

South  
Australian  
Native Title  
Services Ltd

Annual report  
2017/2018







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A report issued in accordance with clause 10 of  
the Project Schedule General Grants – Native Title  
Representative Bodies and Service Providers

SANTS receives funding from the  
department of Prime Minister and Cabinet,  
Commonwealth Government

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*South Australian Native Title Services is a deductible  
Gift Recipient under Division 30 of the Income Tax  
Assessment Act 1997 (Cth)*

*ABN: 66 131 591 841*

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Front cover and page banners: 'My Country, My Home' ('Ngayalu Ngura')  
Artwork to commemorate 10 years of SANTS work, created by Aboriginal  
artist Elizabeth Close.



Annual report  
2017/2018

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# Contents

About us	01
Chairperson's report	02
CEO report	03
Native title map of South Australia	04
Native title groups in South Australia	05
Report on performance	06
1. Native title services	06
2. Influence change	11
3. Community and corporate development	18
4. Organisational capability	20
Operational plan	22
Business specific reports	25
Human resources	25
Governance	27
Organisation chart	28
Finance	29
Financial statements and audit report	31

# About us

## Our vision

Sustainable Aboriginal Nations.

## Our mission

To work with Aboriginal Nations to deliver services to realise their aspirations.

## Our values

Across all our work, we uphold the following values:

- **Respect** – for people, culture, country, difference and ideas.
- **Professionalism** – being ethical, accountable and transparent and working with integrity and competence.
- **Inclusiveness** – encouraging collaboration and participation and listening to and considering the views of others.

## Our goals

### 1. Native title services

To deliver native title services that provide for the recognition and protection of native title rights and interests.

### 2. Influence change

To provide leadership in native title and the development of Aboriginal Nations.

### 3. Community and corporate development

To provide services to Aboriginal Nations to enhance their capacity to achieve their aspirations.

### 4. Organisational capability

To improve SANTS capability through processes, systems and culture that deliver effective business outcomes.

## Legislative status, roles and functions

SANTS is registered as a public company limited by guarantee pursuant to the *Corporations Act* (Cth) 2001. SANTS is the Native Title Service Provider (NTSP) for the South Australia area and receives funding from the Commonwealth Department of Prime Minister and Cabinet pursuant to section 203FE of the *Native Title Act 1993* (Cth) (NTA) for the purpose of performing all the functions of a representative body.

These functions are:

- Facilitation and assistance functions referred to in s.203BB.
- Certification functions referred to in s.203BE.
- Dispute Resolution functions referred to in s.203BF.
- Notifications functions referred to in s.203BG.
- Agreement-making functions referred to in s.203BH.
- Internal Review functions referred to in s.203BI.
- The functions referred to in s.203BJ, and such other functions as are conferred on representative bodies by the Act.



## Chairperson's report



**I am pleased to present South Australian Native Title Services' (SANTS) 2017/2018 Annual Report.**

It has been a solid and dedicated year of work for SANTS as native title reaches maturity across Australia, with more and more of our state subject to native title decisions and Aboriginal Nations coming to terms with a post-determination era.

In 2018, SANTS completes ten years of operation as an independent organisation, after having its origins in the Native Title Unit of the Aboriginal Legal Rights Movement (ALRM).

SANTS has played an important role in our state over that decade, helping to make the promise of the *Native Title Act* a reality in our region.

It has been a long and sometimes difficult process and has required commitment and resilience by Aboriginal people and nations in South Australia.

The consistent and expert support and focus that has been given to this task by staff members and directors at SANTS has been crucial to the environment that we now see. SANTS is placed between community and the legal system, helping make each understandable to the other to help reach resolution. I congratulate and thank all who have been involved over the last decade.

The SANTS Board of Directors continues to be a stable and effective group in offering SANTS strategic direction. I was honoured to be appointed as Chairperson of SANTS at our Annual General Meeting in November 2017.

We have had just one change to our group of Directors, with the addition of a new Board Member, experienced lawyer Ms Melanie Burton.

We continue to develop our capacities to offer support to SANTS and Aboriginal Nations, including undertaking Corporate Governance training and Financial and Risk Management information sessions throughout the year, among other development activities.

I thank all SANTS staff members, in particular Chief Executive Officer Keith Thomas and his management team for another diligent year of service and look forward to further positive outcomes next financial year.

**Craig Allen**  
Chairperson

# Chief Executive Officer's report



I am pleased with the achievements of SANTS in our operations over the past year. We continue to enjoy considerable success with three native title consent determinations, one compensation consent determination, three native title applications and one compensation application.

The pinnacle was the consent determination for the Kaurna people which covers Adelaide and surrounding areas; the first such determination over a capital city.

SANTS continues to provide assistance to native title claimants and holders. Significant support has been provided to Prescribed Body Corporates (PBCs) as they strive to achieve their aspirations with a focus on capacity development and good governance. SANTS has also partnered with groups to assist in managing projects and has provided other services on a fee for service basis.

SANTS continues to continually improve its own corporate affairs with strong governance and a relatively stable workforce. I take this opportunity to thank the Board for their direction and advice and my management team and staff for their continued effort to deliver best practice services and outcomes for Aboriginal people in South Australia.

## Summary of significant issues and developments

With the changes to the Federal Court in South Australia a significant development has been the listing of matters for trial even where successful negotiations are taking place. This has a significant impact upon SANTS particularly the stress this places upon our limited resources including funds and people. I must thank the Department of Prime Minister and Cabinet (DPMC) for the additional support provided to address Court matters.

The question of compensation is still having a significant impact with groups reluctant to negotiate settlement Indigenous Land Use Agreements (ILUAs) with the State while waiting for the outcome of the Timber Creek compensation matter in the High Court.

## Overview of performance and financial results

SANTS' performance results were outstanding this year. We had strong results in achieving our milestones in our operational plan with approximately twenty groups receiving assistance to further their native title matters. SANTS also managed support funding for seven PBCs.

SANTS financial results were also positive, with less than one per cent of our core funding unspent at the end of the year. However, SANTS continues to suffer with the static nature of our funding not allowing for growth. Nevertheless, I am pleased that we were able to make significant progress with many of our matters this year.

## Outlook for the following year

The continued progress of claims, particularly those that have been active for over twenty years, will continue to be priority matters. There are strong prospects for several determinations to occur next year.

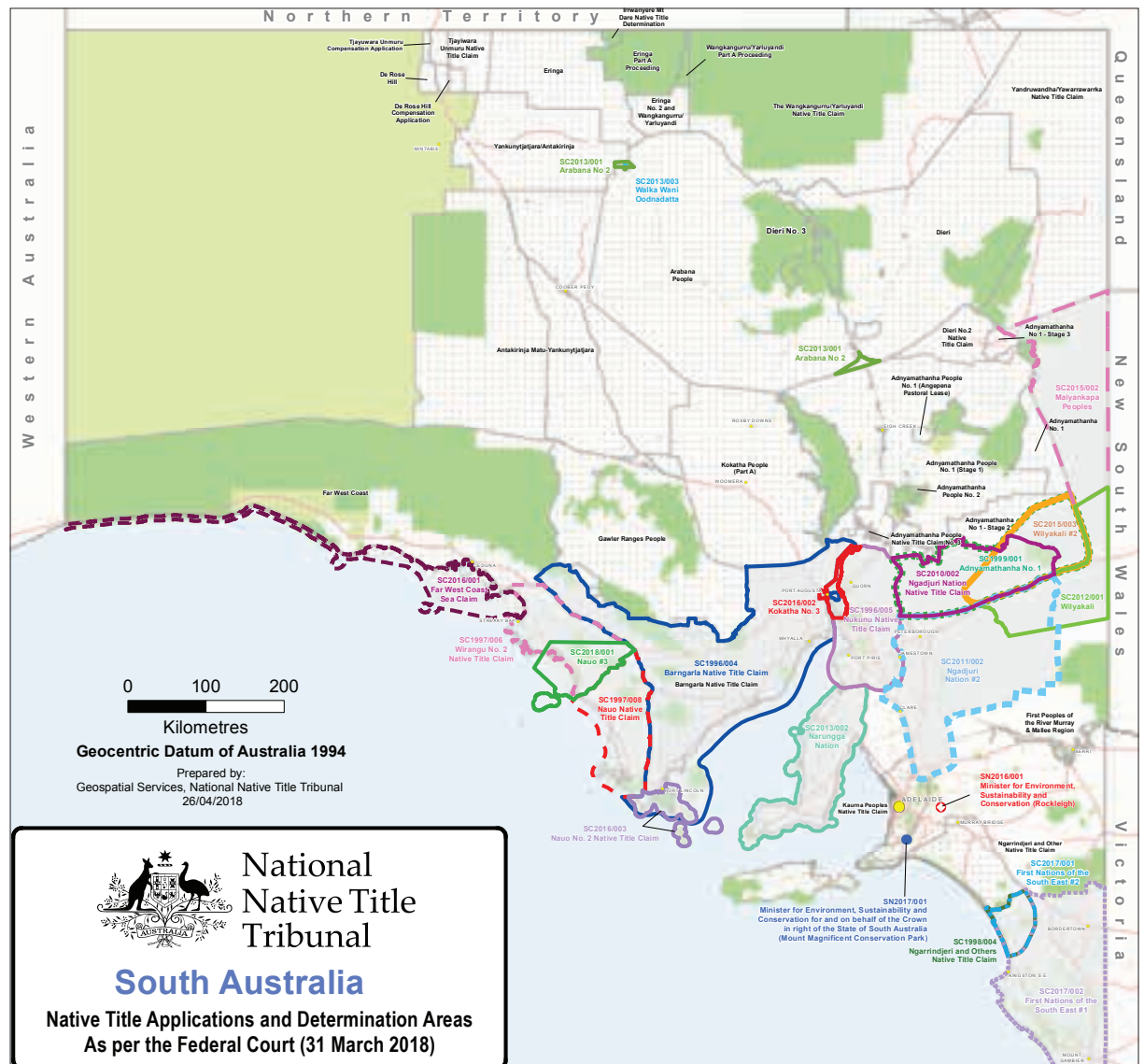
The State Government has completely cut its funding to SANTS. This will impact service delivery and increase already significant pressure on our budget next year. SANTS will also look at ways it might improve income from other sources to support our program.

**Keith Thomas**  
Chief Executive Officer



# Native title map of South Australia

as at 30 June 2018



Above (Figure 1): The Native Title Registrar at the National Native Title Tribunal has statutory responsibilities including maintaining three Registers: the National Native Title Register, the Register of Native Title Claims and the Register of Indigenous Land Use Agreements [www.nntt.gov.au](http://www.nntt.gov.au)



# Native title groups in South Australia

## Prescribed Bodies Corporate in South Australia as at 30 June 2018

Adnyamathanha Traditional Lands Association  
(Aboriginal Corporation) RNTBC

Antakirinja Matu – Yankunytjatjara Aboriginal  
Corporation RNTBC

Arabana Aboriginal Corporation RNTBC

Barngarla Determination Aboriginal Corporation RNTBC

De Rose Hill – Ilpalka Aboriginal Corporation RNTBC

Far West Coast Aboriginal Corporation RNTBC

Gawler Ranges Aboriginal Corporation RNTBC

Irrwanyere Aboriginal Corporation RNTBC

Kokatha Aboriginal Corporation RNTBC

Ngarrindjeri Aboriginal Corporation RNTBC

The Dieri Aboriginal Corporation RNTBC

The River Murray and Mallee Aboriginal  
Corporation (RMMAC) RNTBC

Tjauwara Unmurru Aboriginal Corporation RNTBC

Walka Wani Aboriginal Corporation RNTBC

Wangkangurru Yarluyandi Aboriginal Corporation RNTBC

Yandruwandha Yawarrawarrka Traditional Land Owners  
(Aboriginal Corporation) RNTBC

Yankunytjatjara Native Title Aboriginal Corporation RNTBC

## Active claimant native title applications in South Australia as at 30 June 2018

Nauo No.3

Nauo No.2

Kokatha No.3

Far West Coast Sea Claim

Wilyakali No.2

Malyankapa Peoples

Walka Wani Oodnadatta

Narungga Nation

Arabana No.2

Wilyakali

Ngadjuri Nation No.2

Ngadjuri Nation Native Title Claim

Adnyamathanha No.1

Nauo Native Title Claim

Wirangu No.2 Native Title Claim

Nukunu Native Title Claim

Nauo Native Title Claim

Ngarrindjeri and Others Native Title Claim

Barngarla Native Title Claim

Kaurna People's Native Title Claim (*pending ILUA registration*)

# Report on performance

## against Strategic Plan

SANTS Strategic Plan 2015–2020 establishes four goals: native title services; influence change; community and corporate development and organisational capability. Performance against each of these strategic goals is discussed below.

### 1. Native title services:

To deliver native title services that provide for the recognition and protection of native title rights and interests.

SANTS continues to work to provide a range of native title services to South Australian Aboriginal communities. Over the financial year our office provided legal, anthropological, governance, and logistical services to assist our clients have their native title rights and interests recognised and protected.

#### Determinations

This reporting period saw three determinations of native title and one determination of compensation for loss of native title rights and interests.

On 28 September 2017, the Dieri No.3 claim was determined over the entire claim area, which sits along the eastern coast of Lake Eyre.

The Ngarrindjeri and Others Native Title Claim was determined over part of the original claim area near the Coorong in a hearing of the Federal Court in Murray Bridge on 14 December 2017.

Expected litigation was avoided and the Kurna People's Native Title Claim over an area around Adelaide was partly determined by consent in the Federal Court in Adelaide on 21 March 2018.

#### Compensation

The Tjajiwara Unmurru claimants received compensation for loss of their native title rights in a consent determination on 20 December 2017.

The terms of the settlement remain confidential.

#### New claims

During the financial year, three new claims were filed in South Australia.

The First Nations of the South East claim No.1 and No.2 cover areas near Keith to the coast and across to the Victorian border.

The claim was authorised by the community at a meeting in Mount Gambier and lodged on 4 August 2017.

The Nauo No.3 claim, over an area on the west coast of Eyre Peninsula was lodged on 16 March 2018.

## Ngarrindjeri Native Title Claim Determined

**The Ngarrindjeri people have had native title recognised in a hearing of the Federal Court on their country by the River Murray.**

On 14 December 2017, Justice White convened the Federal Court at Sturt Reserve in Murray Bridge to deliver his determination in the matter of Ngarrindjeri and Others Native Title Claim (Part A).

"Today marks the formal recognition of the traditional ownership, by the Ngarrindjeri people, of this land," he said.

"The court's orders do not have the effect of creating native title, instead they are a declaration that native title exists in the land and has always existed" Justice White told the audience of around 200 people.

The Ngarrindjeri People's lawyer Shaun Berg acknowledged the many years of pursuit of native title recognition by Ngarrindjeri people.

Mr Darrell Sumner, the Chairperson of the Ngarrindjeri Native Title Management Committee also spoke of the native title journey.

"We started 25 years ago. 95% of our elders have passed and we have not finished our quest for native title for all of Ngarrindjeri land" he said.

A native title claim was lodged by the First Nations of the South East, represented by SA Native Title Services, which overlaps the southern portion of the Ngarrindjeri and others native title claim. That matter is expected to go into mediation by the Federal Court in February 2018.



Above: The Ngarrindjeri Consent Determination at Murray Bridge on 14 December 2017.



# Compensation for Tjajiwara Unmurru Peoples

**Late in 2017 the Federal Court awarded compensation to the Tjajiwara Unmurru Peoples for the extinguishment of native title over a small area of land around the Stuart Highway in the far north of South Australia.**

The Tjajiwara Unmurru Peoples' ownership over the land surrounding that area was first recognised in a determination by the Court in July 2013. That determination granted recognition of non-exclusive native title rights and interests over approximately 4500 square kilometres of pastoral land in the central northern part of the state.

In the case, the Tjajiwara Unmurru Peoples have been compensated for the loss of a small parcel of land which was excluded from their 2013 native title determination due to government development on the land. The compensation was for a relatively small portion of the Stuart Highway corridor, which crosses through the Tjajiwara Unmurru determination area and also land where a Digital Radio Concentrator (DRC) Tower now sits.

Deputy Principal Legal Officer Osker Linde, who represented the Tjajiwara Unmurru people in the application said that it was a complex negotiation for all involved.

"The compensation case was a complicated one, because the evidence was largely restricted men's evidence. It had never been written down by anyone, and no ethnographic information was available to substantiate the evidence prior to conducting field work with the compensation claim group in 2013.

"For this reason, we commissioned an independent anthropological report, undertaken by Associate Professor Jon Willis, who himself has been through western desert law ceremonies. The State got their own anthropologist to test the veracity of the claimant evidence" he said.

During the negotiations over the claim, the Ngurartija (traditional owners) provided the State with testimony about the impact of the extinguishment.

The Tjajiwara Unmurru People said that the Stuart Highway has cut their tjukurpa (creation stories and laws) in three different places, causing irreversible damage to the cultural landscape and to practices, laws and customs. They also said that the Digital Radio Concentrator tower was built in a sacred area and is an impediment to the tjukurpa track, as it travels from one site in the determination area to another.

The Tjajiwara Unmurru people said that the road and tower have interfered with the pathway of a particular highly restricted men's tjukurpa. There is a ceremony associated with this tjukurpa which is of the highest importance which only men of high seniority can participate. The details of the tjukurpa and its association with the determination area have never been recorded publicly.

Mr Linde says that the State accepted the evidence of the traditional owners and both sides worked to resolve the claim through agreement.

"In the end, the State did not challenge the evidence of the claim group that the relevant act being compensated did relate to the law that the men were describing" he said.



SANTS Lawyer Osker Linde (centre) with Tjajiwara Unmurru Claimants outside Federal Court.

"The claimant group and the State both made significant compromises to reach a mutually agreeable settlement of the issue.

The amount of compensation paid remains confidential. Both the State and the Tjajiwara Unmurru People asked the Court for this information to be suppressed. This request was made to the Court partly because of the complexity of the negotiations and partly because of the applicant's desire to avoid further disclosure of the highly secret men's law.

"No doubt front and centre in the minds of the claim group was the desire to not put their senior men through what could potentially be an open hearing in relation to their restricted men's evidence" Mr Linde said.

"Even if the Court was closed under orders for gender restrictions, the experience

of SANTS in the Full Court of the Federal Court in a different matter, was that there could be no guarantee that the Federal Court will agree for example, to have an all-male bench hear any appeal, even where men's restricted evidence would be read out and considered by the Full Court."

Justice White told the Court that the order for suppression was appropriate given the policy of the Native Title Act to encourage the resolution of matters by agreement, and that this being an early compensation case, the parties had conducted their negotiations on the basis of an expectation of confidentiality.

According to Mr Linde, he also made it clear that in future, when principles of native title compensation become more settled, the Court may not consider it appropriate to suppress compensation settlement amounts.

**Aboriginal Way, Autumn 2018 11**

## Upcoming determinations

At the end of this reporting period we have three claims with expected determinations in 2018/2019.

The Adnyamathanha Peoples (Area C and F), Wilyakali No.2 and Ngadjuri Nation overlapping claims are scheduled to receive their consent determination on 14 December 2018.

## Litigation

There were no litigated matters during this financial year. Some matters were initially listed for trial, including the Kurna and the Adnyamathanha, Wilyakali and Ngadjuri overlapping claims however, continued negotiations led to consent to determination outcomes, or expected consent determination outcomes, for these matters. The Nukunu claim is currently listed for trial commencing in October 2018.

## Indigenous Land Use Agreements

One Indigenous Land Use Agreement (ILUA) was registered during this reporting period, bringing the total of registered ILUAs in South Australia to 107. These ILUAs deal with a range of matters including Compensation, Pastoral, Co-Management of Parks, Mining and specific projects.





# Aboriginal Way

[www.nativetitlesa.org](http://www.nativetitlesa.org)

Issue 70, Autumn 2018

A publication of South Australian Native Title Services



Above: Kurna community members outside the Federal Court in Adelaide following their determination.

## Native title recognition for Kurna people over Adelaide area

**On 21 March 2018, the Kurna people were recognised as native title holders for lands around Adelaide.**

**The decision is the first positive determination of native title over a capital city area since the creation of the Native Title Act in 1993.**

The judgement issued by Justice Mortimer confers native title rights in 17 parcels of land from Lower Light to Myponga and comes 18 years after the Kurna claim was first lodged.

Courtroom 1 in the Federal Court in Adelaide was packed with Kurna community members, legal representatives and supporters on the morning Justice Mortimer handed down her decision.

She said that the determination was possible due to the goodwill and hard work of all parties involved, and evidence presented to the court gave a "credible and rational basis" from which to settle the claim.

"This has been a long time in the making" Justice Mortimer said. "To see any native title claim determination pass takes fortitude, determination and courage."

After handing down her decision, Justice Mortimer presented the determination document to Kurna Elder Uncle Lewis O'Brien.

Named applicant in the Kurna case Garth Agius said that the emotion of the day was overwhelming.

"I can't describe it in words" he said.

"I mean it's 18 years, waiting for a decision to say that the Kurna people of the Adelaide Plains, the First Peoples, were not subject to Terra Nullius.

"Now finally is our day because now everybody in the nation has recognised us in the High Court that we were here first" he said.

*Continued on page 2*

<b>Inside:</b>	Peaceful walk and coming together for Stolen Generations	4
	SA Government signs Buthera agreement	6
	Rare artefacts found by chance reveal ancient culture	8
	150 years of Point Pearce	13



# Native title recognition for Kaurna people over Adelaide area

Continued from page 1

Kaurna representative Suzanne Russell said that it was significant day for the Kaurna people.

"To have this recognition, that we are the native title holders in this country here is just so important to us" she said.

"Always has been, always will be Kaurna land, we've always known that.

"But now we have that legal recognition to go with it" she said.

She addressed the court during the proceedings and spoke of the emotion after such a long claim, particularly when many family members have passed away during the process.

"Many people started this fight for us and we remember them today" she said.

She placed photos of ancestors who have passed away on the Court bench during her speech. She also presented the Court and Kaurna legal representative Tim Campbell with an urn containing materials gathered from across Kaurna land.

Katrina Karlapina Power also addressed the court and said to reporters gathered outside the court after the judgment

that she was proud of Kaurna people and South Australia.

"An absolutely proud moment, not just for Kaurna but for Australia, this is huge.

"A lot of Kaurna people haven't been here to witness this, but we've carried the baton and it's been worth it.

"Now that we're owning up to our history and deciding that we're going to share this land, we can work magic for all our children.

"South Australia has really positioned itself on the national map in terms of history and significance – it's a celebration for us all" she said.

The CEO of SA Native Title Services Keith Thomas has congratulated the Kaurna people for their determination of native title.

"This judgment confirms the status of the Kaurna people as the traditional owners of lands around what is now Adelaide" Mr Thomas said.

"It's a decision that means that the respect and recognition that Kaurna people hold as traditional custodians of this land is now formalised under Federal law.

"I acknowledge the efforts of many Kaurna people over the years to gain this recognition" he said.

According to Mr Thomas, the Kaurna determination confirms the importance of a collaborative approach in native title negotiations.

"In South Australia we are well advanced in terms of the portion of land with native title determined.



"This is largely due to the cooperative approach that the many stakeholders involved in a native title agreement take in our state.

"This recognition for Kaurna people has come about because the State, local councils, landholders and Aboriginal nations are prepared to negotiate to come to a resolution" he said.

Present in the court for the determination was South Australia's new Attorney General Vickie Chapman who congratulated the Kaurna people and committed the government to the work necessary to finalise the necessary associated Indigenous Land Use Agreement (ILUA).

**You can see the full Consent Determination judgment, including maps, on the Federal Court's website.**

**For full details of the Kaurna claim process, Agius v State of South Australia – search for case SAD6001/2000 via a Federal law search.**

**You can see native title maps of South Australia (and all of Australia) via Native Title Vision – a service of the National Native Title Tribunal.**



This page, left to right, from top: Garth Agius; Katrina Karlapina Power and Jeffrey Newchurch; Court Room 1 ahead of the determination; Audrey Dix, Stephanie Gollan, Lenard Gollan, Barbara McGuire, John Packham, Tracy Jenkins, Vera Raymond and Janet Davidson in the Federal Court.



## Outstanding applications

As at 30 June 2018, there were twenty one native title applications for determinations of native title in South Australia.

This included one non-claimant application.

Native title applications and determined areas for South Australia as at 30 June 2018 are listed in the map provided by the National Native Title Tribunal (see page 04).

For full details of claim areas and determinations, refer to the National Native Title Tribunal records [www.nntt.gov.au](http://www.nntt.gov.au)

## Post native title assistance

SANTS provided assistance to a number of Registered Native Title Body Corporates (RNTBCs) or Prescribed Body Corporates (PBCs), which are corporations formed under the *Native Title Act* to hold the native title rights and interests on behalf of the native title holders after determination.

As at June 2018, there are seventeen PBCs registered in South Australia (see page 05). SANTS works closely with seven of these PBCs, provides negotiated services to three others and is available to support and partner with all remaining PBCs and native title groups as required.

SANTS supports these corporations through the provision of assistance including and relating to corporate governance, compliance, agreement making, financial and legal representation.

## Legislative and policy reform

### Aboriginal heritage and mining

SANTS continues to provide advice to our constituents on a range of Government legislative and policy reforms. We have assisted our clients response to the disappointing amendments to the *Aboriginal Heritage Act* and to the Government-led review of the *Mining Act* and the future of the alternative right to negotiate regime in South Australia.

### State-based treaty

In the first part of the year, the State Government vigorously pursued a state-based treaty process. SANTS provided negotiation assistance and representation to the Narungga Nation Aboriginal Corporation in this process. High-quality legal advice and effective logistical support for meetings contributed to the 'Buthera Agreement', which was signed in State Parliament on Friday 16 February 2018.

### Native Title Act amendments

Throughout the year, the Commonwealth has consulted with stakeholders on possible amendments to the *Native Title Act 1993*. The matters considered in the Government's Options Paper included Section 31 agreements, authorisation and applicant, agreement making, decision making, claims resolution and processes, and dispute resolution. SANTS has participated in this consultation directly and through the National Native Title Council (NNTC).

## New claim for the South East of SA

**Native Title claims for areas in the South East of South Australia have been approved by community members and lodged by SA Native Title Services (SANTS).**

The First Nations of the South East Claim #1 and #2 cover areas near Keith to the coast and across to the Victorian border, including the towns of Mount Gambier, Penola and Lakes Bonney, George and Eliza.

Native title holders are held to be First Nations of the South East people under

traditional law and customs and descendants of particular people who lived in that area.

The claim was authorised at a meeting in Mount Gambier and lodged on 4 August 2017.

SA Native Title Services CEO Keith Thomas welcomed the authorisation and lodging of the claim.

"They've been waiting a long time, there have been limited resources available to prepare this application" he said.

"I congratulate that community and am pleased that the process to have their native title recognised has begun" said Mr Thomas

SANTS Senior Anthropologist Robert Graham will prepare a Native Title report as required by the court.

The claims are now awaiting registration by the Federal Court. The First Nations of the South East Claim #2 has some parts which overlap the existing Ngarrindjeri and Others Native Title Claim.

That overlap area has been excised from the Ngarrindjeri Claim and mediation has commenced, as the Ngarrindjeri Claim is heading for a Consent Determination in coming months.

"The lodging of this claim marks significant progress in the resolution of native title across the state" Mr Thomas said.

"This is a large claim area and leaves only some small areas of the state yet to be subject to claim" he said.



## 2. Influence change:

To provide leadership in native title and the development of Aboriginal Nations.

During this financial year, SANTS engaged broadly with Aboriginal program initiatives and legislative reform, seeking to ensure that the perspectives of native title holders are represented in policy discussions and developments.

SANTS senior managers continued to contribute to policy and reform through formal and informal channels, providing ideas and strategies in areas relating to the interests of South Australian traditional owners.

As well as engaging directly with government on key policy and legislative developments, SANTS supported and facilitated Aboriginal Nations to engage directly with policy makers.

In South Australia, significant policy developments earlier in the year were significantly altered with the change of government in March 2018.

In the Federal arena, the Government continued its reform process of relevant legislation and policy, including changes to the Commonwealth's approach to Prescribed Body Corporates.

### State issues

#### State-based treaty

In the first part of the year, the State Government vigorously pursued a state-based treaty process. The Treaty Commissioner provided a report on statewide consultation with Aboriginal people to the Minister for Aboriginal Affairs and the Minister subsequently commenced negotiations with three groups: Narungga, Adnyamathanha and Ngarrindjeri.

SANTS provided negotiation assistance and representation to the Narungga Nation Aboriginal Corporation Nation in this process, resulting in the 'Buthera Agreement'.

#### Regional Authority Policy

During the financial year, the ALP State Government released an expression of interest for groups to nominate as Regional Authorities maintaining its commitment to recognise two additional Aboriginal Regional Authorities per year. The matter was not further finalised before the change of government and the number of Aboriginal Regional Authorities remains at three – Ngarrindjeri, Adnyamathanha and Far West Coast.

## Government has treaty talks with three SA Aboriginal nations

**The South Australian Government has conducted treaty discussions with three Aboriginal Nations across the state, following the release of a consultation report and recommendations by Treaty Commissioner Dr Roger Thomas.**

A year after the state government announced its intention to pursue Treaty, Aboriginal Affairs Minister Kyam Maher reported that detailed talks commenced with three Aboriginal nations – the Adnyamathanha, Narungga and Ngarrindjeri peoples.

"The Treaty Commissioner undertook what is almost certainly the most extensive consultation any Government

has undertaken with Aboriginal South Australians. This informed government how to take the next steps" the Minister said on Facebook.

"The approach for nation based Treaty (instead of whole state) was drawn from these consultations given the unique opportunities, challenges and desires of individual Aboriginal nations."

The Treaty Commissioner completed the report on consultation with SA Aboriginal people about treaty – *Talking Treaty* in July and it was publicly released in November.

The paper includes a report on the key themes discussed during consultations and a proposal for a way forward to

achieve treaty. As previously reported in Aboriginal Way, the feeling of those consulted was overwhelmingly in favour of treaties with individual Aboriginal Nations, rather than a whole of state approach.

Based on the recommendations in Dr Thomas' report, in August South Australian Aboriginal groups "were invited to submit an Expressions of Interest to enter a new relationship with the South Australian Government".

The Government reported that applications were received and considered by the Aboriginal Treaty Advisory Committee, who initially recommended three Aboriginal nations, Narrindjeri,

Narungga and Adnyamathanha for the Treaty-making process.

Talks with representatives of those nations and their communities have continued since that announcement.

#### Further information

**Talking Treaty & other consultation reports:** <https://statedevelopment.sa.gov.au/about-us/our-partners/treaty-commissioner>

**State Government updates on Treaty:** <https://statedevelopment.sa.gov.au/aboriginal-affairs/aboriginal-affairs-and-reconciliation/initiatives/treaty-discussions>

Aboriginal Way, Summer 2018 5

## Successes in shared management of country

**Almost one hundred delegates met at Wilpena Pound in the Ikara-Flinders Ranges National Park in early September for a two-day workshop to discuss and develop co-management of parks in South Australia.**

It was the third Co-management workshop that has been held in recent years, and it was hosted by the Ikara-Flinders Ranges National Park Co-management Board on Adnyamathanha country.

Co-management in South Australia is a partnership between the state Government and Aboriginal groups to manage national parks in a way that brings together traditional knowledge and contemporary park management practice.

Across the state there are eight co-management boards and four advisory committees with management or advisory responsibilities for 35 parks, covering 13.5 million hectares, or 64 per cent of the state's reserves.

Acting Environment and Conservation Minister Susan Close said that co-management is strongly supported in South Australia.

"Co-management recognises Aboriginal people as the original custodians of the land and acknowledges the importance of the customs and knowledge that have been passed down through generations of Aboriginal South Australians.

"It also helps reconnect Aboriginal communities to their country, and supports culture, story-telling and language.

"We are committed to this partnership approach because of the great outcomes we have seen to date and the enormous

opportunities it opens up in future" Minister Close said.

The workshop began with reflections by South Australian groups who have been involved in co-management. The Ikara-Flinders Ranges National Park Co-management Board and the Vulkathunha-Gammon Ranges National Park Co-management Board shared their thoughts on the journey so far.

Delegates also heard from speakers from the New Zealand Department of Conservation, who gave a Maori perspective of joint management in that country.

The links between native title, Aboriginal Regional Authorities, Treaty and Co-management were discussed by SA Native Title Services (SANTS) CEO Keith Thomas.

He said that "many native title rights stem from laws, customs and practices embedded in and from country".

Native title is about caring for country he said, and includes looking after important places, hunting and gathering, the use of fire, ceremony and cultural knowledge.

"The basis and viability of the native title group stems from and relies on the environment" he told delegates.

"Healthy country, health people, healthy culture is an apt description" he said.

He pointed out that co-management arrangements are often established alongside the determination of native title.

"This is because native title brings certainty as to who the Traditional Owners are for a certain area.

It confirms ongoing physical, cultural and spiritual connection to country. National parks often represent important parts of country for native title groups. Co-existence and often mutual interests.

Looking ahead, Mr Thomas said that co-management faces challenges into the future, including issues of governance, relationships, ownership and leases, business opportunities and increasing Aboriginal employment.

He also said that handing over full management of parks must remain on the Government's agenda.

"Legislation has enabled the establishment and operation of these boards, their success is evident, and ongoing capacity development should support handover" he said.



Photos courtesy of Ajeleed Bushwalkers.

Aboriginal Way, Spring 2017 7

### Aboriginal Heritage Act

An amended *Aboriginal Heritage Act* came into force in October 2017, along with associated regulations and guidelines. SANTS submitted feedback to the reform throughout the review process and represented perspectives for native title groups in the new framework.

### Co-management of parks

In September, a forum on co-management was convened by the then Department of Environment, Water and Natural Resources (DEWNR) at Ikara (Flinders Ranges) on Adnyamathanha country. The CEO of SANTS presented at the workshop on the crucial relationships between native title and co-management.

### Aboriginal Lands Trust Act review

The review of the *Aboriginal Lands Trust Act 2013* took place this financial year and submissions closed on 30 March 2018. SANTS provided a submission and will continue to advocate for reforms to the Aboriginal Lands Trust.

### New State Government March 2018

A new Liberal State Government was elected in March 2018. The Premier Mr Steven Marshall has responsibility for the Aboriginal Affairs portfolio, repositioning Aboriginal Affairs within the Department of Premier and Cabinet. The new Attorney-General is Ms Vickie Chapman.



# SA Government signs Buthera agreement with Narungga Nation

**In the final days in power, the ALP South Australian Government signed a formal agreement with an Aboriginal nation which they said was the first significant step in establishing a state based treaty.**

Representatives of the Narungga Nation, who are the First Peoples of the Yorke Peninsula and the then SA Minister for Aboriginal Affairs Kyam Maher, signed the Buthera Agreement in SA Parliament on Friday 16 February.

The agreement committed both parties to negotiate for treaty over the next three years and included a commitment from the government to provide support to Narungga in economic and community development work.

It was the culmination of a year-long process which began with Treaty Commissioner, Dr Roger Thomas seeking the views of Aboriginal South Australians, before the government entered into discussions with three Aboriginal nations on treaty.

Garry Goldsmith, Chair of the Narungga Nation Aboriginal Corporation (NNAC) told the crowd assembled at Parliament House in Adelaide that the Buthera Agreement was more than a simple agreement. He said that it was symbolic and of significance not just to Narungga, but also to the state of South Australia, Aboriginal nations in general and to non-Aboriginal Australians.

"It sets the parameters for an equal and equitable relationship, to work towards positive change for our people"

"It acknowledges our ownership and rich relationship with our country, our language to be revived our songs and dance to be enjoyed and to increase our longevity and to have a better quality of life for current and future generations" Mr Goldsmith said.

Minister Maher said that "the signing of this historic agreement is first and significant step towards treaty in this state".

"It's a combination of the South Australian Government's work with the Narungga nation and a reflection of our commitment to Aboriginal governance and leadership in this state. We can and should all be extraordinarily proud of this milestone in this process in this state" he said.

Minister Maher explained why treaty had been so strongly on his government's agenda.

"Treaty remains the most important unfinished business in Australia today. Australia is the only nation of those we compare ourselves to without a treaty with the first peoples of the land. It was not a peaceful settlement 230 years ago, it was not even close to fair or just." he said.

"As a nation we can not properly stand up while we refuse to acknowledge and recognise our past.

"Until you take steps to right the wrongs of what happened, only then can you work to a more positive future.

"Treaty is an important next step. Treaty could go a long way towards helping Aboriginal people get on an equal footing."

Minister Maher noted in his speech that a state based treaty process did not remove the need for treaty at a national level.

"A state government treaty can not address all the consequences of European settlement and its legacy of injustice. A Federal treaty process is I think inevitably necessary, as a crucial next step in our journey as a nation" he said.

The Narungga nation were represented in the negotiations with the SA Government by Anthony McAvoy SC, along with SA Native Title Services (SANTS) Lawyers Andrew Beckworth, Olivia Brownsey and Osker Linde. Support for the community meetings was provided by SANTS administrative and legal support staff.

Mr Linde congratulated Narungga people on making the most of the opportunities that were presented by the talks with the Government.

"The Agreement provides some much-needed resources to develop NNACs capacity to fully realise the benefits of the agreement, including the establishment

of fishing and aquaculture businesses and co management agreements on national parks within their territories" he said.

"It's notable that the Government was willing to commit to working with Narungga towards legislative change that could see them realise a treaty in what will hopefully be the near future" he said.



This page, left to right, from top right: Garry Goldsmith, Osker Linde and Tauto Sansbury at Buthera signing; Nerida Saunders addresses audience present at Parliament House for Buthera signing; Shirley Peisley and Lynette Croker; Ann Newchurch, Dough Milera, Garry Goldsmith, Kyam Maher and Lynette Newchurch. Opposite page, top to bottom: Farren Wanganeen, Christine Stockey, Osker Linde, Rex Angie, Edward Newchurch, Peter Buckskin, Ann Newchurch, Patrick Dodson, John Buckskin, Ian Haseldine, Dough Milera, Kaylene O'Loughlin, Kyam Maher, Lynette Newchurch, Garry Goldsmith, Tauto Sansbury, Jeffrey Newchurch, Naomi Hicks, Tony McAvoy and Roger Thomas; Garry Goldsmith, Kyam Maher, Tauto Sansbury and Peter Goldsmith.



# Native title groups from across the state meet

*Continued from page 1*

Representatives from PBCs present spoke about their communities, country and organisations and took opportunities to discuss and debate services and reforms that were raised during the two-day meeting.

Key issues discussed at the forum included the proposed Native Title Act reforms, state based reform initiatives, funding available through PM&C and changes to the NNTC which give PBCs a greater role in its operation..

## Native Title Act reforms

The Federal Government has released an Options Paper for reform to the Native Title Act. Further details of that paper and consultation are available on page 14 of *Aboriginal Way*.

According to Ms Mack from PM&C, central issues of interest to PBCs include changes to agreement making, dispute resolution, membership decisions and new transparency and accountability measures. Submissions to the Options Paper are open until 28 February 2018.

## Federal funding

Staff from the Department of Prime Minister and Cabinet explained that Commonwealth funding sources available for PBCs include: basic support funding; PBC capacity building under the Northern Australia White Paper and the Indigenous Entrepreneurs Fund.

Basic support funding is available to all PBCs and is accessed through the local Native Title Service Provider, in South Australia SANTS. The capacity building fund aims to assist PBCs to generate economic benefits through the effective and sustainable management of land. It is available to PBCs across Australia via direct application at any time of the year. The Indigenous Entrepreneurs Fund aims to position indigenous businesses to capitalise on opportunities across the economy.

Both of those funds accept applications at any time, though the PM&C Regional Offices.

Representatives from the Indigenous Land Corporation also spoke about funding available to PBCs under the "Our Land Our Future" program. Open year around, the program assists Indigenous people to manage, use, care for, acquire and improve land for indigenous benefit.

## State-based reform

The forum was taking place at a time of significant change explained SA Native Title Services Manager of Community & Corporate Development Tom Jenkin. PBCs currently face significant reforms on a state basis, including the "RARB" process under the state Aboriginal Heritage Act, the introduction of Regional Authorities, state based Treaty discussions, the Stronger Partners Stronger Futures project and the re-building of a statewide voice for native title groups.

Ms Heidi Crow from the Department of Premier & Cabinet (DPC) discussed the Stronger Partners Stronger Futures project. It aims to improve the ways that native title groups work with mineral explorers in the state. After a period of consultation and ideas generation, the project is now moving to fill out detail of potential changes to the system in the state.

## NNTC reform

The new chair of the National Native Title Council (NNTC), Jamie Low, introduced himself to the forum. He is Chair of Eastern Maar Aboriginal Corporation, a collaboration of peoples with country around the Great Ocean Road in Victoria. He explained that his PBC faces many challenges in common with other PBCs. It puts an emphasis on a Country Plan and also maintains a strategic plan along with economic modelling to inform decisions.

The new CEO of the NNTC is Matthew Storey. Mr Storey explained that the NNTC now invites PBCs to join the organisation



Above: Jamie Low, Chair of NNTC and Matthew Storey CEO NNTC at the PBC Forum.

as members. There is no joining fee for PBCs at present and once members, PBCs could have input into decisions about the future structure and priorities of the NNTC. Those decisions will be finalised at the organisation's next AGM, to be held in September or October 2018.

## Other services available to PBCs

Those present at the forum also heard about other services available for the benefit of PBCs.

AIATSIS offers family history and research services through the Native Title Research Unit. It also provides a website [www.nativetitle.org.au](http://www.nativetitle.org.au) about and for PBCs. The site is currently undergoing a redevelopment process. Once complete, the new website will serve as a central resource bank – a 'one-stop shop' for PBCs and for stakeholders wishing to engage with PBCs. The redeveloped PBC website will be launched at the 2018 Native Title conference in Broome to be held on 5–7 June 2018.

ORIC provides a range of services to assist PBC and other corporations to comply with their rules and the

Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act). They provide a wide range of publications on their website [www.oric.gov.au](http://www.oric.gov.au) to provide guidance on governance issues. ORIC also offers free accredited and non-accredited governance training, including dispute management and rulebook development.

The Indigenous Business Australia (IBA) offers programs assist Indigenous Australians to buy their own homes, own their own businesses and invest in commercial ventures that provide strong financial returns.

Natural Resource Management (NRM) Boards, a part of DEWNR, have a major goal that "Aboriginal people attain greater wealth and wellbeing by taking a lead in natural resource management". They seek to consult and benefit Aboriginal people, including PBC members, in their work and to work in partnership with Aboriginal people.

**For more information and links to services, visit Aboriginal Way online: [www.nativetitlesa.org/aboriginal-way](http://www.nativetitlesa.org/aboriginal-way)**



Above left: Representatives of the Arabana Aboriginal Corporation. Left to right: Fiona Singer, Lorraine Merrick and Janette Milera. Above right: Representatives of the Irrwanyere Aboriginal Corporation, Arthur Ah Chee and John Ah Chee. Representing Yandruwanha Yawarawarkka Traditional Land Owners Corporation, Joshua Haynes.





The new State Government is formulating new policy relating to Aboriginal Affairs and has signalled it is taking a whole-of-government approach. The state-based treaty initiative has been abolished, while other program and policy areas are under review, with the government's approach to be expressed through an Aboriginal strategic plan. The 'Buthera Agreement' is to be honoured.

#### **Natural Resources Management (NRM) Act amendments**

The new State Government has renamed DEWNR to the Department of Environment and Water (DEW) and commenced consultation on proposed reforms to the *NRM Act*. One stated aim of the reform to a new *Landscapes Act* is to provide more regional autonomy to NRM Boards.

SANTS has been involved in facilitating engagement with native title groups, through publicising the consultation and organising presentations by the DEW to native title group meetings.

#### **Heritage clearances**

The issue of Aboriginal heritage clearance surveys has been under discussion this financial year, with several native title groups expressing concerns about current arrangements and negotiations with State Government departments on rate setting processes. The CEO and other senior staff members continue to raise this issue in appropriate forums and support native title holders to express their perspectives.

#### **Federal issues**

At the Federal level, Government policy shifted as more native title groups move into a post-determination environment.

#### **Commonwealth PBC Policy**

During this financial year, the Federal Department of Prime Minister and Cabinet finalised a new strategy on Prescribed Bodies Corporate (PBCs) funding support. The model has the aim of moving PBCs to self-sufficiency within five years. This change has resulted in inclusion of new milestones and funding applications processes for SANTS and PBCs.

#### **CATSI Act reforms**

The *Corporations (Aboriginal Torres Strait Islanders) Act 2006* is currently under review. During the financial year the Federal Government announced a review and released an options paper and national forums on the changes. SANTS will consider proposed changes and complete a submission, as well as encouraging the involvement of South Australian Aboriginal Nations in the consultation.

#### **National Native Title Council and PBC forums**

The National Native Title Council (NNTC) has adopted a new structure which broadens membership to include PBCs. SANTS senior staff continue to participate in the development and policy directions of this peak body.

During the financial year, the National Native Title Tribunal together with the NNTC convened national PBC forums. Areas under discussion included the availability and accessibility of Federal funding options, Office of the Registrar of Indigenous Corporations (ORIC) and CATSI Act reforms and dispute resolution.

#### **Native Title Act amendments**

Throughout the year, the Commonwealth has consulted with stakeholders on possible amendments to the *Native Title Act*. SANTS has participated in this consultation directly and through the NNTC. The matters considered in the Options Paper include Section 31 agreements, authorisation and applicant, agreement making, decision-making, claims resolution and processes, and dispute resolution

#### **Statewide body for native title groups**

SANTS has continued to facilitate native title groups to jointly meet to consider establishing a body to represent traditional owners in South Australia. Work has been completed to establish aims and structure of a new incorporated body and finalisation of this process is expected in the new financial year. The group would aim to provide a coherent voice for native title groups in the state..



## Rare artefacts found by chance reveal ancient culture



**Traditional tools used by ancestors of the Yandruwandha Yawarrawarrka traditional owners have been found by chance near Innamincka, in the far north of the South Australian outback. The chance discovery represents a rare archaeological find and offers an insight into the lives of South Australia's original inhabitants.**

The news that three ancient boomerangs, as well as a digging stick and stone tools have been found by Park Rangers in the Innamincka Regional Reserve is important news for the Yandruwandha Yawarrawarrka Traditional Land Owners Corporation (YYTLOAC). They have been recognised as traditional owners and hold Native Title over the area in the north east of South Australia.

"We're very excited about this unexpected find," Chairperson of the YYTLOAC, Joshua Haynes said.

"These objects give us a glimpse of the lives of our ancestors and reminds us how much this country is tied up with our continuing culture."



Mr Haynes said the relationship the YYTLOAC has with the State Government Department of Environment, Water and Natural Resources (DEWNR) through co-management of the Innamincka Regional Reserve means that the Traditional Owners were the first to be notified of the find and consulted about the objects. It also means once the items have been assessed and possibly dated, DEWNR will return the items to the traditional owners.

"For the Yandruwandha Yawarrawarrka people, the discovery of these precious items reinforces the importance of careful cultural management of the area," Mr Haynes said.

"This country holds our ancestor's stories but more importantly still holds the physical connection to our ancestry.

It's important that we, the traditional owners, or those who are working with

us, are the ones to care for the country now and into the future.

"As traditional owners we have learnt about this country from our families and these items have a very significant cultural significance" he said.

Unprecedented low water levels in the Innamincka Regional Reserve led to the discovery by National Park Rangers Kathryn and Jason Litherland while they were clearing rubbish left by visitors in a now dry creek bed.

Tony Magor, Manager Parks and Co-management with DEWNR in the SA Arid Lands Region said the discovery was significant for everyone who works and lives in the area and has generated lots of discussion about the possible uses and ages of the artefacts.

"Our staff work closely with the Yandruwandha Yawarrawarrka people in caring for this country so when the work reveals treasures like this we all share in the excitement of the find and have a deeper appreciation of what this means," Mr Magor said.

This page, top to bottom: Kathryn Litherland with one of the finds; The wooden artefacts. Opposite page, top to bottom: One of the boomerangs; Jason Litherland with one of the artefacts on country; Josh Haynes.





The age of the artefacts is yet to be determined – they could be as young as 100 years old or as much as 10,000 years old. The artefacts need to be managed carefully to maintain their condition and are being stored in controlled conditions pending permanent storage.

Methods of dating to determine their age could include x-ray testing to search for tree rings to use in dendrochronology and radiocarbon dating using accelerated mass spectrometry so that only a very small sample of the artefact would be needed. Other assessments could include studying the method of manufacture of the objects and determining the type of

wood including the species of tree that they are made from.

Sean Freeman from Australian Heritage Services (AHA), Consulting Archaeologist for YYTLOAC says that artefacts such as these are significant for the understanding of the culture of Australia's First Peoples.

There are quite a number of examples of wooden artefacts in museums that have been collected over the last 200 years but there are very few examples that have survived on-country. Many items that were used by the first Australians were made of wood and other organic materials and few have survived, even those of relatively recent age.

"With the limited preservation of wooden items, particularly in an arid environment, it's highly unusual to have articles like this that survive," Mr Freeman said.

While there is evidence that cultures around the world have used throwing sticks, there is no doubt that Indigenous Australian people can claim the longest continuous association with the boomerang, according to work by Anthropologist Philip Jones. Boomerangs often play a part in creation stories and those stories are re-enacted in song and ceremony, as well as being represented in rock art, painting and carvings.

While the objects are incredibly valuable to all those interested in Australia's ancient history, they are of no commercial value Mr Magor explained.

"Aboriginal artefacts are protected in South Australia and cannot be removed without proper permission. While objects like this are priceless, there can be no commercial market for their sale as they can't be sold legally in SA."

AHS, DEWNR and the YYTLOAC are now looking to bring a world expert on boomerangs and throwing sticks, Mr Luc Bordes from the University of Wollongong to South Australia to study these items and gain a greater understanding of them.

## Aboriginal Way, Autumn 2018 9



### 3. Community and corporate development:

To provide services to Aboriginal Nations to enhance their capacity to achieve their aspirations.

SANTS continues to work in partnership with South Australian Aboriginal Nations as they work to meet multiple requirements on their corporations and achieve their aspirations.

The Corporate and Community Development Team partners with the Business Services Team and legal staff at SANTS to provide services in response to the priorities and decisions of each Aboriginal Nation.

SANTS provides services to support Aboriginal Nations to meet the governance and funding requirements for Prescribed Body Corporates (PBCs).

This year the work has been done in face of a changing regulatory and funding environment, with the Federal Government seeking to move PBCs to a model of self-sufficiency.

As at 30 June 2018, there were seventeen PBCs registered in South Australia. SANTS works closely with seven of these PBCs, provides negotiated services to three others and is available to support and partner with all remaining PBCs as required.

## Recent changes in Commonwealth support for PBCs

**Prescribed Bodies Corporate (PBCs) need to become self-sufficient land managers and that has required changes to the way that they receive support, according to the Department of Prime Minister and Cabinet.**

Mr Greg Roche, Special Adviser, Housing Land and Culture in the Department of the Prime Minister & Cabinet (PM&C) addressed the National Native Title Conference in Canberra with an update on Commonwealth support for PBCs.

As native title claims across Australia are determined, there is a growing number of PBCs across the country established to manage the associated native title rights.

Mr Roche reported that there are 169 PBCs across Australia currently, with that number increasing. He said that half of those have no income or assets, three quarters no employees, the majority have no office.

Mr Roche said that this resourcing shortfall meant that many PBCs don't have the capacity to use their native title rights should they wish to.

"They find it hard to access resources that are needed to build their capacity and plan for their long term operation," he said.

He said that the government's objective is to build the long term capacity of PBCs to become self-sufficient land

managers. This will ensure they are well-placed to take advantage of commercial opportunities that can support wealth creation and ultimately economic independence.

Mr Roche also told the Native Title Conference that PBCs deal with a high number of disputes.

"ORIC tells us that PBCs are almost three times more likely to be subject of a complaint than all other Indigenous corporations combined," he said.

"Those disputes often go back to the imperfect process that led to the determination. We have a systemic problem that needs to be addressed. Those disputes usually related to who is and who is not a native title holder. Those relate back to the rush, the pressure that everybody is on to reach determination," he said.

In November 2016, the Department of the Prime Minister and Cabinet consulted native title stakeholders on the support needs for PBCs. From the responses, the Government identified priority areas for support and a pathway for PBCs to move to self-sufficiency.

Mr Roche told the conference that that those priorities are to improve PBCs' access to information, training and expertise, to minimise disputation and facilitating the resolution of disputes,

greater engagement with PBCs and moving to a regional emphasis for the delivery of PBC support.

Mr Roche pointed out that Native Title Representative Bodies ('Rep Bodies'), like SA Native Title Services, remain crucial partners in providing information and training to PBCs. He also said that more broadly Rep Bodies would continue to work with PBCs.

"Self-sufficiency does not mean self-reliance," he said.

"PBCs can continue to receive services from a range of providers, including Rep Bodies on an ongoing basis, but we see PBCs as being in control of the level of services and how they are provided."

The Government is proposing a transition model for PBCs to move to self-sufficiency. The model recognises capacities within PBCs in a range of areas, for example rule book management, negotiation, dispute resolution, and aims to provide support to match the level of capacity.

This plan for PBC funding sees organisations move from 'Incubation', where PBCs rely on external support, and need assistance for operations, to Transition and onto Self Sufficiency, where PBCs are in the driving seat, but may still choose to use service providers.

Funding for PBCs now comes from three

sources, Mr Roche explained to the Conference. They are the Indigenous Advancement Strategy – Community Led Grants, PBC capacity building funding and the Indigenous Entrepreneurs Fund. Each funding source had different criteria and priorities. Mr Roche emphasised to the audience at the conference that there was not a cap to the amount of funding PBCs could receive each year, as long as they met relevant criteria.

SA Native Title Services (SANTS) has provided feedback to the Federal Government on the developments in PBC funding.

SANTS CEO Keith Thomas said that the proposed change in policy by PM&C represents significant challenges for PBCs.

"SANTS will work with PBCs to look at what their development needs are and how SANTS can best assist those PBCs to implement their development plans.

"SANTS will monitor progress and continue to provide ongoing support and advice to PBCs," he said.

As the Native Title Service Provider for South Australia, SANTS continues to support PBCs in all aspects of their operations, including applying to the Federal Government for support.



### Highlights of the year of community and corporate development work include:

- SANTS supported many community directors and Annual General Meetings across the state to facilitate community decision making.
- Development plans and funding applications for all seven PBCs required under new Federal funding arrangements were completed.
- All seven PBCs met Office of the Registrar of Indigenous Corporations (ORIC) reporting requirements for their Corporations.
- Several PBCs are exploring commercial opportunities on their country.
- Some PBCs have furthered projects to protect cultural heritage and country.
- One PBC established an office and is undertaking employment of several staff.
- SANTS is providing financial and human resource services to several corporations.
- Financial management capacity, knowledge and systems have progressed.
- SANTS has supported some corporations to access business development and financial management services.
- A number of groups have undertaken strategic planning.
- Attendance of PBCs at corporate governance training.
- One Compensation application has been finalised.
- Negotiations with exploration companies have continued.
- Future Act matters have been managed.

## First Nations of South Australia find their feet

**Native title representatives from across the State met over two days at Port Augusta in June to progress the establishment of a new statewide body for native title groups.**

There was strong support for the creation of a new body and representatives requested proposals be taken back to native title boards and committees for further consideration.

The body, provisionally called First Nations of South Australia (Aboriginal Corporation), would provide a united voice to ensure that Aboriginal nations are part of the conversation in issues of relevance to Aboriginal people in the state.

Those issues may for example include policy and legislation regarding management of country, native title and cultural heritage and any relevant reforms to government agencies and land ownership arrangements.

The corporation would have the wellbeing of Aboriginal and Torres Strait Islander people at its core and aim to provide leadership and act as a resource for Aboriginal nations. It would promote culturally appropriate engagement among Aboriginal nations and work to advance the collective interests of Aboriginal nations. The body would provide the opportunity to engage with government more broadly on Aboriginal affairs policies and programs. It would also provide a

forum for Aboriginal nations to share information, skills and experiences and would encourage Aboriginal nations to manage lands and waters in accordance with traditional law and customs.

Key elements of the new body discussed in Port Augusta included the proposed membership structure and the draft rule book.

Under the proposed structure, South Australian Aboriginal nation corporations (including PBCs) and native title claimant groups, possibly along with statutory land holding bodies would be eligible to be corporate body members of the new body.

Each member organisation would nominate a representative to act on their

behalf and a Board of Directors of 6–12 people would be elected by a meeting of member organisations.

The Board would have two co-chairs, one male and one female.

A draft rule book and summary paper will be circulated to native title bodies and it is hoped that a further meeting later in the year will see the final form of the new organisation established and an inaugural Board elected.

**Further information is available from Corporate and Community Development team members at SANTS, Tom Jenkin or Bernadette Lawson on 8110 2800**

Aboriginal Way, Winter 2018 23

## 4. Organisational capability:

To improve SANTS' capability through processes, systems and culture that deliver effective business outcomes

Over the last 12 months, SANTS has continued to focus on delivering against our Strategic Plan and Business Plan. A new approach was taken to embedding the SANTS values across the business during our staff workshop (refer to the 'Human resources' section of this Annual Report) with a specific session run on the Strategic Plan for all employees. SANTS continues to look for ways to deliver a consistent strategic approach, driven by our Strategic Plan 2015–2020 across all of our business services.

A key highlight was the improvement of our current 'Communications Strategy' to more specifically align our approach to the SANTS Strategic Plan to ensure effectiveness and efficiency in our delivery. This assisted in ensuring our services were appropriately resourced.

In early 2018, the Aboriginal Message radio program was re-named to 'Aboriginal Way' to align this with our print medium, the *Aboriginal Way* newspaper. SANTS continue to cover key stories for the South Australian Aboriginal community and has increased use of social media forums to ensure coverage of our activities and, where appropriate, key events for Aboriginal communities in South Australia.

## Water Coordinator for Murray Mallee Corporation

**A Water Coordinator has been appointed as the first employee of The River Murray and Mallee Aboriginal Corporation (RMMAC), paving the way for more community based growth for the Riverland organisation.**

Local man Kingsley Abdulla was appointed to the role of First People's Water Coordinator late last year, a role that supports First People's engagement in the development of a Basin Plan and Water Resource plans.

Christine Abdulla, Chairperson for RMMAC said that the Coordinator would play an important role for traditional owners in the Riverland.

"They'll be doing a lot of representation of RMMAC, because our determination is over mainly all the waters up in the Riverland, so we need to talk with government bodies about the Murray Darling Basin, our water plans, our country based plans, we've got someone that can do that now" she said.

Mr Abdulla said that water use is crucial in the area – "water to us is like an artery, we live off the land and it contributes to all parts of life".

He said that advocating for a water allocation was one of the biggest challenges of the job.

"Some of the stuff we want to do, like re-do our nurseries, which is our billabongs so we have native birds and wildlife can actually breed, even the plants and even the aquatic plants" he said.

The Coordinator role was established through a grant from the Department

of Environment, Water and Natural Resources (DEWNR) and with business support from SA Native Title Services.

The role is just the first step for RMMAC, with the Board also recently entering two contracts that mean local employment is managed by the the organisation. The first contract is with Fulton Hogan for civil works and the second contract with DEWNR for cultural heritage monitoring.

That means around sixteen heritage monitors and four civil workers are now being employed and directed by RMMAC, with Ms Abdulla acting as Cultural Heritage Coordinator.

Ms Abdulla says that the progress the organisation is making is due to the positive way the Board has found to work together.

"The good thing about it is that we're all moving together in our area up there once one person moves, we all know because we all talk to each other. We are looking at our strategic plan, we are looking at where we're going to be in three to five years time" she said.

They even hope to open a permanent office in the near future, which Ms Abdulla says could provide a base for community connections and services.

It's an exciting time for the organisation according to Ms Abdulla.

"We wanted to be a business on our own and we're just a young corporation, we're in our baby stages, our infant stages. We're not a big PBC like some, but we're making small steps and they're giant steps to us" she said.



Top: Christine Abdulla and Frances Lindsay from The River Murray and Mallee Aboriginal Corporation. Above: Left to right: Christine Abdulla and Kingsley Abdulla.



The SANTS Business Plan was reported to the SANTS Board and management during the 2017/2018 financial year. SANTS also has in place a Board Charter and constitution that manages its business.

More information on our governance approach can be found in the 'Governance' section of this Annual Report.

SANTS continues to manage human resources, leadership, structure and capability successfully which focuses on a performance culture which will deliver excellent outcomes or our clients.

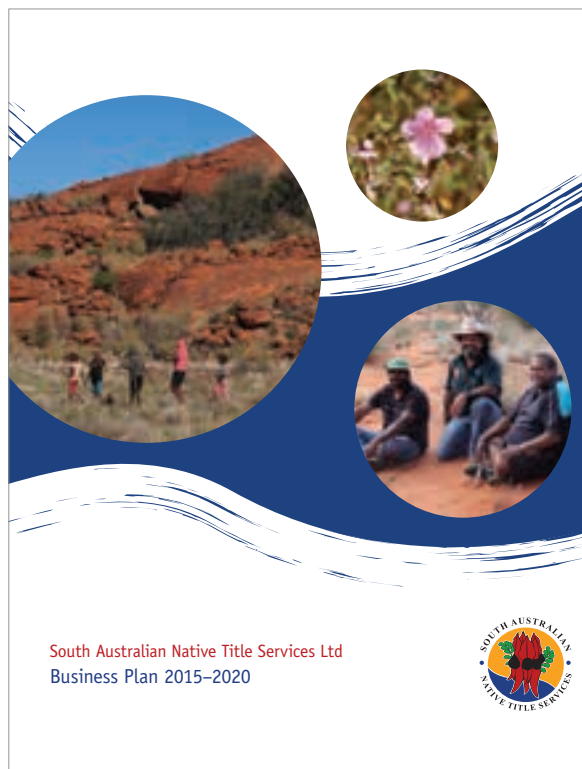
More detailed information regarding these activities can be found in the 'Human resources' section of this Annual Report.

SANTS continues to improve overall management of the workplace, health and safety approach for our business. Currently, all WH&S policies and procedures are up-to-date and compliant with current legislation.

A significant activity in October 2017 was 'Safety Month' which included:

- Having an afternoon tea 'safety talk' following a long overdue fire drill!
- Encouraging health and wellbeing activities.
- Hosting an information session by Melissa Laing Pilates.
- Holding a 'safety talk' on use of the UHF radio in our cars.
- Hosting an information session on manual handling.

From a risk perspective, the Board and management of SANTS review and monitor our risk management approach to ensure areas are effectively mitigated, where possible, or managed appropriately. A specific training session on risk management was held for the Board and key management personnel to ensure updated awareness and to review our current risk management approach. Risk management key performance indicators were set for financial year 2017/2018 and an end of year report will be provided to the SANTS Board in August 2018.



The Business Services Team continued to deliver improved administrative and business services internally and externally. Significant work was undertaken to further embed our improved information management system; Records Manager. Several training sessions were held, guidelines produced, retention schedules put into place and all key SANTS policies and procedures were moved into the system.

Information technology continued to be managed with cyber threats managed or mitigated appropriately. Sound processes for ensuring information and data backups were put in place.

Policies that were reviewed and updated over the last financial year were our Credit Card Policy, Recruitment and Selection Policy and our Financial Management & Budget Procedures Policy.

# Operational plan

as at 30 June 2018

Activity Name	Objective	Progress
<b>Adnyamathanha No.1 (Area C and F)</b>	<ol style="list-style-type: none"> <li>1. Consent determination finalised.</li> <li>2. Negotiation with respondent parties completed.</li> <li>3. Rule book settled.</li> <li>4. Incorporation of PBC.</li> </ol>	Matter has progressed in this reporting period but not finalised according to objectives. Matter is currently listed for trial. Consent determination now scheduled for November 2019.
<b>Ngadjuri</b>	<ol style="list-style-type: none"> <li>1. Consent determination finalised.</li> <li>2. Negotiation with respondent parties completed.</li> <li>3. Incorporation of PBC.</li> <li>4. Rule book settled.</li> <li>5. Future Act notices processed.</li> </ol>	Matter has progressed in this reporting period but not finalised according to objectives. Matter is currently listed for trial. Consent determination now scheduled for November 2019.
<b>Wilyakali No.2</b>	<ol style="list-style-type: none"> <li>1. Consent determination finalised.</li> <li>2. Negotiation with respondent parties completed.</li> <li>3. Rule book settled</li> <li>4. Incorporation of PBC.</li> <li>5. Future Act notices processed.</li> </ol>	Matter has progressed in this reporting period but not finalised according to objectives. Matter is currently listed for trial. Consent determination now scheduled for November 2019.
<b>Ngarrindjeri</b>	<ol style="list-style-type: none"> <li>1. Consent determination finalised.</li> <li>2. Negotiation with respondent parties completed.</li> <li>3. Incorporation of PBC.</li> </ol>	Objectives completed. Consent determination over parts of the claim area took place on 14 December 2017. The Ngarrindjeri Aboriginal Corporation RNTBC was incorporated on 6 December 2017.
<b>Barngarla</b>	<ol style="list-style-type: none"> <li>1. Incorporation of PBC</li> <li>2. Negotiation with respondent or other third parties completed.</li> </ol>	Objectives completed. Barngarla determination Aboriginal Corporation RNTBC incorporated on 4 May 2018.
<b>Wirangu No.2</b>	<ol style="list-style-type: none"> <li>1. Negotiation with respondent or other third parties completed.</li> <li>2. Consent determination finalised.</li> </ol>	Objectives not complete this financial year. The State is considering the Connection Report.
<b>Dieri No.3</b>	<ol style="list-style-type: none"> <li>1. Consent determination finalised.</li> </ol>	Objectives completed. Consent determination over the entire claim area was finalised on 28 September 2017.
<b>Nukunu</b>	<ol style="list-style-type: none"> <li>1. Supplementary connection material provided to STATE.</li> <li>2. Negotiation with respondent or other third parties completed.</li> <li>3. Consent determination finalised.</li> </ol>	Not complete. Supplementary connection material has been provided to the State. Matter is currently listed for trial. Consent determination negotiations are continuing.
<b>Nauo</b>	<ol style="list-style-type: none"> <li>1. Completion of research reports.</li> <li>2. Connection report provided to the State.</li> </ol>	Objectives completed.
<b>Narungga Nation</b>	<ol style="list-style-type: none"> <li>1. Completion of research reports.</li> <li>2. Connection report provided to the State.</li> <li>3. Negotiation with respondent or other third parties completed.</li> <li>4. Consent determination finalised.</li> </ol>	Research report and Connection Report completed and provided to the State. The State is considering the Connection Report.



Activity Name	Objective	Progress
<b>Kaurna</b>	<ol style="list-style-type: none"> <li>1. Claim programmed for trial.</li> <li>2. Evidence prepared.</li> <li>3. Submissions lodged for litigated determination.</li> <li>4. Litigated determination hearing.</li> </ol>	The Kaurna matter resulted in a consent determination over parts of the claim area on 21 March 2018.
<b>Tjayiwara Unmuru Compensation</b>	<ol style="list-style-type: none"> <li>1. Negotiation with respondent or other third parties completed (Federal Court mediation).</li> <li>2. Other settlement agreement finalised.</li> <li>3. Evidence prepared.</li> <li>4. Consent determination finalised.</li> </ol>	The Tjayiwara Unmuru compensation application was settled by a consent determination on 20 December 2017.
<b>Walka Wani Oodnadatta</b>	<ol style="list-style-type: none"> <li>1. External agreement finalised (shared country/boundary).</li> </ol>	Objective not completed. Mediation scheduled for September 2018.
<b>Arabana No.2</b>	<ol style="list-style-type: none"> <li>1. External agreement finalised (shared country/boundary).</li> </ol>	Objective not completed. Mediation scheduled for September 2018.
<b>Malyankapa</b>	<ol style="list-style-type: none"> <li>1. Future act notices processed.</li> </ol>	Objective met.
<b>Ngadjuri Nation No.2</b>	<ol style="list-style-type: none"> <li>1. Future act notices processed.</li> <li>2. Completion of research reports.</li> </ol>	Future act notices processed, research reports not yet complete.
<b>Wilyakali</b>	<ol style="list-style-type: none"> <li>1. Future act notices processed.</li> <li>2. Completion of research reports.</li> </ol>	Future act notices processed, research reports not yet complete.
<b>Far West Coast Sea claim</b>	<ol style="list-style-type: none"> <li>1. Claim or significant amendment to claim authorised by claim group.</li> <li>2. Claim registered.</li> </ol>	Objectives complete. Claim authorised and registered.
<b>South East claim</b>	<ol style="list-style-type: none"> <li>1. Group decision to prepare claim.</li> <li>2. Claim authorised by claim group.</li> <li>3. Claim registered.</li> </ol>	Objectives complete.
<b>Irrwanyere Aboriginal Corporation</b>	<ol style="list-style-type: none"> <li>1. PBC continues to comply with ORIC and other future act requirements and no evidence of serious internal disputes.</li> </ol>	Objectives met. SANTS continues to work in partnership with the Corporation.
<b>Walka Wani Aboriginal Corporation</b>	<ol style="list-style-type: none"> <li>1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes.</li> </ol>	Objectives met. SANTS continues to work in partnership with the Corporation.
<b>River Muray and Mallee Aboriginal Corporation</b>	<ol style="list-style-type: none"> <li>1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes</li> </ol>	Objectives met. SANTS continues to work in partnership with the Corporation.



Activity Name	Objective	Progress
Tjajiwara Uumuru Aboriginal Corporation	1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes.	Objectives met. SANTS continues to work in partnership with the Corporation.
De Rose Hill Aboriginal Corporation	1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes. 2. Other training completed.	Objectives met. SANTS continues to work in partnership with the Corporation.
Yankunytjatjara Aboriginal Corporation	1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes.	Objectives met. SANTS continues to work in partnership with the Corporation.
Antakarinja Matu Yankunytjatjara Aboriginal Corporation	1. Negotiations with respondent or other third parties completed. 2. ILUA authorised by claim group. 3. ILUA registered.	Objectives not met. Negotiations on hold by agreement.
Far West Coast Aboriginal Corporation	1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes.	Objectives met. SANTS continues to work in partnership with the Corporation.
Lake Torrens Judgement	1. Litigated determination hearing/appeal concluded.	Complete.
Yandruwandha Yawarrawarrka TLOAC	1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes.	Objectives met. SANTS continues to work in partnership with the Corporation.
Yandruwandha Yawarrawarrka (QLD and NSW)	1. Group decision to prepare claim. 2. Claim authorised by claim group. 3. Claim registered.	A claim was authorised. The claim has been stuck out by consent but mediation with other parties is ongoing.
Yandruwandha Yawarrawarrka TLOAC	1. PBC continues to comply with ORIC and other future Act requirements and no evidence of serious internal disputes.	Objectives met. SANTS continues to work in partnership with the Corporation.
Kokatha No.3	1. External agreement finalised (eg shared country/boundary).	Objective not met. Not currently a priority matter.
Ngaiawang	1. Consultation for potential new claim ongoing.	Objectives met.



# Business specific reports

## Human resources

The SANTS Human Resources (HR) Plan was approved by the CEO and endorsed by the SANTS Board in July 2017.

**Key focus areas were:**

- Effective performance management processes in place for all staff.
- Appropriate management of key management personnel reviews (and remuneration changes).
- Management of the Board development processes and delivery of a Board performance review.
- Delivering of a cultural awareness strategy for all staff.
- Timely and effective management of human resources activities, including induction, recruitment, workforce planning and any staff grievances.

The HR Plan supports the SANTS Strategic Plan and SANTS Business Plan to ensure the management team and SANTS Board can achieve excellent outcomes for our business.

The HR Plan was delivered on time and on target with excellent results. Key highlights were the SANTS staff workshop and the SANTS staff survey (more details included in this report).

**Workforce planning, staff turnover and retention**

Current HR metrics show positive outcomes in relation to staff:

- 100% of SANTS Employees have performance and development plans in place.
- 100% of the Performance Evaluation and Learning Review discussions were completed last financial year.
- 12% voluntary turnover in FY2012/2013 (which includes contract expiry departures) is the same as previous years.

The current average length of service for SANTS employees is approximately 7.4 years. This has contributed to positive business outcomes for SANTS clients and satisfaction at work for our employees.



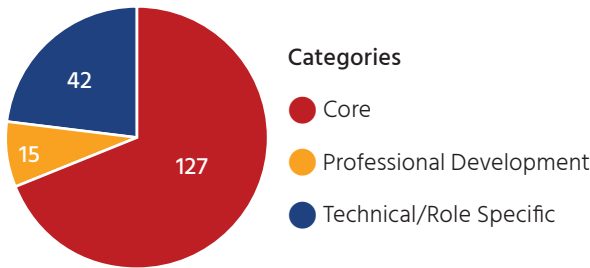
**Training and development undertaken and its impact**

Learning and development plans were put in place for all employees. Overall:

- 40 different training courses were undertaken across the year.
- 53.32% of courses were rated as good or excellent.
- 100% of staff attended or were provided with opportunities to attend in 2017/2018.

SANTS provided a consolidated approach to training this year, ensuring efficiencies across the organisation, while enabling personal learning plans to be progressed.

**Overall attendance by program category 2017/2018**



SANTS Core Training (applicable to all staff) includes:

- Code of Conduct
- SANTS Policies and Procedures
- PELS Overview
- EEO/Bullying/Harassment Overview
- Financial Guidelines
- WH&S Overview
- Risk Management
- Governance

Above: SANTS staff attending 4WD and defensive driving training.



### Statistics for staffing

At 30 June 2018 SANTS had 30 staff members:

Gender	Aboriginal	Non-Aboriginal	Total
Female	6	13	19
Male	6	5	11
<b>Total</b>	<b>12</b>	<b>18</b>	<b>30</b>

### Staff workshop

The staff workshop was held in Clare during March 2018 with a focus on the SANTS values. A snapshot of the focus for each day is outlined below:

- **Day 1 – Respect value:** Commenced with a Welcome to Country by Ngadjuri, followed by a values session focused on respect.
- **Day 2 – Professional value:** Simultaneous sessions run with our lawyers on current cases, experiences and challenges. The day also included a session on 'being professional at SANTS' and focused team sessions.
- **Day 3 – Inclusive value:** Kicked off with a working breakfast run by access programs on 'Strength to Strength' and sessions on the SANTS Strategic Plan and Code of Conduct with an interactive wrap-up session on what inclusiveness means at SANTS.

Feedback following the workshop showed it was an extremely positive experience for all employees with some excellent suggestions made for future workshops.

### Staff survey

SANTS undertook a staff survey or 'climate check' in late 2017 with a redesigned survey approach focused on key outcomes for our business and our working environment. A focused briefing was completed for all SANTS managers and SANTS employees (two sessions).

As part of the staff workshop, SANTS managers spent time with their individual teams reviewing their specific team results in more detail (not previously been undertaken at SANTS).

Approximately 90% of employees surveyed felt that the current SANTS working environment was 'positive' or 'acceptable'.

### SANTS Enterprise Agreement

The SANTS Enterprise Agreement is still in place and being actively managed for compliance with a nominal expiry date of 30 June 2019.

Above from top: Welcome to country for staff workshop; SANTS staff at staff workshop 2018; SANTS staff on cultural awareness trip.



## Governance

The SANTS governance framework comprises the following elements:

- Legislative framework (NTA 1993, *Corporations Act 2001*).
- SANTS Constitution.
- SANTS Board Charter.
- Board of Directors.
- CEO and management team.

### Board of Directors

According to the SANTS constitution, the Board must comprise of the following:

- a majority of Aboriginal persons, resident in South Australia, who are universally respected for their integrity in the Aboriginal community of South Australia;
- a South Australian legal practitioner;
- a South Australian accountancy practitioner who holds the designation of either Chartered Accountants (CA) or Certified Practising Accountant (CPA);
- a South Australian resident who has lengthy experience in public administration or as a corporate manager or leader; and
- such other person or persons as the Board Selection Committee deems fit.

In addition, the Chairperson of the Board shall be an Aboriginal person elected by the Board.

The SANTS Directors as at 30 June 2018 are:

Craig Allen – Chairperson/Director

Damien Coulthard – Deputy Chair/Director

April Lawrie – Director

Paul Case – Treasurer/Director

Allan Hunter – Director

John Briggs – Director

Lavene Ngatokorua – Director

Troy McNamara – Director

Melanie Burton – Director

### Report on Board activities in 2017/2018

The SANTS Board of Directors continues to operate well as a group and provides valuable advice and encouragement to the SANTS CEO and management team in terms of SANTS governance and strategic directions.

Meetings were well attended during the 2017/2018 financial year and the quality of discussions high.

At the end of 2017, the Directors welcomed a new Board member, Ms Melanie Burton. Melanie has a Bachelor of Laws and a Bachelor of Arts (Jurisprudence) from the University of Adelaide and a Graduate Certificate in Legal Practice from the University of South Australia. She has practised as a lawyer in all areas of civil litigation and insurance, risk and advisory for over 19 years.

Craig Allen was appointed as the new Chair of SANTS in November 2017. The Board is extremely fortunate to benefit from his extensive knowledge of native title issues and his dedication to the advancement of native title for Aboriginal people.

The Board conducted a variety of activities to assist in the development of both the group and individual directors. These activities included the annual Board induction session with the CEO, the corporate governance training conducted by Shane Carroll, the National Native Title Conference in Broome and financial and risk management information sessions.

### Board subcommittee

The Board subcommittee meets regularly to review all financial aspects of the company, including approving finance policies, identifying financial risks and assessment of financial statements. The Committee also discusses human resource and governance issues and makes recommendations to the Board as necessary.

The Committee is responsible for overseeing management roles and remuneration at SANTS. The Committee's main role is to endorse relevant information and material prior to Board approval, including providing direction to the CEO for the day-to-day operations of SANTS as needed.

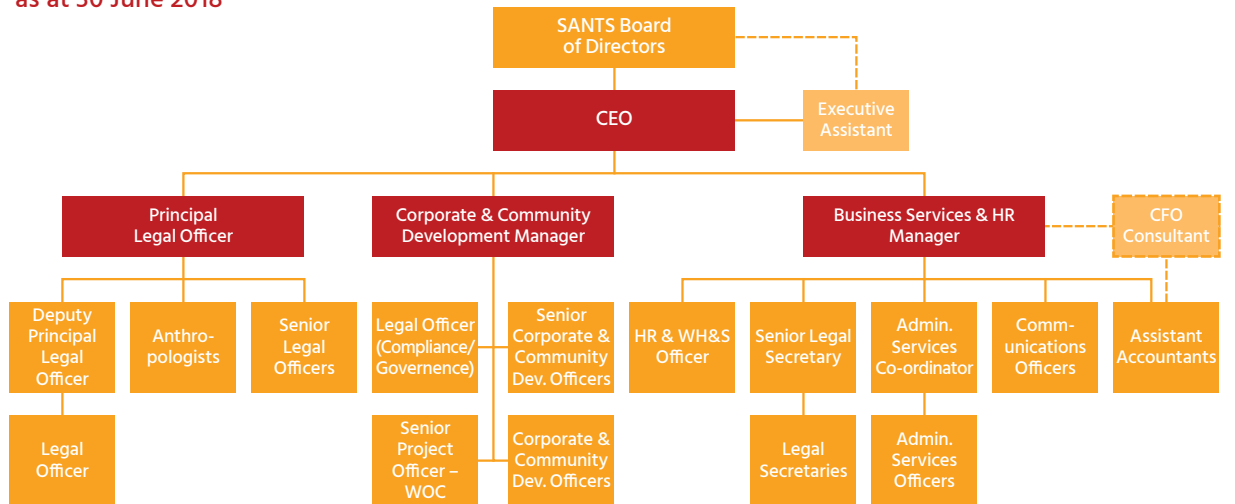
### Senior management team

The SANTS management team comprises four senior staff members including the CEO who meet regularly to discuss organisational and native title program operations, strategy and other matters relevant to the operations of the company.

For further details of SANTS' governance, management and staffing structures, refer to the organisational chart overleaf.

## Organisational chart

as at 30 June 2018





## Finance

This report covers financial performance relating to SANTS' Native Title Representative Body (NTRB) functions.

A summary of financial performance of the NTRB functions is provided in the summary table.

The activities expenditure of \$4,203,993 can be broken down as follows:

- Contested litigation Kaurua – \$874,616
- Employment costs – \$1,952,749
- Consultants and lawyers – \$753,554
- Meeting and travel expenses – \$512,024
- Other expenses – \$111,050

Expenditure levels were high for the year when compared to previous years. This was due to the significant carry forward funding of \$1,479,623 from the 2016/2017 financial year. This is in contrast to 2016/2017 when expenditure was quite low due to the uncertainty around the Timber Creek matter.

PBC expenditure in 2017/2018 has increased by \$298,902 from the 2016/2017 expenditure. This is driven by the one-off transitional funding of \$150,000 provided by the PM&C in 2017/2018, an additional group funded through SANTS and an overall increase in funding provided by PM&C for each group.

The corporate expenditure of \$2,119,350 largely comprised of employment costs \$897,143, occupancy costs \$328,052, consulting fees \$272,499, and training and development \$189,326. Overall corporate costs are down \$62,639 on 2016/2017 as a result of the executive managing these costs very tightly. Employment costs were held at 2016/2017 levels.

Unlike recent years, 2018/2019 will not get the benefit of significant carry forward funding to assist with program spending. The carry forward into 2018/2019 will be \$390,138 compared to the 2017/2018 carry forward of \$1,479,623. The breakdown of the carry forward into the 2018/2019 year is:

- Receipt of Nukunu contested litigation monies late in the financial year – \$170,000
- Unspent contested litigation monies – \$89,808
- Unspent general funding – \$130,330

Base Commonwealth funding for 2018/2019 is \$4,256,200 which is an increase of \$293,300 on the 2017/2018 funding of \$3,962,900. As in previous years PM&C will oversee a mid year variation process. The quantum of funds made available to SANTS through the mid year variation will be a function of our performance against program milestones. In 2017/2018 SANTS received \$190k from the mid year variation.

It is unlikely SANTS will receive any significant state government funding in 2018/2019. This income shortfall plus the small value of carry forward funds, means the executive will be managing costs very tightly and will be considering alternative income streams to support program activity.

The business has continued to stay up to date with all of its statutory and reporting obligations. The auditors have provided SANTS an unqualified audit report and did not identify any major control matters. The finance team achieved excellent outcomes over the year.

### Summary financial performance (2017/1018)

NTRB functions (Funds utilised under Native Title Program Funding Agreement)	(1) Actual 2016/2017 \$	(2) Budget 2017/2018 \$	(3) Actual 2017/2018 \$	(4) Variation Actual (3) v Budget (2) \$
<b>Expenditure</b>				
Capital	0	0	0	0
Activities	3,068,031	4,650,389	4,203,993	(446,396)
PBC activities	282,098	581,000	600,379	19,379
Corporate	2,181,989	2,003,978	2,119,350	115,372
<b>Total</b>	<b>5,532,118</b>	<b>7,235,367</b>	<b>6,923,722</b>	<b>(311,645)</b>
<b>Income</b>				
Activity generated income	745,677	185,000	251,498	66,498
Activity generated interest	8,577	8,000	19,995	11,995
State Government	550,000	550,000	550,000	0
Other funds	59,163	0	0	0
<b>PM&amp;C funding</b>				
Capital	0	0	0	0
Operational	4,153,900	4,212,211	4,212,211	0
PBC support	450,000	581,000	581,000	0
Contested litigation	836,952	219,533	219,533	0
Funds brought forward (includes contested litigation)	207,472	1,479,623	1,479,623	0
<b>Total</b>	<b>7,011,741</b>	<b>7,235,367</b>	<b>7,313,860</b>	<b>78,493</b>
<b>Surplus/deficit</b>	<b>1,479,623</b>	<b>0</b>	<b>390,138</b>	<b>390,138</b>





South  
Australian  
Native Title  
Services Ltd

Financial  
statements  
2017/2018



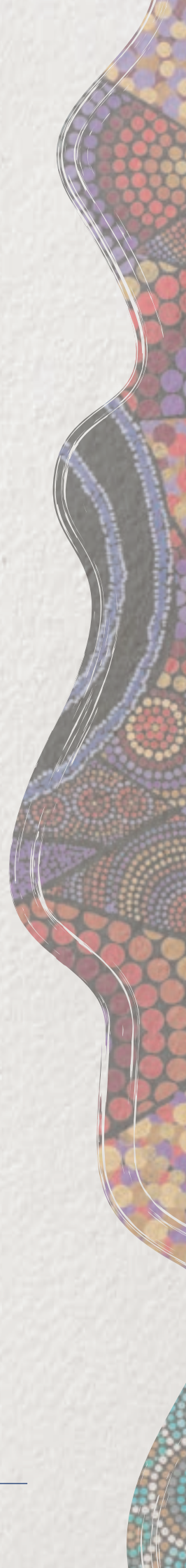






# Contents

Independent audit report	34
Directors' report	36
Auditor's independence declaration	41
Statement of profit or loss and other comprehensive income	42
Statement of financial position	43
Statement of changes in equity	44
Statement of cash flows	45
Notes to the financial statements	46
Directors' declaration	61



# Independent audit report

to the members of South Australian Native Title Services Ltd

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### South Australian Native Title Services Ltd

## Independent Audit Report to the members of South Australian Native Title Services Ltd

### Report on the Audit of the Financial Report

#### Opinion

We have audited the financial report of South Australian Native Title Services Ltd (the Company), which comprises the statement of financial position as at 30 June 2018, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the directors' declaration.

In our opinion, the accompanying financial report of the Company is in accordance with the *Corporations Act 2001*, including:

- (i) giving a true and fair view of the Company's financial position as at 30 June 2018 and of its financial performance for the year ended; and
- (ii) complying with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations Regulations 2001*.

#### Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Company in accordance with the auditor independence requirements of the *Corporations Act 2001* and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by the *Corporations Act 2001*, which has been given to the directors of the Company, would be in the same terms if given to the directors as at the time of this auditor's report.

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

#### Responsibilities of Directors for the Financial Report

The directors of the Company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations Act 2001* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

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**South Australian Native Title Services Ltd**

**Independent Audit Report to the members of South Australian Native Title Services Ltd**

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

**Auditor's Responsibilities for the Audit of the Financial Report**

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report.

A further description of our responsibilities for the audit of the financial report is located on the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). This description forms part of our auditor's report

**MOORE STEPHENS**



Graeme Rodda  
Director

Adelaide

04 October 2018

# Directors' report

for the year ended 30 June 2018

The directors present their report on South Australian Native Title Services Ltd for the financial year ended 30 June 2018.

## Information on directors

The names of each person who has been a director during the year and to the date of this report are:

Craig Allen

Qualifications

Masters of Aboriginal Health

B. Psychology

B. Social Science (Psychology & Criminology)

Experience

Deputy Director (Poche), Faculty of Medicine, Nursing and Health Sciences

Assistant Professor, Centre for Aboriginal Medical and Dental Health UWA 2008-2016

Special responsibilities

Chair

April Lawrie-Smith

Experience

Director of Aboriginal Health Branch

Director of Aboriginal Justice

Director of AFSA

Member of FWC Traditional Lands Association

Damien Coultard

Qualifications

Certificate IV Training and Assessment (Vocational Education)

Certificate IV Sport and Recreation

B. Education (Physical Education and Society and Cultures)

Experience

Sports Coordinator - Le Fevre High School

Geophysical Terrain Surveyor - Beverly Uranium Mine

Aboriginal student mentor and teacher

Special responsibilities

Deputy Chair

Paul Case

Qualifications

B. Economics (Accounting)

Chartered Accountant

Registered Company Auditor

Experience

Business Consultant

Special responsibilities

Treasurer

Allan Hunter

Qualifications

LLB (Adelaide)

Solicitor of the Supreme Court of SA

Experience

Solicitor and Senior Manager

John Briggs

Qualifications

Workplace Trainer

Experience

General Manager of Intract

Lavene Ngatokura

Experience

Community Police Constable

Youth Program Coordinator



### Information on directors

Troy McNamara

Experience

Ranger, Department of Defence, Cultuna Army Barracks  
Manager, Whallina Heritage Management Corporation  
Aboriginal Liaison Officer, SA Department of Correctional Services  
Worked with two Aboriginal owned mining companies in WA & NT

Melanie Burton

Qualifications

B. Law  
B. Arts (Jurisprudence)  
Graduate Certificate in Legal Practice

Experience

Over 19 years of experience in civil litigation, insurance, risk and advisory  
Partner of an Adelaide law firm

Appointed

23 February 2018

Directors have been in office since the start of the financial year to the date of this report unless otherwise stated.

### Principal activities

The principal activity of South Australian Native Title Services Ltd during the financial year were to act as Native Title Provider (NTSP) for the State of South Australia.

No significant changes in the nature of the Company's activity occurred during the financial year.

### Short term objectives

The Company's short term objectives are to provide expert native title services in a range of areas to assist South Australian Native Title Services Ltd's (SANTS) clients to achieve their aspirations.



### Long term objectives

The Company's long term objectives are to:

1. relieve poverty, sickness, suffering, distress, misfortune, destitution and helplessness amongst the Aboriginal people of South Australia;
2. recognise that such poverty, sickness, suffering, distress, misfortune, destitution and helplessness resulting from such Aboriginal people having been progressively dispossessed of their lands and/or waters, without compensation, as a consequence of which they have been socially, spiritually and economically disempowered and are now the most disadvantaged section of South Australian society, to assist such Aboriginal people to:
  - (a) improve self-reliance and their economic, social and cultural circumstances;
  - (b) regain recognition of their rights and interests in lands and/or waters arising from their traditional laws and customs;
  - (c) access and enjoy their traditional lands and/or waters;
  - (d) have a voice in relation to the future use and exploitation of their traditional lands and/or waters;
  - (e) obtain compensation in relation to their dispossession from their traditional lands and/or waters, and in relation to the future use and exploitation of such traditional lands and/or waters, by providing legal, research and other services.

### Strategy for achieving the objectives

To achieve these objectives, the Company has adopted the following strategies:

- To deliver a full range of statutory services to our clients in order that they are able to achieve the formal recognition and exercise of native title rights;
- To provide leadership in native title;
- To enhance our clients' capacity to achieve their desired objectives;
- To enable SANTS to achieve excellence through all operations and working relationships



### **How principal activities assisted in achieving the objectives**

The principal activities assisted the Company in achieving its objectives by:

- The provision of legal services for providing timely advice in attaining and maintaining native title rights and interests;
- Facilitating community meetings to enable the progression of native title and compensation claims;
- Addressing future acts as they arise to inform about and protect native title rights and interests;
- Assisting native title groups to achieve their broader aspirations in terms of social, economic and cultural opportunities;
- Successful Consent Determinations.

### **Performance measures**

The following measures are used within the Company to monitor performance:

- Key performance indicators are approved each year by the Board for the company in terms of the achievements of SANTS in native title.

### **Members' guarantee**

South Australian Native Title Services Ltd is a company limited by guarantee. In the event of, and for the purpose of winding up of the company, the amount capable of being called up from each member and any person or association who ceased to be a member in the year prior to the winding up, is limited to \$ 5 for members that are corporations and \$ 5 for all other members, subject to the provisions of the company's constitution.

At 30 June 2018 the collective liability of members was \$ 45 (2017: \$ 40).



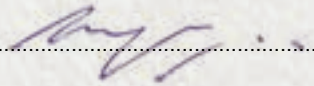
### Meetings of directors

During the financial year, 10 meetings of directors (including committees of directors) were held. Attendances by each director during the year were as follows:

	Directors' Meetings		FAGNHR		Remuneration Committee	
	Number eligible to attend	Number attended	Number eligible to attend	Number attended	Number eligible to attend	Number attended
April Lawrie-Smith	4	2	2	1	1	1
Damien Coultard	4	4	4	4	2	2
Paul Case	4	4	4	4	2	2
Allan Hunter	4	4	4	4	-	-
John Briggs	4	2	-	-	-	-
Lavene Ngatokura	4	4	4	4	-	-
Craig Allen	4	4	2	2	1	1
Troy McNamara	4	2	-	-	-	-
Melanie Burton	2	2	-	-	-	-

Signed in accordance with a resolution of the Board of Directors:

Director:  .....

Director:  .....

Dated this 28<sup>th</sup> day of September 2018



# Auditor's independence declaration

under Section 60-40 Australian Charities and Not-for-profits Commission Act 2012  
to the Directors of South Australian Native Title Services Ltd

## MOORE STEPHENS

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### South Australian Native Title Services Ltd

ABN: 66 131 591 841

### Auditor's Independence Declaration under Section 60-40 of the Australian Charities and Not-for-profits Commission Act 2012 to the Directors of South Australian Native Title Services Ltd

I declare that, to the best of my knowledge and belief, during the year ended 30 June 2018, there have been contraventions of any applicable code of professional conduct in relation to the audit.

### MOORE STEPHENS



Graeme Rodda  
Director

04 October 2018

Adelaide

Moore Stephens Audit (SA & NT) Pty Ltd ABN (34 144 550 461) Authorised Audit Company Registered Number (374246). Liability limited by a scheme approved under Professional Standards Legislation. An independent member of Moore Stephens International Limited - members in principal cities all throughout the world.

# Statement of profit or loss

and other comprehensive income for the year ended 30 June 2018

		2018	2017
	Note	\$	\$
Revenue	4	7,479,225	5,628,905
Other income	4	315,482	523,859
Employee benefits expense		(3,430,469)	(2,836,815)
Depreciation and amortisation expense		(42,101)	(60,367)
Travel costs		(394,208)	(217,218)
Occupancy costs		(311,885)	(307,790)
Consulting and professional fees		(1,927,681)	(905,137)
Other expense		(1,702,624)	(1,861,565)
<b>Deficit for the year</b>		<b>(14,261)</b>	<b>(36,128)</b>
<b>Other comprehensive income</b>		<b>-</b>	<b>-</b>
<b>Total comprehensive loss for the year</b>		<b>(14,261)</b>	<b>(36,128)</b>

The accompanying notes form part of these financial statements.



# Statement of financial position

for the year ended 30 June 2018

	Note	2018 \$	2017 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	6	3,665,712	4,422,360
Trade and other receivables	7	239,794	239,911
Current tax receivable	11	38,179	-
Other assets	8	63,384	48,258
<b>TOTAL CURRENT ASSETS</b>		<b>4,007,069</b>	4,710,529
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	9	55,282	97,383
<b>TOTAL NON-CURRENT ASSETS</b>		<b>55,282</b>	97,383
<b>TOTAL ASSETS</b>		<b>4,062,351</b>	4,807,912
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Trade and other payables	10	2,805,444	2,488,234
Current tax liabilities	11	-	68,137
Employee benefits	12	574,537	487,069
Other financial liabilities	13	532,215	1,624,709
<b>TOTAL CURRENT LIABILITIES</b>		<b>3,912,196</b>	4,668,149
<b>NON-CURRENT LIABILITIES</b>			
Employee benefits	12	45,297	20,644
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>45,297</b>	20,644
<b>TOTAL LIABILITIES</b>		<b>3,957,493</b>	4,688,793
<b>NET ASSETS</b>		<b>104,858</b>	119,119
<b>EQUITY</b>			
Accumulated surplus		104,858	119,119
<b>TOTAL EQUITY</b>		<b>104,858</b>	119,119

The accompanying notes form part of these financial statements.



# Statement of changes in equity

for the year ended 30 June 2018

2018

	Accumulated Surplus \$
<b>Balance at 1 July 2017</b>	<b>119,119</b>
Deficit attributable to members of the entity	(14,261)
<b>Balance at 30 June 2018</b>	<b>104,858</b>

2017

	Accumulated Surplus \$
<b>Balance at 1 July 2016</b>	<b>155,247</b>
Deficit attributable to members of the entity	(36,128)
<b>Balance at 30 June 2017</b>	<b>119,119</b>

The accompanying notes form part of these financial statements.



# Statement of cash flows

for the year ended 30 June 2018

	Note	2018 \$	2017 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>			
Receipts from customers		595,133	661,809
Payments to suppliers and employees		(7,666,453)	(5,921,710)
Interest received		22,186	81,038
Receipt from grants		5,995,203	6,458,851
Net cash provided by/(used in) operating activities		(1,053,931)	1,279,988
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>			
Purchase of property, plant and equipment		-	(39,668)
Net cash provided by/(used in) investing activities		-	(39,668)
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>			
Movement in trust funds held		297,283	1,928,038
Net cash provided by/(used in) financing activities		297,283	1,928,038
Net increase/(decrease) in cash and cash equivalents held		(756,648)	3,168,358
Cash and cash equivalents at beginning of year		4,422,360	1,254,002
Cash and cash equivalents at end of financial year	6	3,665,712	4,422,360



# Notes to the financial statements

for the year ended 30 June 2018

The financial report covers South Australian Native Title Services Ltd ('the Company'). South Australian Native Title Services Ltd is a not-for-profit Company limited by guarantee, incorporated and domiciled in Australia.

The functional and presentation currency of South Australian Native Title Services Ltd is Australian dollars.

Comparatives are consistent with prior years, unless otherwise stated.

## 1 Basis of Preparation

South Australian Native Title Services Ltd applies Australian Accounting Standards – Reduced Disclosure Requirements as set out in AASB 1053: Application of Tiers of Australian Accounting Standards and AASB 2010-2: Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements.

The financial statements are general purpose financial statements that have been prepared in accordance with the Australian Accounting Standards - Reduced Disclosure Requirements and the *Australian Charities and Not-for-profits Commission Act 2012*.

The financial statements, except for the cash flow information, have been prepared on an accruals basis and are based on historical costs modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

Significant accounting policies adopted in the preparation of these financial statements are presented below and are consistent with prior reporting periods unless otherwise stated.

## 2 Summary of Significant Accounting Policies

### (a) Revenue and other income

Revenue is recognised when the amount of the revenue can be measured reliably, it is probable that economic benefits associated with the transaction will flow to the Company and specific criteria relating to the type of revenue as noted below, has been satisfied.

Revenue is measured at the fair value of the consideration received or receivable and is presented net of returns, discounts and rebates.

#### Grant revenue

Grant revenue is recognised in the statement of profit or loss and other comprehensive income when the entity obtains control of the grant, it is probable that the economic benefits gained from the grant will flow to the entity and the amount of the grant can be measured reliably.

When grant revenue is received whereby the entity incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant revenue is recognised in the statement of financial position as a liability until the service has been delivered to the contributor, otherwise the grant is recognised as income on receipt.

#### Rendering of services

Revenue in relation to rendering of services is recognised depending on whether the outcome of the services can be estimated reliably. If the outcome can be estimated reliably then the stage of completion of the services is used to determine the appropriate level of revenue to be recognised in the period.

If the outcome cannot be reliably estimated then revenue is recognised to the extent of expenses recognised



## 2 Summary of Significant Accounting Policies

### (a) Revenue and other income

#### Rendering of services

that are recoverable.

#### Other income

Other income is recognised on an accruals basis when the Company is entitled to it.

#### Interest revenue

Interest is recognised using the effective interest method.

All revenue is stated net of the amount of goods and services tax (GST).

### (b) Property, plant and equipment

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

Where the cost model is used, the asset is carried at its cost less any accumulated depreciation and any impairment losses. Costs include purchase price, other directly attributable costs and the initial estimate of the costs of dismantling and restoring the asset, where applicable.

Assets measured using the revaluation model are carried at fair value at the revaluation date less any subsequent accumulated depreciation and impairment losses. Revaluations are performed whenever there is a material movement in the value of an asset under the revaluation model.

#### Plant and equipment

Plant and equipment are measured using the cost model.

Items of property, plant and equipment acquired for nil or nominal consideration have been recorded at the acquisition date fair value.

#### Depreciation

Property, plant and equipment, excluding freehold land, is depreciated on a straight-line basis over the assets useful life to the Company, commencing when the asset is ready for use.



## 2 Summary of Significant Accounting Policies

### (b) Property, plant and equipment

#### Depreciation

Leased assets and leasehold improvements are amortised over the shorter of either the unexpired period of the lease or their estimated useful life.

The depreciation rates used for each class of depreciable asset are shown below:

Fixed asset class	Depreciation rate
Plant and Equipment	2.5 - 16.67%
Furniture, Fixtures and Fittings	10%
Motor Vehicles	20%
Computer Equipment	20 - 33.33%
Computer Software	20%
Improvements	33.33%
Other Property, Plant and Equipment	10%

At the end of each annual reporting period, the depreciation method, useful life and residual value of each asset is reviewed. Any revisions are accounted for prospectively as a change in estimate.

### (c) Leases

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not the legal ownership that are transferred to the Company are classified as finance leases.

Finance leases are capitalised by recording an asset and a liability at the lower of the amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Lease payments for operating leases, where substantially all of the risks and benefits remain with the lessor, are charged as expenses on a straight-line basis over the life of the lease term.

Lease incentives under operating leases are recognised as a liability and amortised on a straight-line basis over the life of the lease term.

### (d) Financial instruments

Financial instruments are recognised initially using trade date accounting, i.e. on the date that the Company becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).



## 2 Summary of Significant Accounting Policies

### (d) Financial instruments

#### *Financial Assets*

Financial assets are divided into the following categories which are described in detail below:

- loans and receivables;
- financial assets at fair value through profit or loss;
- available-for-sale financial assets; and
- held-to-maturity investments.

Financial assets are assigned to the different categories on initial recognition, depending on the characteristics of the instrument and its purpose. A financial instrument's category is relevant to the way it is measured and whether any resulting income and expenses are recognised in profit or loss or in other comprehensive income.

All income and expenses relating to financial assets are recognised in the statement of profit or loss and other comprehensive income in the 'finance income' or 'finance costs' line item respectively.

#### *Loans and receivables*

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They arise principally through the provision of goods and services to customers but also incorporate other types of contractual monetary assets.

After initial recognition these are measured at amortised cost using the effective interest method, less provision for impairment. Any change in their value is recognised in profit or loss.

The Company's trade and other receivables fall into this category of financial instruments.

In some circumstances, the Company renegotiates repayment terms with customers which may lead to changes in the timing of the payments, the Company does not necessarily consider the balance to be impaired, however assessment is made on a case-by-case basis.

#### *Financial assets at fair value through profit or loss*

Financial assets at fair value through profit or loss include financial assets:

- acquired principally for the purpose of selling in the near future
- designated by the entity to be carried at fair value through profit or loss upon initial recognition or
- which are derivatives not qualifying for hedge accounting.

The Company has some derivatives which are designated as financial assets at fair value through profit or loss.



## 2 Summary of Significant Accounting Policies

### (d) Financial instruments

Assets included within this category are carried in the statement of financial position at fair value with changes in fair value recognised in finance income or expenses in profit or loss.

Any gain or loss arising from derivative financial instruments is based on changes in fair value, which is determined by direct reference to active market transactions or using a valuation technique where no active market exists.

#### *Held-to-maturity investments*

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturity. Investments are classified as held-to-maturity if it is the intention of the Company's management to hold them until maturity.

Held-to-maturity investments are subsequently measured at amortised cost using the effective interest method, with revenue recognised on an effective yield basis. In addition, if there is objective evidence that the investment has been impaired, the financial asset is measured at the present value of estimated cash flows. Any changes to the carrying amount of the investment are recognised in profit or loss.

#### *Available-for-sale financial assets*

Available-for-sale financial assets are non-derivative financial assets that do not qualify for inclusion in any of the other categories of financial assets or which have been designated in this category.

All available-for-sale financial assets are measured at fair value, with subsequent changes in value recognised in other comprehensive income.

Gains and losses arising from financial instruments classified as available-for-sale are only recognised in profit or loss when they are sold or when the investment is impaired.

In the case of impairment or sale, any gain or loss previously recognised in equity is transferred to the profit or loss.

Losses recognised in the prior period statement of profit or loss and other comprehensive income resulting from the impairment of debt securities are reversed through the statement of profit or loss and other comprehensive income, if the subsequent increase can be objectively related to an event occurring after the impairment loss was recognised in profit or loss.

#### *Financial liabilities*

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities depending on the purpose for which the liability was acquired.

The Company's financial liabilities include borrowings, trade and other payables (including finance lease liabilities), which are measured at amortised cost using the effective interest rate method.



## 2 Summary of Significant Accounting Policies

### (d) Financial instruments

#### *Impairment of financial assets*

At the end of the reporting period the Company assesses whether there is any objective evidence that a financial asset or group of financial assets is impaired.

#### *Financial assets at amortised cost*

If there is objective evidence that an impairment loss on financial assets carried at amortised cost has been incurred, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of the estimated future cash flows discounted at the financial assets original effective interest rate.

Impairment on loans and receivables is reduced through the use of an allowance accounts, all other impairment losses on financial assets at amortised cost are taken directly to the asset.

Subsequent recoveries of amounts previously written off are credited against other expenses in profit or loss.

#### *Available-for-sale financial assets*

A significant or prolonged decline in value of an available-for-sale asset below its cost is objective evidence of impairment, in this case, the cumulative loss that has been recognised in other comprehensive income is reclassified from equity to profit or loss as a reclassification adjustment. Any subsequent increase in the value of the asset is taken directly to other comprehensive income.

### (e) Impairment of non-financial assets

At the end of each reporting period the Company determines whether there is an evidence of an impairment indicator for non-financial assets.

Where an indicator exists and regardless for indefinite life intangible assets and intangible assets not yet available for use, the recoverable amount of the asset is estimated.

Where assets do not operate independently of other assets, the recoverable amount of the relevant cash-generating unit (CGU) is estimated.

The recoverable amount of an asset or CGU is the higher of the fair value less costs of disposal and the value in use. Value in use is the present value of the future cash flows expected to be derived from an asset or cash-generating unit.

Where the recoverable amount is less than the carrying amount, an impairment loss is recognised in profit or loss.

Reversal indicators are considered in subsequent periods for all assets which have suffered an impairment loss.



## 2 Summary of Significant Accounting Policies

### (f) Employee benefits

Provision is made for the Company's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be wholly settled within one year have been measured at the amounts expected to be paid when the liability is settled.

Employee benefits expected to be settled more than one year after the end of the reporting period have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability, consideration is given to employee wage increases and the probability that the employee may satisfy vesting requirements. Cashflows are discounted using market yields on high quality corporate bond rates incorporating bonds rated AAA or AA by credit agencies, with terms to maturity that match the expected timing of cashflows. Changes in the measurement of the liability are recognised in profit or loss.

### (g) Cash and cash equivalents

Cash and cash equivalents comprises cash on hand, demand deposits and short-term investments which are readily convertible to known amounts of cash and which are subject to an insignificant risk of change in value.

### (h) Goods and services tax (GST)

Revenue, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payable are stated inclusive of GST.

The net amount of GST recoverable from, or payable to the ATO is included as part of receivables or payables in the statement of financial position.

Cash flows in the statement of cash flows are included on a gross basis and the GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified as operating cash flows.

### (i) Income Tax

The Company is exempt from income tax under Division 50 of the *Income Tax Assessment Act 1997*.

### (j) Provisions

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

Provisions recognised represent the best estimate of the amounts required to settle the obligation at the end of the reporting period.

### (k) Trade and other payables

Trade and other payables represent the liabilities for goods and services received by the company during the reporting period that remain unpaid at the end of the reporting period. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability.



## 2 Summary of Significant Accounting Policies

### (l) Economic dependence

South Australian Native Title Services Ltd is dependent on the Commonwealth and State Governments for the majority of its revenue used to operate the business. At the date of this report the directors have no reason to believe the Commonwealth and State Governments will not continue to support South Australian Native Title Services Ltd.

### (m) Fair value of assets and liabilities

The company measures some of its assets and liabilities at fair value on either a recurring or non-recurring basis, depending on the requirements of the applicable Accounting Standard.

"Fair value" is the price the company would receive to sell an asset or would have to pay to transfer a liability in an orderly (ie unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset or liability. The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from the principal market for the asset or liability (ie the market with the greatest volume and level of activity for the asset or liability). In the absence of such a market, market information is extracted from the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset or minimises the payments made to transfer the liability, after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

The fair value of liabilities and the entity's own equity instruments (if any) may be valued, where there is no observable market price in relation to the transfer of such financial instrument, by reference to observable market information where such instruments are held as assets. Where this information is not available, other valuation techniques are adopted and where significant, are detailed in the respective note to the financial statements.

## 3 Critical Accounting Estimates and Judgments

The directors make estimates and judgements during the preparation of these financial statements regarding assumptions about current and future events affecting transactions and balances.

These estimates and judgements are based on the best information available at the time of preparing the financial statements, however as additional information is known then the actual results may differ from the estimates.

The significant estimates and judgements made have been described below.



### 3 Critical Accounting Estimates and Judgments

#### Key estimates - impairment of property, plant and equipment

The Company assesses impairment at the end of each reporting period by evaluating conditions specific to the Company that may be indicative of impairment triggers. Recoverable amounts of relevant assets are reassessed using value-in-use calculations which incorporate various key assumptions.

#### Key estimates - receivables

The receivables at reporting date have been reviewed to determine whether there is any objective evidence that any of the receivables are impaired. An impairment provision is included for any receivable where the entire balance is not considered collectible. The impairment provision is based on the best information at the reporting date.

### 4 Revenue and Other Income

#### Revenue from continuing operations

	2018 \$	2017 \$
Sales revenue		
- Operating grants	7,129,348	5,235,400
- Provision of services	349,877	393,505
	<u>7,479,225</u>	<u>5,628,905</u>
Other revenue		
- Interest received	22,186	45,332
- Recoveries	293,295	478,527
	<u>315,481</u>	<u>523,859</u>
<b>Total Revenue</b>	<u><b>7,794,706</b></u>	<u><b>6,152,764</b></u>

### 5 Result for the Year

#### Expenses

The result for the year includes the following specific expenses:

Superannuation contributions	358,066	311,218
Rental expenses on leases		
- minimum lease repayments	409,544	307,347
Audit fees		
- audit services	17,750	15,310



**6 Cash and Cash Equivalents**

	2018	2017
	\$	\$
Cash at bank and in hand	817,501	1,611,888
Short-term deposits	2,848,211	2,810,472
	<u>3,665,712</u>	<u>4,422,360</u>

**7 Trade and Other Receivables**

CURRENT		
Trade receivables	219,466	228,239
Other receivables	20,328	11,672
<b>Total current trade and other receivables</b>	<u>239,794</u>	<u>239,911</u>

**8 Other Non-financial Assets**

Prepayments	<u>63,384</u>	<u>48,258</u>
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**9 Property, plant and equipment****PLANT AND EQUIPMENT**

	<b>2018</b>	<b>2017</b>
	<b>\$</b>	<b>\$</b>
Plant and equipment		
At cost	<b>114,186</b>	114,186
Accumulated depreciation	<b>(88,636)</b>	(75,578)
Total plant and equipment	<b>25,550</b>	38,608
Furniture, fixtures and fittings		
At cost	<b>39,291</b>	39,291
Accumulated depreciation	<b>(37,296)</b>	(32,888)
Total furniture, fixtures and fittings	<b>1,995</b>	6,403
Motor vehicles		
At cost	<b>74,780</b>	74,780
Accumulated depreciation	<b>(66,311)</b>	(58,501)
Total motor vehicles	<b>8,469</b>	16,279
Computer equipment		
At cost	<b>136,028</b>	136,028
Accumulated depreciation	<b>(120,322)</b>	(104,277)
Total computer equipment	<b>15,706</b>	31,751
Computer software		
At cost	<b>11,937</b>	11,937
Accumulated depreciation	<b>(11,937)</b>	(11,937)
Total computer software	<b>-</b>	-
Improvements		
At cost	<b>18,690</b>	18,690
Accumulated depreciation	<b>(18,690)</b>	(18,690)
Total improvements	<b>-</b>	-
Artwork		
At cost	<b>7,800</b>	7,800
Accumulated depreciation	<b>(4,238)</b>	(3,458)
Total artwork	<b>3,562</b>	4,342
<b>Total property, plant and equipment</b>	<b>55,282</b>	97,383



## 9 Property, plant and equipment

### Movements in Carrying Amounts

Movement in the carrying amounts for each class of property, plant and equipment between the beginning and the end of the current financial year:

	Plant and Equipment \$	Furniture, Fixtures and Fittings \$	Motor Vehicles \$	Computer Equipment \$	Computer Software \$	Improvement s \$	Artwork \$	Total \$
<b>Year ended 30 June 2018</b>								
Balance at the beginning of the year	38,608	6,403	16,279	31,751	-	-	4,342	97,383
Depreciation expense	(13,058)	(4,408)	(7,810)	(16,045)	-	-	(780)	(42,101)
<b>Balance at the end of the year</b>	<b>25,550</b>	<b>1,995</b>	<b>8,469</b>	<b>15,706</b>	<b>-</b>	<b>-</b>	<b>3,562</b>	<b>55,282</b>

## 10 Trade and Other Payables

Current		
Trade payables	462,049	273,268
Sundry payables and accrued expenses	97,177	270,928
Funds held in trust	2,241,321	1,944,038
Credit cards	4,897	-
	<b>2,805,444</b>	<b>2,488,234</b>



**11 Tax assets and liabilities****(a) Current Tax Asset**

	2018	2017
	\$	\$
GST receivable	38,179	-

**(b) Current Tax Liability**

GST payable	-	68,137
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**12 Employee Benefits**

## Current liabilities

Long service leave	242,189	218,824
Annual leave	272,519	231,327
Other employee benefits	59,829	36,918

	<b>574,537</b>	<b>487,069</b>
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## Non-current liabilities

Long service leave	45,297	20,644
	<b>45,297</b>	<b>20,644</b>

**13 Other Financial Liabilities**

Government grants	532,215	1,624,709
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**14 Leasing Commitments****Operating leases**

Minimum lease payments under non-cancellable operating leases:

- not later than one year	152,217	368,982
- between one year and five years	61,708	196,693
	<b>213,925</b>	<b>565,675</b>

Operating leases are in place for office equipment, rental of the premises at King William Street and motor vehicles. Lease payments are increased on an annual basis to reflect market rentals.



## 15 Financial Risk Management

The Company's financial instruments consist mainly of deposits with banks, accounts receivable and payable.

The totals for each category of financial instruments, measured in accordance with AASB 139 as detailed in the accounting policies to these financial statements, are as follows:

		2018 \$	2017 \$
<b>Financial Assets</b>			
Cash and cash equivalents	6	3,665,712	4,422,360
Loans and receivables	7	239,794	239,911
<b>Total financial assets</b>		<b>3,905,506</b>	<b>4,662,271</b>
<b>Financial Liabilities</b>			
Financial liabilities amortised at cost		-	-
- Trade and other payables	10	2,805,444	2,488,234
<b>Total financial liabilities</b>	10	<b>2,805,444</b>	<b>2,488,234</b>

## 16 Contingencies

In the opinion of the Directors, the Company did not have any contingencies at 30 June 2018 (30 June 2017:None).

## 17 Related Parties

### (a) The Company's main related parties are as follows:

Key management personnel - refer to Note 19.

Other related parties include close family members of key management personnel and entities that are controlled or significantly influenced by those key management personnel or their close family members.

### (b) Transactions with related parties

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated.

The following transactions occurred with related parties:

A company directed by Paul Case, a director, provided consulting services	39,633	14,500
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## 18 Events Occurring After the Reporting Date

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



## **19 Key Management Personnel Remuneration**

The totals of remuneration paid to the key management personnel of South Australian Native Title Services Ltd during the year are as follows:

The total remuneration paid to key management personnel of the Company is \$ 687,841 (2017: \$ 673,768).

## **20 Members' Guarantee**

The Company is incorporated under the *Corporations Act 2001* and is a Company limited by guarantee. If the Company is wound up, the constitution states that each member is required to contribute a maximum of \$ 5 each towards meeting any outstandings and obligations of the Company. At 30 June 2018 the number of members was 9 (2017: 8).

## **21 Statutory Information**

The registered office and principal place of business of the company is:

South Australian Native Title Services Ltd

Level 4

345 King William Street

Adelaide SA 5000

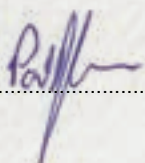


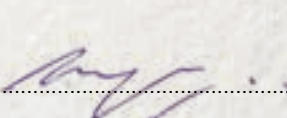
# Directors' declaration

The directors of the Company declare that:

1. The financial statements and notes, as set out on pages 7 to 25, are in accordance with the *Australian Charities and Not-for-profits Commission Act 2012* and:
  - a. comply with Australian Accounting Standards - Reduced Disclosure Requirements; and
  - b. give a true and fair view of the financial position as at 30 June 2018 and of the performance for the year ended on that date of the Company.
2. In the directors' opinion, there are reasonable grounds to believe that the Company will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the Board of Directors.

Director: 

Director: 

Dated this 28<sup>th</sup> day of September 2018









South Australian Native Title Services (SANTS)  
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