments. If the ED 125 approach is applied, revenue and / or expense recognition will not occur until either the Department supplies the related goods and services (where grants are in-substance agreements for the provision of goods and services) or until conditions are satisfied. ED 125 may therefore delay revenue recognition compared with AASB 1004, where grants are recognised when controlled. However, at this stage, the timing and dollar impact of these amendments is uncertain.

23. AFTER BALANCE DATE EVENTS

There are no events subsequent to balance date which affect the financial report.

End of audited financial statements.



Cathy Freeman with staff from Muru Mittigar Aboriginal Cultural & Education Centre in Western Sydney at the Indigenous Tourism Expo partly funded by the Department



Appendices

5.1 DIRECTOR GENERAL'S PERFORMANCE STATEMENT

The Minister recognises that Ms Jody Broun has performed the duties of Director General to a high standard and a new performance agreement is being finalised to reflect the Director General's responsibilities.

5.2 ACCESS AND EQUITY

Equal Employment Opportunity

The Department of Aboriginal Affairs' Equal Employment Opportunity (EEO) management plan ensures all staff employed by the Department are provided with equitable opportunities for career development, training and promotion. The Department's reform and restructure process included a series of merit based selection processes and the redesign of all position descriptions which strongly encouraged Aboriginal participation. This resulted in equal employment opportunities for all employees who either gained permanent or longer term employment within the Department. Integrating EEO into all planning and management activities ensures that it remains both visible and relevant to staff and managers, and that it is an integral part of the Department's corporate culture. The Department also fully implements and support the Premier's Spokeswomen's Program.

Representation	2005	Benchmark
Women	54%	50%
Aboriginal People & Torres Strait Islanders	60.2%	2%
People Whose Language First Spoken as a Child was not English	4%	20%
People with a Disability	4%	12%
People with a Disability Requiring Work-related Adjustment	n/a	7%

Distribution Index	2005	Benchmark
Women	86	100
Aboriginal People & Torres Strait Islanders	91	100
People Whose Language First Spoken as a Child was not English	n/a	100
People with a Disability	n/a	100
People with a Disability Requiring Work-related Adjustment	n/a	100

Notes: 1. Staff numbers are as at 30 June 2005 2. Excludes casual staff. 3. A Distribution Index of 100 indicates that the centre of the distribution of the EEO group across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels. The Distribution Index is automatically calculated by the software provided by ODEOPE. 4. The Distribution Index is not calculated where EEO group or non-EEO group numbers are less than 20.

Disability Action Plan

Significant work was undertaken during the reporting year to modify the Department's Internet and Intranet sites. The Department also finalised the Aboriginal InfoNet site to provide information on the services, community events and news stories relevant to all Aboriginal people in NSW. These sites enable people with disabilities to have equal access.

When the Department conducted preliminary investigations into the location of its new Regional Offices, accessibility for disabled people was taken into consideration before the Memorandum of Understanding with the Commonwealth, regarding the co-location of the Department's Regional Offices with Indigenous Coordination Centres, was signed.

Action Plan for Women

The NSW Government's Action Plan for Women provides a foundation for focus on women with the least access to social and economic resources through the principles of equity, access, rights and participation. The Action Plan addresses paid and unpaid work, health and housing, violence and safety, justice and civil legal equality, childcare, education and training, decision-making, leadership and access to information.

The Department continued to be committed to ensuring compliance with the Government's initiative. The Department has an elected

Spokeswoman who is responsible for providing advice and information to staff and management on issues relating to women working within the organisation.

Promotion

The Department produced the following publications in 2004/05:

Annual Report 2003/04

Two editions of the DAA News (newsletter)

Two Ways Together Report on Indicators

Land Disposal

The Department does not hold any property.

Ethnic Affairs Priority Statement (EAPS)

The Department recognises and upholds the principles of a culturally diverse society and is committed to the ongoing implementation of these principles, both within the workplace, with clients and within the community. The Department's EAPS ensures that staff are employed according to the merit principle and the requirements of the Anti-Discrimination Act. Training courses on cultural awareness are made available to all staff. The Department's Language Centre was established to undertake and facilitate the research, documentation and Community consultation necessary for the revitalisation of the Aboriginal languages of New South Wales.



Participants of a language workshop held at the NSW Aboriginal Languages Research and Resource Centre at Tranby College

5.3 FREEDOM OF INFORMATION

Documents held by the Department relate to policy and program development, administration of NSW Local Aboriginal Land Councils, land claims, and heritage and natural resources issues. Policy documents, Annual Reports, Corporate Plans and other documents can be obtained by ringing us on (02) 9219 0700. Applications for access or amendment to our documents under the *Freedom of Information Act 1989*, should be sent with a \$30 application fee and directed to:

FOI Coordinator
Department of Aboriginal Affairs
Level 13, Tower B
Centennial Plaza
280 Elizabeth Street
SURRY HILLS NSW 2010

There were three Freedom of Information applications received during the year.

FOI REQUESTS						
	2003 - 2004			2004 - 2005		
	PERSONAL	OTHER	TOTAL	PERSONAL	OTHER	TOTAL
New (Including transferred in)	0	15	15	1	2	3
Brought forward	0	0	0	0	0	0
Total to be processed	0	15	15	1	2	3
Completed	0	14	14	1	2	3
Transferred out	0	0	0	0	0	0
Withdrawn	0	1	1	0	0	0
Total processed	0	15	15	1	2	3
Unfinished (Carried forward)	0	0	0	0	0	0

RESULT OF FOI REQUESTS				
	2003 - 2004		2004 - 2005	
	PERSONAL	OTHER	PERSONAL	OTHER
Granted in full	0	3	1	0
Granted in part	0	9	0	2
Refused	0	2	0	0
Deferred	0	0	0	0
Completed	0	14	1	2

MINISTERIAL CERTIFICATES		
	2003 - 2004	2004 - 2005
	0	0

FORMAL CONSULTATIONS				
	2003 - 2004		2004 - 2005	
	ISSUED	TOTAL	ISSUED	TOTAL
	0	0	0	0

AMENDMENT OF PERSONAL RECORDS		
	2003 - 2004	2004 - 2005
Result of amendment - agreed	0	0
Result of amendment - refused	0	0
Total	0	0

NOTATION OF PERSONAL RECORDS		
	2003 - 2004	2004 - 2005
Number of requests for notation	0	0

FOI REQUESTS GRANTED IN PART OR REFUSED				
BASIS OF DISALLOWING OR RESTRICTING ACCESS				
	2003 - 2004		2004 - 2005	
	PERSONAL	OTHER	PERSONAL	OTHER
Section 19 {application incomplete, wrongly directed}	0	0	0	0
Section 22 {deposit not paid}	0	0	0	0
Section 25 (1)(a1) {diversion of resources}	0	2	0	0
Section 25(1)(a) {exempt}	0	9	0	2
Section 25(1)(b),(c),(d) {otherwise available}	0	0	0	0
Section 28(1)(b) {documents not held}	0	0	0	0
Section 24(2) {deemed refused, over 21 days}	0	0	0	0
Section 31(4) {released to Medical Practitioner}	0	0	0	0
Totals	0	11	0	2

FOI FEES RECEIVED		
	2003 - 2004	2004 - 2005
All completed requests	\$650	\$90

RESULT OF FOI REQUESTS				
	2003 - 2004		2004 - 2005	
	PERSONAL	OTHER	PERSONAL	OTHER
Public interest	0	0	0	0
Financial hardship - Pensioner/Child	0	0	0	0
Financial hardship - Non profit organisation	0	0	0	0
Totals	0	0	0	0
Significant correction of personal records	0	0	0	0

RESULT OF FOI REQUESTS				
	2003 - 2004		2004 - 2005	
	PERSONAL	OTHER	PERSONAL	OTHER
0 - 21 days	0	10	1	2
22 - 35 days	0	4	0	0
Over 35 days	0	1	0	0
Totals	0	15	1	2

HOURS TO PROCESS				
	2003 - 2004		2004 - 2005	
	PERSONAL	OTHER	PERSONAL	OTHER
0 - 10 hours	0	1	0	0
11 - 20 hrs	0	8	14	12
21 - 40 hrs	0	4	0	0
Over 40 hrs	0	1	0	0
Totals	0	14	14	12

REVIEWS AND APPEALS		
	2003 - 2004	2004 - 2005
Number of internal reviews finalised	5	1
Number of Ombudsman reviews finalised	0	0
Number of District Court appeals finalised	0	0

BASIS OF INTERNAL REVIEW				
	2003 - 2004		2004 - 2005	
	PERSONAL	OTHER	PERSONAL	OTHER
Access refused	0	0	0	0
Deferred	0	0	0	0
Exempt matter	0	5	0	0
Unreasonable charges	0	0	0	0
Charge unreasonably incurred	0	0	0	0
Amendment refused	0	0	0	0
Applicant refused to believe that the information was not held	0	0	1	0
Totals	0	5	1	0

Impact of activities on FOI requirements

There was no significant impact on FOI requirements by any of the Department's operations.

Major issues arisen during the year

No major issues arose.

Circumstances and outcomes of investigations or applications for review

There was one internal review sought during the year. The applicant sought a review of the initial determination and confirmation that the Department did not hold the information that had been requested. The internal review confirmed the original determination.



Departmental restructure discussions

5.4 SIGNIFICANT COMMITTEES OF THE DEPARTMENT OF ABORIGINAL AFFAIRS

Two Ways Together

The Department established and chairs the Economic Development Cluster group of *Two Ways Together*. The goal of this cluster group is to:

- increase economic opportunities for Aboriginal people and communities through better education and training options
- improving access to employment
- business mentoring
- government, business and Aboriginal communities working in partnership to better use land and water rights.
- developing plans for future action to guide jurisdictions in addressing the three priority areas of Economic Development, Child Protection and Youth Suicide
- promoting and supporting the use of the report *Overcoming Indigenous Disadvantage* to drive action required to redress Indigenous disadvantage
- developing demographic data to enable mapping of future policy and service demand.

Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA)

This Ministerial Council is a valuable forum where States and Territories can share information and discuss issues of mutual interest to improve the Minister's ability to deliver outcomes in their own jurisdictions. This invariably identifies issues that warrant a national focus because of their impact across many or all jurisdictions.

The Council's current primary strategies include:

Another current item for the Council's consideration is the significant changes in Indigenous affairs nationally. These include the demise of ATSIC, the impact of the COAG trials, bilateral agreement negotiations and Shared Responsibility Agreements.

The Council has given NSW carriage of two important initiatives. These are:

- development of the Economic Development Policy Framework and Action Plan
- development of a *Bringing Them Home* monitoring framework to monitor the commitments made by governments to support the Stolen Generations.

5.5 WORKING WITH OTHER ORGANISATIONS

Our staff serve on many internal and external committees as shown in this comprehensive list.

Jody Broun, Director General

Aboriginal Affairs Plan Coordinating Committee (Cluster 8) (Chairperson)
CEO Group on Aboriginal Affairs (Chairperson)
Community Representative Structure Committee (Chairperson)
Post-ATSIC Representative Structure Committee (Chairperson)
Aboriginal Land Rights Act Review Taskforce
West Dubbo Senior Officers Group (Chairperson)
Intergovernmental Aboriginal Affairs Group
Murdi Paaki Steering Committee
Department of Infrastructure, Planning & Natural Resources CEO Cluster Group
Natural Resources Advisory Council
Corruption Prevention Overview Committee
Justice CEO Cluster Group
Human Services CEO Group
Redfern - Waterloo CEOs Group
Standing Committee for Aboriginal and Torres Strait Islander Affairs (SCATSIA)
Director General's Aboriginal Education and Training Advisory Committee.

Rachel Ardler, Manager, Director General's Office

Overcoming Indigenous Disadvantage NSW Group

Nisha Ali, Corporate Systems and Governance Officer

Records Management Association of Australia Forum
Records Management Group (State Records)

Barry Oliver, Senior Officer, Information Management

Records Management Association of Australia Forum
Information Security Management in Government (ISMIG) Forum
NSW Government Freedom of Information & Privacy Network

COMMUNITIES AND PROGRAMS

Steve Merritt, Executive Director, Communities and Programs

Criminal Justice Research Network
Mental Health Senior Officers Group



Dr Jakelin Troy, Manager NSW Aboriginal Languages
Research & Resource Centre

Geographical Names Board NSW

Exhibitions Committee Historic Houses Trust of NSW

Aboriginal Languages Steering Committee for the NSW
Department of Education and Training, Aboriginal
Education and Training Directorate

NSW State Government Culture and Heritage Cluster
Group Committee

NSW State Government Aboriginal Languages Policy
Committee, convened by Department of Aboriginal
Affairs

Australian National Placenames Survey NSW and ACT
Subcommittee.

POLICY AND RESEARCH

Marcia Ella-Duncan, Executive Director, Policy and
Regulation

Economic Development Cluster Group (Chairperson)

Aboriginal Affairs Plan Coordinating Committee

Statistical Coordination Users Forum (SCUF)

Mental Health Senior Officers Group

Road Safety Taskforce

Rachel Lenehan, Manager, Compliance and Regulation

Culture and Heritage Cluster Group

Aboriginal National Parks Steering Committee
(Chairperson)

Stockton Bight Interagency

Samantha Nolan, Executive Policy Director

Aboriginal Affairs Plan Coordinating Committee

Demographic Working Group (SCATSIA)

Reconciliation Working Group (SCATSIA)

Statistical Coordination Users Forum (SCUF)

CEO Group on Aboriginal Affairs

Murdi Paaki Steering Committee

Carol Thomas, Principal Policy Officer (Human Services)

Families and Communities Cluster Group

(previously Housing, Health, Education,
Families and Young people Clusters)

Family Violence Sub-Cluster (Focus Group)
 Family and Domestic Violence Strategic Plan
 Housing Senior Officers Group

**Anthony Seiver, Principal Policy Officer
 (Cultural and Heritage)**
 Aboriginal National Parks Steering Committee
 (Chairperson)
 Aboriginal Languages Policy Steering Committee
 (Chairperson)
 Environmental Trust Project Steering Committee
 (Chairperson)
 Justice Cluster Group
 Culture and Heritage Cluster Group
 Economic Development Cluster Group
 Aboriginal Heritage Committee, NSW Heritage Council
 Protecting Our Places Technical Review Committee
 Hunter Valley Aboriginal Heritage Trust
 Stockton Bight Interagency
 Department of Infrastructure, Planning & Natural
 Resources Aboriginal Panel
 Police Strategic Advisory Group
 Construction Guidelines Review (Chairperson)

Carlo Svagelli, Senior Policy Officer
 Aboriginal Education Initiatives Advisory Committee
 Director General's Aboriginal Education and Training
 Advisory Board (DET)
 Community Patrols Evaluation Group
 Inter-departmental Working Group Considering the
 Recommendations of
 Professor Mark Findlay's Independent Review of the
Crimes (Forensic Procedures) Act 2000
 Aboriginal Youth Leadership Project
 Families First – Expert Group
 Youth Interagency Taskforce
 Redfern-Waterloo Authority Human Services Plan
 Business and Employment Awards

Cathy Eatock, Senior Policy Officer
 Justice Cluster Group

Economic Development Cluster Group
 Community Representative Structure Committee
 Post-ATSIC Representative Structure Committee
 Aboriginal Child Protection Participation Group
 Youth Justice Advisory Council
 Tirkandi Inaburra
 Working Party on merging of *Young Offenders Act and
 Children (Criminal Proceedings) Act*
 West Dubbo Senior Officers Group

Sue Lindsay, Senior Policy Officer
 Economic Development Cluster Group
 Families and Communities Cluster Group (previously
 Housing, Health, Education, Families and Young people
 Clusters)
 Overcoming Indigenous Disadvantage NSW Group

Gillian Dempsey, Policy Officer
 Economic Development Cluster Group
 Family Violence Sub-cluster (Focus Group)
 Aboriginal Languages Policy Steering Committee
 Aboriginal Cultural Education Steering Committee
 NSW Aboriginal Languages Steering Committee
 Police Strategic Advisory Group
 Police Interagency Committee on Adult Sexual Assault
 Violence Against Women Senior Officers' Group
 Learning and Development in Child Protection Forum
 Child Protection Senior Officers Group
 Adolescents Who Sexually Offend Senior Officers Group
 Family and Community Services, Longitudinal Study of
 Indigenous Children
 Indigenous GROW Employment Council

Michael Nest, Policy Officer
 ABS@superuser Group Forum
 Construction Guidelines Review

Cheree Freeburn, Assistant Policy Officer
 Aboriginal Child Protection Participation Group

Deborah Johnston, Policy Officer
 DADHC Planning for Later Life Forum

5.6 PAYMENT OF ACCOUNTS

Aged analysis at the end of each quarter.

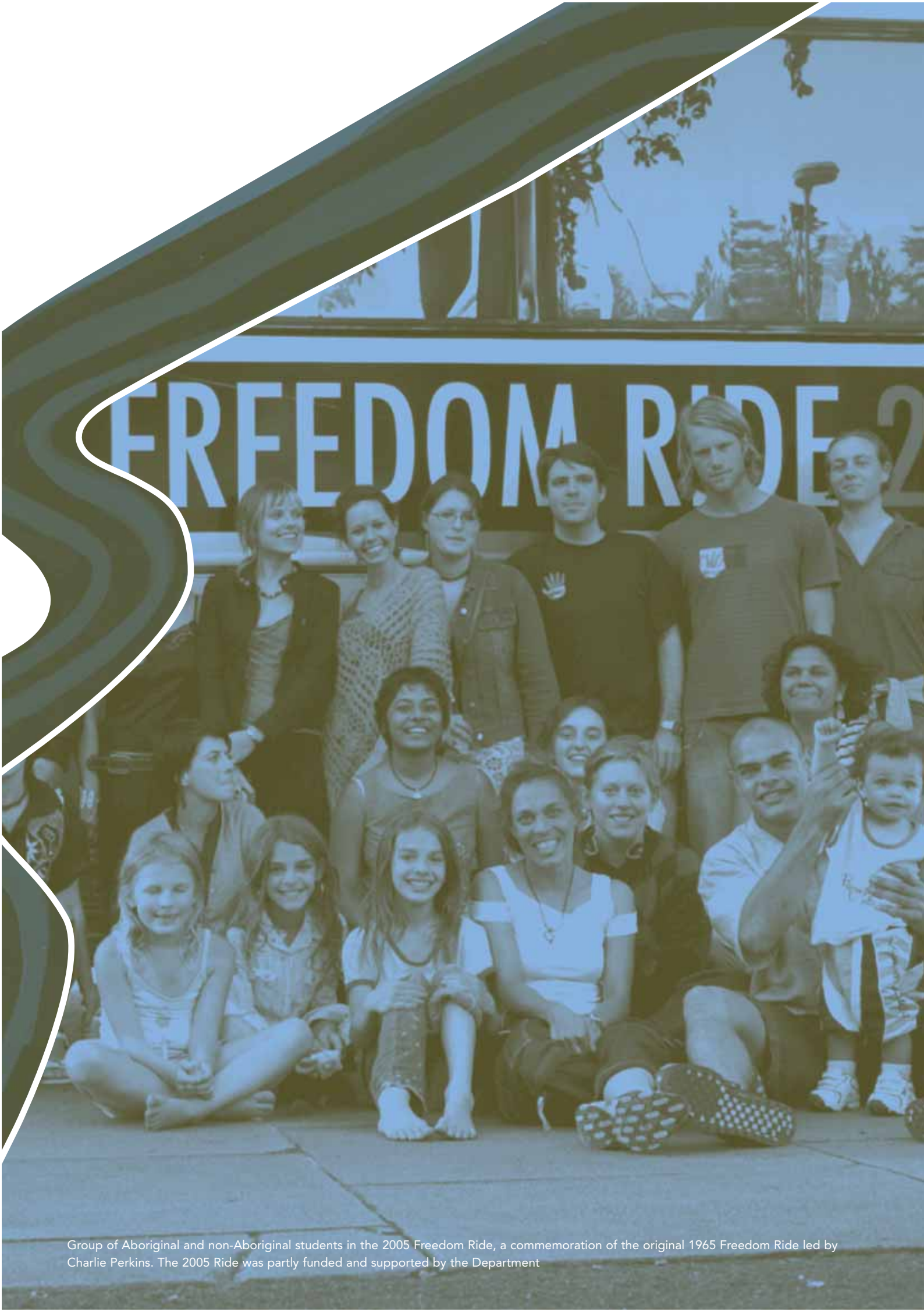
Quarter	Current (i.e. within due date) \$	Less than 30 days overdue \$	Between 30 days & 60 days overdue \$	Between 60 days & 90 days overdue \$	More than 90 days overdue \$
September Quarter	12,763	0	0	0	0
December Quarter	945	0	0	0	0
March Quarter	13,896	0	0	0	0
June Quarter	16,326	0	0	0	0

Quarter	Total Accounts Paid on Time			Total Amount Paid (\$)
	Target	Actual	\$	
September Quarter	88%	88%	925,295	1,506,874
December Quarter	88%	90%	15,029,999	15,102,825
March Quarter	88%	89%	11,756,265	11,891,872
June Quarter	88%	91%	18,479,849	18,994,867

During 2004/2005 there were no instances where penalty interest was paid in accordance with section 18 of the Public Finance and Audit (General) Regulation 1995.

Other than a short delay in processing invoices totalling \$420,800 in the September Quarter there were no significant events that affected payment performance during the reporting period.

To improve future performance the Office will undertake monthly reviews of results in the first 6 months of the 2005/06 Year. The Department aims to increase its target towards 90% in accordance with structural changes.



Group of Aboriginal and non-Aboriginal students in the 2005 Freedom Ride, a commemoration of the original 1965 Freedom Ride led by Charlie Perkins. The 2005 Ride was partly funded and supported by the Department

5.7 CREDIT CARD CERTIFICATION

There were no breaches of our Department's Credit Card Policy within the reporting period.

5.8 WASTE

Consistent with the DAA restructure and review of operational policies and procedures, consideration was given to ensuring the WRAPP principles were adopted where appropriate. This resulted in the following initiatives being introduced:

- DAA Intranet and Aboriginal InfoNet sites were completed providing electronic access to information, publications and directories
- Recycled paper for all letter head and compliment slips
- WRAPP awareness was continued by encouraging and reminding staff to utilise the individual recycle boxes and bins located throughout the office
- DAA also submitted its 2005 Waste Data for consideration by government.

5.9 OCCUPATIONAL HEALTH AND SAFETY

Part of the strategy for reform of the Department included the establishment of a Workplace Committee with a brief that included occupational health and safety. The Committee membership includes an OH&S trained regional staff member Mr Matthew Swadling. Two first Aid Officers Ms Cheree Freeburn and Ms Gillian Dempsey, were appointed following a selection process and completion of appropriate St John's Ambulance training. A number of OH&S training videos were purchased and available for Divisional and general meetings.

5.10 CONSULTANTS

CATEGORISED BY NATURE OF CONSULTANCY

Consultancy Schedule 2004-2005 Financial Year more than \$30,000

Nil response

Consultancy Schedule 2004-2005 Financial Year less than \$30,000

Our Department engaged the legal services of two consultants during the financial year totalling \$1,987.73.

5.11 CONSUMER RESPONSE

Complaints are managed by Executive Directors, with the Director General being advised of both the complaint and the outcome.

The update of the departmental website and the development of the Aboriginal Infonet have increased the capacity for stakeholders and clients to gain better awareness of the services offered by the Department and provide feedback.

The Department has a designated Receptionist who maintains a log of the types of calls coming into the Department to enable a clearer targeting of resources and information.

The Department, in partnership with the Australian Government and Peak Aboriginal Bodies, hosted *Our Future, Our Voice*, a two day summit attended by Aboriginal community representatives from across the state. This forum provided invaluable feedback regarding community expectations of the Department.

5.12 RISK MANAGEMENT AND INSURANCE ACTIVITIES

During the year DAA undertook a review of the Business Continuity Plan and its Disaster Recovery Plan to ensure compliance with the current NSW State Government Standards on Counter Disaster Strategies for Records and Recordkeeping Systems.

NSW Treasury Managed Fund

Risks are covered by the NSW Treasury Managed Fund (which is a self insurance arrangement of the NSW Government), of which the Department is a member. The Department is provided with funding via a benchmark process and pays deposit premiums for workers compensation, motor vehicle, liability, property and miscellaneous lines of business. The workers compensation and motor vehicle deposit premiums are adjusted through a hindsight calculation process after five years and 18 months respectively.

Workers' compensation and motor vehicle claims during 2004/05 were within normal public sector targets with the Department having a low frequency of claims at a relatively low cost per claim.

Risk Management Initiatives

DAA has a number of continuing initiatives to reduce risks and these include:

- Commitment to early injury management and return to work of injured workers
- On-going development of Occupational Health & Safety (OH&S) issues
- Review of the Business Continuity Plan
- Review of Phases 1 and 2 of the Information Security Plan in accordance with AS7799

5.13 PRIVACY MANAGEMENT PLAN

The *Privacy and Personal Information Protection Act 1998* (the Act) provides for the protection of personal information and the privacy of individuals.

The Act does this by means of 12 information protection principles. The Act required every Department to prepare a Privacy Management Plan by 30 June 2000, which outlines in detail, how the Department will incorporate the 12 information protection principles into its management policy and strategic planning. This plan was completed as required.

Our Department also has a Privacy Code of Practice, which allows modification of the 12 Information Protection Principles contained in Part 2, Division 1 of the *Privacy and Personal Information Protection Act 1998*, as they relate to the operation of our Department.

Our Department received no applications for review under Part 5 of the Act, during the reporting period.

5.14 GOVERNMENT ENERGY MANAGEMENT PLAN

The Premier committed Government agencies to energy reduction targets of 15% by 2001/02 and 25% by 2005/06, over the 'base year' of 1995/96.

Energy consumption has reduced by 20%, despite an 11% increase in staff numbers and a 15% increase in floor area resulting from the Department's relocation from Clarence Street to Elizabeth Street in 2003. That is a reduction of 27% per unit of staff and 31% per square metre of floor space.

When fitting out the premises at Elizabeth Street, an Electrical Engineer was engaged to determine the most cost efficient lighting. As a result, our Department is one of the few agencies to have achieved a 4.5 star Australian Building Greenhouse Rating for its premises.

The energy usage for vehicles has increased in direct proportion to distance travelled, both up by 39%.

5.15 OVERSEAS VISITS

No Departmental staff undertook overseas travel on official business during the reporting period.

5.16 INFORMATION COMMUNICATION TECHNOLOGY STRATEGIC PLAN

The Central Corporate Services Unit (CCSU), Department of Commerce, was engaged as contractors to write a new Information Communications and Technology Strategic Plan for our Department in early 2005.

Our Department purchased new computers during the financial year, with most assigned to our new Regional Office staff to enable them to access the Department's network.

A smaller number of new desktop computers replaced the few remaining old Pentium 2 machines that were failing under the load of using modern software. The old machines were bought in 1999 and were upgraded rather than replaced in 2002, as an economy measure. However the computers had reached the limits of their useful life.

A number of laptop computers were purchased to replace some older items that had failed and were beyond economical repair.

Our Department has started aligning its electronic data services with the Australian Security Standard AS 7799, with assistance from the Information Technology Services Branch of CCSU and external services providers.



The cost of producing the 2005 Annual Report including design and printing was \$22,400

Design and Production by North Design + Branding 02 8920 3300



New South Wales Department of
Aboriginal Affairs