NATIVE TITLE SERVICES VICTORIA

ANNUAL REPORT 2011–12

Native Title Services Victoria Ltd

Native Title Services Victoria Ltd

Letter of Transmittal

The Hon. Jenny Macklin MP

Minister for Families, Community Services and Indigenous Affairs

Parliament House

Canberra ACT 2600

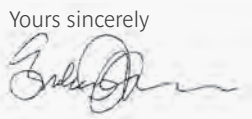
15 October 2012

Dear Minister

On behalf of the Board of Native Title Services Victoria, I am pleased to present our annual report for the financial year 2011-2012.

The report has been prepared in accordance with FaHCSIA's annual report guidelines and includes a review of our performance and the audited financial statements.

Yours sincerely



Graham Atkinson

Chairman

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About Native Title Services Victoria

Our Vision

To turn the tide of history for Traditional Owners in Victoria

Our Mission

To facilitate sustainable native title and land justice outcomes

Our Values

Native Title Services Victoria is committed to:

- Respect and support for the autonomy of native title groups
- Respect, honesty and integrity in all our dealings
- Transparency, accountability and fairness in our decision making
- Professional, reliable and timely service delivery
- Valuing our staff and provision of a diverse and supportive workplace
- Displaying cultural sensitivity and awareness

Our Strategies

Native Title Services Victoria has defined four strategic focus areas:

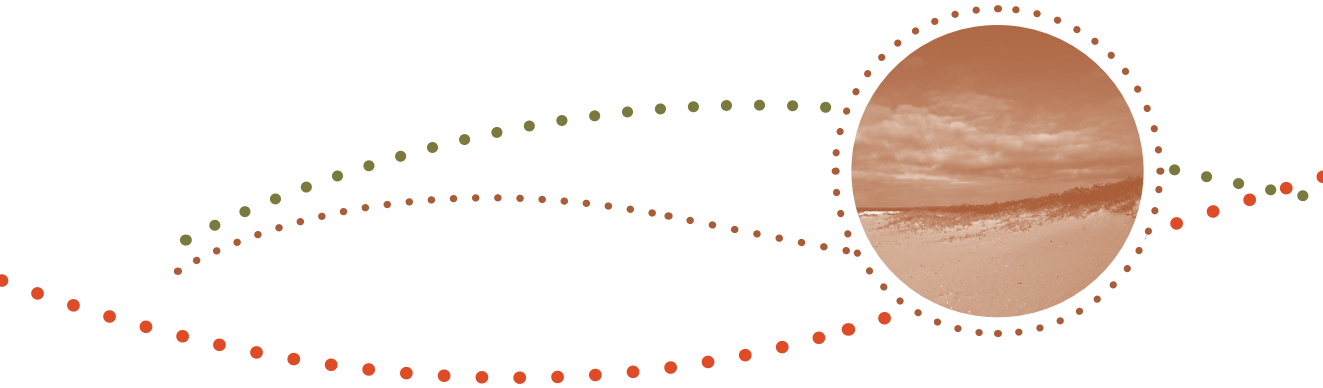
1. A strong performance in terms of successful determinations, settlements and agreements
2. Influencing policy and legislative reforms (primarily at State level)
3. Supporting Traditional Owners to develop sustainable organisations
4. Ensuring that Native Title Services Victoria is a robust and effective organisation

Overview

Native Title Services Victoria Limited (NTSV) represents native title claimants in Victoria and ensures that native title rights and interests are recognised and protected.

NTSV performs the functions of a native title representative body, as set out in the *Native Title Act 1993* (Cth) and was registered as a public company limited by guarantee under the *Corporations Act 2001* (Cth) on 12 August 2003.

As the recognised native title service provider for Victoria, NTSV receives funding from the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to perform its functions. Funding support has also been received from the Victorian State Government for specific purposes.



A Report from our Chairman

The period June 2011 to June 2012 has been one marked by a great number of changes for NTSV. I am pleased to be able to report, however, that the company has successfully tackled the challenges raised by these changes and moved forward to a much stronger position.

The first change I must report on is in respect of the position of Chief Executive Officer (CEO). Chris Marshall was the appointed CEO at the inception of NTSV. As foreshadowed in the company's previous annual report, after over seven years working with NTSV Chris decided it was time to move on to other challenges.

I must take this opportunity to thank Chris for his tireless efforts over such a long period of time on behalf of NTSV and indeed the entire Victorian Traditional Owner community. Chris guided NTSV from its inception and growth to the stable respected organisation that it is today. Over that period there were a number of significant milestones. These have included consent determinations in favour of the Wotjobaluk, Jaadwa, Jadawadjali and Japagulk peoples and further consent determinations in favour of the Gunaikurnai, Gunditjmara and Eastern Maar peoples. Of particular significance during the term of Chris's office was the passage of the *Traditional Owner Settlement Act 2010* (Vic) and the execution of the first of the agreements under this Act in favour of the Gunaikurnai peoples. On a personal note I would like to express my thanks to Chris for the friendship and support he has shown me over the entire period we worked together.

Chris's departure necessitated the appointment of his replacement. The decision regarding the appointment of a CEO is probably the most significant decision a Board can make. Fortunately, as Chris gave over 12 months' notice of his intention to depart the Board was able to undertake a comprehensive recruitment process. The result of this process was the appointment of Matthew Storey on 30 January 2012.

Originally from Victoria, Matthew is a recognised and respected lawyer and academic with over twenty years' experience working in Aboriginal affairs primarily in the Northern Territory. He comes to NTSV having served as Associate Professor and Head of Law at Charles Darwin University, President of the NT Law Society and having worked as a Senior Crown Law Officer in the Solicitor for the Northern Territory for over ten years. The Board is confident that with Matthew at the helm NTSV is in capable hands. Though it is a steep learning curve for any incoming CEO, Matthew has settled into the role well.

Graham Atkinson
Chairmam

A further significant change occurred at Board level. Eleanor Bourke was one of the founding Directors of NTSV first appointed in November 2003. Eleanor stood down as a Director at the meeting of the Board in January 2012. Again I would like to express my particular thanks to Eleanor for her ongoing commitment to the organisation and wise counsel to myself over these many years. After a public recruitment process Eleanor was replaced on the Board by Ken Stewart in February 2012. Ken is a Wamba Wamba man with extensive experience in Indigenous corporate governance, native title, cultural heritage and natural resource management. His depth of experience has already made a valuable contribution to the activities of the organisation.

In July 2011 the Gunditjmara Part B consent determination was handed down by Justice North of the Federal Court. The determination was particularly significant in two respects. First, it constituted the first consent determination to be delivered during the term of the current Government. The Ballieu Government, in particular Attorney-General Robert Clark, is to be congratulated on this manifestation of a mature bi-partisan approach to delivering justice to Victoria's Traditional Owners. The second significant aspect of the Part B determination is that it represented the first occasion that the Court has recognised an area as the "shared country" of two Traditional Owner groups; the Gunditjmara and the Eastern Maar. The fact of shared country is manifested by the recognition of two Traditional Owner corporations recognised in respect of the Part B determination area: the Gunditj Mirring Aboriginal Corporation and the Eastern Maar Aboriginal Corporation. This concrete manifestation of Traditional Owner groups working collaboratively to further their common interests should be an inspiration to all of us. With this inspiration before us the Board is confident of delivering increased outcomes for Victoria's Traditional Owners in the coming year.

A Report from our Chief Executive Officer

Matthew Storey
CEO

In last year's Annual Report Chris commented that the financial year 2010-2011 "in some respect marked a high water mark for the organisation." No doubt in the context of the passage of the *Traditional Owners Settlement Act 2010* (Vic) ("*Settlement Act*") and the execution of the first suite of agreements under that Act, Chris was right. In other respects, I hope perhaps not so much.

This noted I will proceed by highlighting some of the significant achievements realised during the reporting period. The first of these must be the Gunditjmara Part B consent determination in July 2011. While NTSV has facilitated a number of consent determinations in Victoria to date they are still not so common as to pass without significant celebration.

Expanding Role of Traditional Owner Corporations

The Part B determination is particularly significant as it represents the first occasion that the Court has recognised an area as the 'shared country' of two Traditional Owner groups; the Gunditjmara and the Eastern Marr. While this fact highlights the adaptability of structures under the *Native Title Act*, the Part B determination has also led to the creation of a fourth Prescribed Body Corporate (PBC) in Victoria. Those PBCs are:

- Barengi Gadjin Land Council Aboriginal Corporation;
- Gunaikurnai Land and Waters Aboriginal Corporation;
- Eastern Maar Aboriginal Corporation; and
- Gunditj Mirring Traditional Owner Aboriginal Corporation.

In addition the imminent settlement of the Dja Dja Wurrung claims, under the auspices of the Settlement Act, will see the Dja Dja Wurrung Clans Aboriginal Corporation recognised as a Traditional Owner Entity under that Act and effectively fulfilling the role of a PBC.

The following map sets out the areas of the determinations and settlements where these Traditional Owner corporations have native title management responsibilities.

Native Title Applications and Determination Area in Victoria

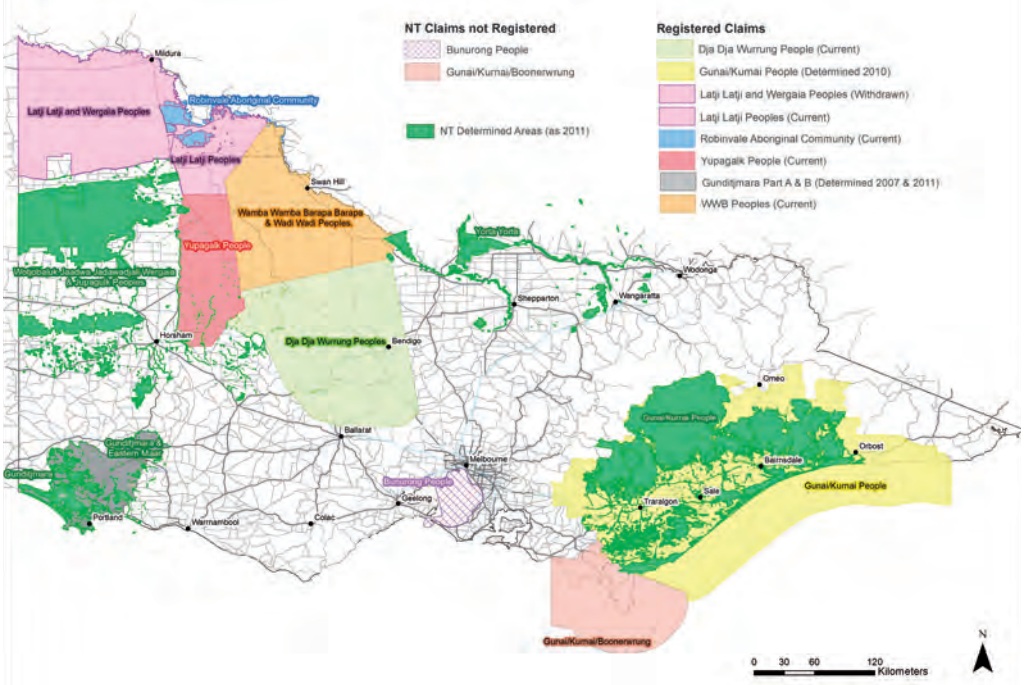
It is anticipated that further claims on behalf of the Eastern Maar will be filed shortly and a claim under the Settlement Act and claims on behalf of the Taungurong were filed shortly after the reporting period. Once resolved, these claims will further enlarge the areas for which Traditional Owner corporations will have land management responsibility.

The growing role of Victorian Traditional Owner corporations in land management and in facilitating Indigenous economic development through their settlements points to a strong need for NTSV to support and assist Traditional Owner corporations further, both now and into the future.

This need is recognised both in the NTSV 2011 – 2014 Strategic Plan and in the Operational Plan that was adopted by the Board for the reporting period.

In this respect it is pleasing to note that the current Government did, over the course of 2012, commence fulfilling its responsibilities under the Gunditjmara Indigenous Land Use Agreement (ILUA) and embarked on a process of renegotiation and review of the settlement framework. It is anticipated that in the 2012-13 reporting period NTSV will also be able to assist both Barengi Gadjin Land Council and the Gunaikurnai Land and Waters Aboriginal Corporation in a similar process with regard to their settlement agreements. However, while assisting Traditional Owner Corporations will increasingly constitute the core business of NTSV into the future, it is only one aspect of its current functions.

At present, and certainly during the reporting period, assisting Traditional Owner groups in the preparation and carriage of claims under the *Native Title* and *Settlement Acts* is the major component of NTSV activities.



Claim Activity

A comprehensive claims round-up is presented later in this Annual Report. At this point I will focus only on a few matters that illustrate aspects of the nature of NTSV's work.

The Dja Dja Wurrung claim is significant as it will be the first claim resolved *primarily* under the Settlement Act. The 'claim' in fact involves five claims under the *Native Title Act*, many of these filed in response to s 29 (mining proposal) notices.

The settlement will take the form of an ILUA under the *Native Title Act* and include a suite of agreements under the Settlement Act. This combination will establish joint management arrangements for many of the national parks in the claim area, establish an alternative structure for 'future acts' that is both workable and provides tangible benefits for Traditional Owners and will also provide the foundation of a sound and enduring economic base for both the Dja Dja Wurrung Traditional Owners and their corporation.

By contrast a 'bare' determination under the *Native Title Act* could have, at best, led to non-exclusive rights of access to, and use of, public lands not greatly enhanced above that of the general publics. Of course comprehensive settlements of the nature being finalised in the Dja Dja Wurrung matter are often complex and technical arrangements. They require significant time, expertise and capacity to negotiate. It is thus pleasing to be able to report that an in principle agreement in the Dja Dja Wurrung matter is anticipated to be reached by the end of this calendar year.

Over the reporting period work also continued on NTSV's other priority matter; the Wadi Wadi, Wamba Wamba and Barapa Barapa claim. These two matters constitute the main claim negotiation activity of the organisation during the reporting period.

A crucial precursor to claim negotiation is activities that can be summarised as 'claim preparation.' This work involves a range of activities including anthropological and historical research, governance capacity development, natural resource management planning and economic development planning. The anthropological and historical research is necessary to identify and define the Traditional Owner group to the level of certainty required by both the technical legal standard of the *Native Title Act* and the requirements of the State under the Settlement Act. Of course given the devastating effects of dispossession of Victorian Traditional Owners by Europeans and the long period of time from first contact to the present, this research can be arduous. It is made more so by the Commonwealth Government's refusal to entertain amendments to the *Native Title Act* that would allow inferences in favour of Traditional Owners to be drawn from the paucity of historical data. This refusal should be condemned as the contemporary manifestation of the original Aboriginal dispossession that it is.

Once the identity of the Traditional Owner group is confirmed it is necessary to work with those Traditional Owners so that they are in a position to engage with the State and maximise the benefits of the agreements possible under the Settlement Act as summarised above in the context of the Dja Dja Wurrung claim. To ensure a Traditional Owner group is in such a position NTSV will work with the group to enhance its governance capacity and facilitate its development of aspirations in respect of natural resource management planning and economic development. Of course to be in a position to do so NTSV requires access to such expertise.

Over the reporting period this claim preparation work in the form of governance capacity development, natural resource management planning and economic development planning was commenced with the Taungurung people and to a certain extent also with the Eastern Maar people on the basis that these will be the next groups likely to engage in the claim negotiation process. Initial anthropological and historical research was undertaken in the far east and north-west of the State.

Internal Restructure

An internal staff restructure was undertaken over the course of the reporting period to ensure the continuity of matter management and the development of in-house expertise required by the three focus areas of claims preparation, claims management and Traditional Owner corporation support.

This restructuring involved the integration of the legal, research and community liaison sections to adopt a more 'team based' approach. Under this approach personnel are arranged into three teams. Each team is:

- led by a senior solicitor;
- includes one or two additional solicitors;
- includes an anthropologist, historian and a community liaison officer; and
- is responsible for providing services on an ongoing basis to several defined Traditional Owner groups.

Each team manages claims work and negotiations, future acts work, and the provision of on-going legal, research and policy support to their assigned PBCs. This restructuring involved the integration of the former NTSV Future Acts Section into the team structure.

To complement this structure the policy capability of NTSV was enhanced with the provision of specialist expertise through the engagement of a Policy and Communications Officer, an Economic Development Advisor and also a Traditional Owner Corporation Development Advisor. These positions added to the Senior Natural Resource Management Advisor position and allow a greater focus by the Operations and Planning Manager (currently on maternity leave) in policy coordination and implementation.

Responsible Financial Management

The resources to expand NTSV's policy expertise became available due to a reduction in the need for external barristers as a direct result of the restructure.

Overall the organisation has continued in a stable financial position while being able to increase activity levels.

Also over the course of the reporting period the organisation commenced negotiation of its first Enterprise Agreement under the *Fair Work Act*. It is anticipated that these negotiations will be concluded in this calendar year.

Thank you

I would like to express my appreciation to the entire body of NTSV staff for the support and cooperation they have manifested since my appointment and through the process of restructuring.

I would like to express my particular thanks to Annie Keeley of counsel for her many years of work on the Gunditjmara claim both in her role as counsel and previously as an employed solicitor in NTSV.

I would also like to note my particular thanks to my Executive Assistant, Debbie Heeney and to my Senior Management team: Drew Berick, Christy Hawker, David Lucas, Tatiana Romanovsky and especially NTSV Corporate Services Manager Kim Robinson and Principal Legal Officer Austin Sweeney - the latter two not least for their (apparently) endless patience and tolerance. Finally, my particular thanks for his support, guidance and counsel must go to Graham Atkinson.

Our Role and Functions

Legislation

The three principal statutes that relate to NTSV's work are:

- *Native Title Act 1993* (Cth)
- *Corporations Act 2001* (Cth)
- *Traditional Owner Settlement Act 2010* (Vic)

Native Title Act 1993 (Cth)

The *Native Title Act* defines the functions and powers of representative bodies as follows:

a) The facilitation and assistance functions referred to in section 203BB

b) The certification functions referred to in section 203BE

c) The dispute resolution functions referred to in section 203BF

d) The notification functions referred to in section 203BG

e) The agreement making functions referred to in section 203BH

f) The internal review functions referred to in section 203BI

g) The functions referred to in section 203BJ and such other functions as are conferred on representative bodies by that Act.

Corporations Act 2001 (Cth)

NTSV was registered on 12 August 2003 as a public company limited by guarantee under the *Corporations Act 2001* (Cth). Accordingly, our corporate governance and financial reporting practices align to, and comply with, this Act.

Traditional Owner Settlement Act 2010 (Vic)

The *Traditional Owner Settlement Act 2010* (Vic) was the result of a collaborative undertaking between the State Government and the Victorian Traditional Owner Land Justice Group to find an alternative way to resolve native title claims in Victoria.

The Act provides for out-of-court settlements of native title and delivery of land justice by enabling the Victorian Government to make agreements to recognise Traditional Owners and their rights in Crown land in return for the settlement of current and future claims under the *Native Title Act*.

NTSV Constitution

NTSV's objectives, functions, powers and governance structure are set out in its Constitution.

Planning Framework

Setting of Priorities

NTSV has more requests for assistance from native title groups than it is able to meet at any given time.

The NTSV Board set out its priorities for the provision of professional services to client groups in its Operational Plan for 2011-2012 (see page 16) During the year the Operational Plan guided the direction of resources and assisted the Board and the Senior Management Team to monitor progress.

Guidelines for Assistance Policy

NTSV continues to implement the 'Guidelines for Assistance' Policy in assessing requests for assistance from native title groups.

In accordance with these guidelines assessment research is conducted as the first step in providing assistance with new claims, to enable preliminary legal advice to be provided to native title groups before any new native title application is filed. Legal and research assistance are only provided in accordance with the priorities set by the NTSV Board each year and reflected in the Operational Plan approved by FaHCSIA.

This year, Victoria's four PBCs met for the first time to address their concerns as a group, at the instigation of NTSV. The PBCs sought and received a commitment from NTSV to hold twice yearly meetings starting in 2012. NTSV is pleased to be able to continue the relationship with PBCs and is offering increased assistance in the post determination area.

Strategic Plan

NTSV launched its 2011-2014 Strategic Plan at the Koorie Heritage Trust in August 2011. The plan sets out a four year vision and is the result of close collaboration between staff and the Board.

The Strategic Plan underpins our priorities and is divided into four focus areas:

- Facilitate successful determinations, settlements and agreements
- Influence policy and legislative reform
- Support Traditional Owners to develop sustainable organisations
- Ensure NTSV strength, security and capability

Strategic Plan 2011–14

Focus Areas	Strategies
Facilitate successful determinations, settlements and agreements	• Manage resource allocation to simultaneously settle priority claims and ready other claims to take on priority status • Use cross-organisational project teams to progress activities on the Operational Plan • Develop and implement a future acts assistance policy • Develop and implement an external communications strategy • Maintain collaborative relationships with all stakeholder agencies
Influence policy and legislative reform	• Conduct a sustained and persuasive dialogue with relevant State Government ministers • Provide timely and relevant policy and strategic advice to the Land Justice Group • Work with the Land Justice Group to clarify its future role and relationship with NTSV • Strengthen the alignment of cultural heritage and native title processes • Participate actively in the NNTC and contribute to its policy advocacy
Support Traditional Owners to develop sustainable organisations	• Provide legal and strategic advice to PBCs and other post-settlement organisations on request • Define NTSV's role in developing sustainable traditional owner organisations • Develop capacity building and agreement implementation support service model • Develop and participate in initiatives to resolve inter/intra- group conflict, including the Right People for Country project
Ensure NTSV strength, security and capability	• Broaden staff skills mix to improve service delivery • Enhance NTSV's financial administration and information management systems • Enhance NTSV's performance management systems • Strengthen NTSV's governance structure, as necessary • Develop and implement an Indigenous employment strategy • Strengthen NTSV's internal communications

Goals	Evidence of Success
Successful native title outcomes are achieved	• Agreements reached reflect or set best- practice standards in recognising and protecting Traditional Owner rights and interests • Traditional Owners' land aspirations are met
Policy and legislation increasingly recognises Traditional Owner rights and interests	• Framework policy principles are implemented • Core Traditional Owner Settlement Act provisions have been retained • NTSV has contributed constructively to NTA amendment proposals
Traditional Owners participate fully in the social, cultural and economic life of Victoria, supported by active, sustainable traditional owner organisations	• Traditional Owners participate as key stakeholders in government and industry decision-making • Sustainable funding arrangements are in place for all TO corporations • TO corporations have RAP status across the State • TO corporations receive the support they need to succeed • There are effective mechanisms for resolving inter- and intra-Indigenous disputes
NTSV is a robust, effective organisation	• There is increased funding security • There is a sound mix of staff capabilities • There are effective systems and governance arrangements • The organisation is well managed • Staff are supported in their work

Review of Performance

This is a review of our achievements over the year to illustrate how they relate to the four focus areas of our strategic plan.

Facilitate successful determinations, settlements and agreements

- The Gunditjmara Part B and Eastern Maar native title claim was settled.
- Dja Dja Wurrung is on schedule to reach an in-principle agreement by the end of the year.
- Resources are being allocated to simultaneously settle priority claims and ready other claims to take on priority status.
- Following a staff restructure, multi-disciplinary project teams were put in place at the end of the year to progress activities on the Operational Plan.
- A Communications Officer was recruited and work is underway on an external communications strategy.
- Collaborative relationships with stakeholder agencies were maintained.

Influence policy and legislative reform

- Participation in the Victorian Traditional Owner Settlement Framework Executive Group.
- Victorian Traditional Owners through the Land Justice Group were given relevant policy and strategic advice to enable three submissions to be made to government reviews, strengthening the alignment of cultural heritage and native title.
- NTSV made three submissions to the government reviews in an effort to influence legislative reform.
- NTSV's CEO and Chairman are on the Board of the National Native Title Council and NTSV continues to make a financial contribution to its advocacy activities.
- NTSV provided office facilities and support for both the CEO of the National Native Title Council and a Research Officer undertaking a ground-breaking project aiming to secure a future where Indigenous cultural water allocations are embedded within Australia's legal and policy framework.
- The Minister for Aboriginal Affairs has agreed to meet with key Victorian Traditional Owner Representatives.

Support Traditional Owners to develop sustainable organisations

- At the instigation of the NTSV Board, Victoria's four PBCs met as a group for the first time in October 2011.
- Legal advice and assistance has been given to PBCs as requested.
- An Economic Development Advisor position was created to assist PBCs develop sustainable Traditional Owner corporations.
- NTSV recruited a Traditional Owner Corporations Advisor to develop capacity building and an agreement implementation support service model.
- Legal advice was given to several groups in boundary negotiations with their neighbours and NTSV provided advice to the Right People for Country project.

Ensure NTSV strength, security and capability

- A new CEO was appointed with the experience and capacity to lead the NTSV through its next phase of operations.
- A new policy team was recruited to improve service delivery.
- All managers have completed governance training.
- A Senior Natural Resource Management Advisor was appointed thanks to funding from the Department of Sustainability and Environment.

Operational Plan

We manage and review our resources carefully via our Operational Plan to ensure that we meet the objectives laid out in our Strategic Plan. The following table illustrates our performance against our Operational Plan.

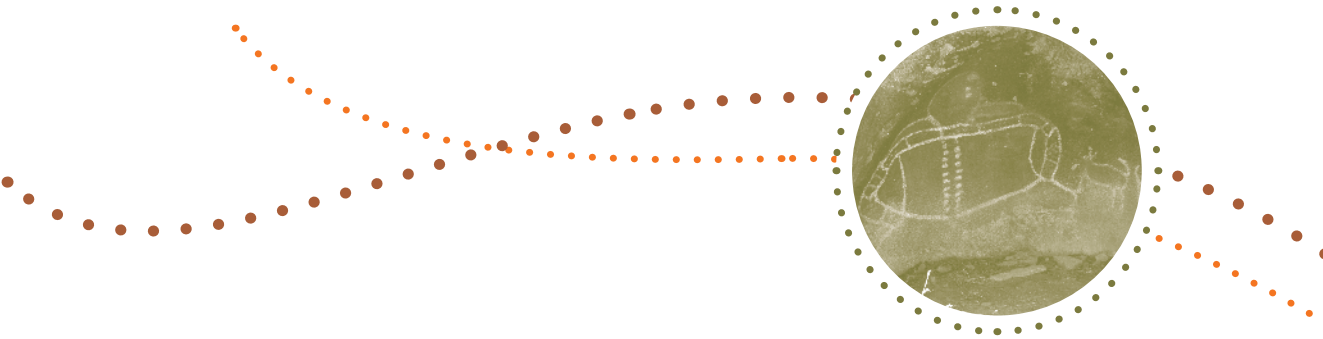
Native Title Services Victoria Ltd Operational Plan 2011-12

Activity Name	Objective	Outcome
Dja Dja Wurrung	*Settlement negotiations*	
	Determine and agree on settlement negotiation parameters with new State Government and agree revised negotiation plan	Achieved
	Continue to negotiate under the *Traditional Owner Settlement Act*, through meetings with the Dja Dja Wurrung Negotiating Team and the State and meetings with the full group to report on progress	Achieved
	Other pre-settlement work	
	Undertake boundary negotiations with neighbouring groups	In Progress
Gunaikurnai	Assist in establishing Prescribed Body Corporate (GLaWAC) as a fully functioning independent entity	Achieved
	Commence and progress negotiations on the outstanding agreements under the *Traditional Owner Settlement Act*	Not commenced
	Provide advice and assistance on the implementation of the Settlement Agreements	Achieved
Wamba Wamba, Barapa Barapa and Wadi Wadi (WWB)	*Research*	
	Complete Central Murray research	Achieved
	Settlement negotiations	
	Determine and agree on settlement negotiation parameters with new State Government and agree revised negotiation plan	Achieved
	Continue to negotiate under the *Traditional Owner Settlement Act*, through meetings with the WWB Negotiating Team and mediation and negotiation with the State and meetings with the full group to report on progress	Achieved
	Other pre-settlement work	
	Undertake boundary negotiations with neighbouring groups	In Progress
	Establish Corporate structure	
	Establish appropriate corporate structure for the combined Traditional Owner group	In Progress

Activity Name	Objective	Outcome
Gunditjmara	*Gunditjmara Part B*	
	Resolution of Part B of the Gunditjmara native title determination applications through a consent determination and an ILUA and any related agreements	Achieved
	Gunditjmara ILUA renegotiation	
	Commence and progress negotiations with the State regarding the review of the existing ILUA	In Progress
Eastern Maar	*Eastern Maar (Gunditjmara B)*	
	Resolution of Part B through a consent determination and an ILUA and any related agreements	Achieved
	Assist in establishment of Prescribed Body Corporate and the implementation of the Part B settlement	Achieved
	Eastern Maar	
	Undertake further research on boundaries/extent of country.	In Progress
	Provide advice and assistance to group regarding options for recognition and settlement over their traditional country.	Achieved
Yupagalk (Barengi Gadjin Land Council)agreements review)	Provide assistance to the group and the Barengi Gadjin Land Council to resolve the application through a negotiated agreement with the State	In Progress
Taungurung	Undertake further work to finalise the research	In Progress
	Provide advice and assistance to the group regarding options for recognition and settlement over their traditional country	In Progress
Robinvale (Latji Latji)	Complete Central Murray research report and present findings to the group	Achieved
	Provide advice to the group on basis for settlement and seek instructions about the future conduct of the application.	Achieved
	NNTT mediation with Latji Latji	Achieved

Operational Plan 2011-12 continued

Activity Name	Objective	Outcome
Policy and stakeholder engagement	Engage with State officers to develop and settle template agreements	Achieved
	Ongoing participation in the Framework Implementation Executive Group	Achieved
	Engage with State officers in the development of a statewide regime for Traditional Owner involvement in the management of natural resources	In Progresss
	Participate actively in the implementation and further development of the Right People for Country Project	Achieved
	Engage with State officers in relation to outstanding Framework matters	In Progress
	Provide ongoing Secretariat support to the Land Justice Group	Achieved
Assessment research	Undertake preliminary research as part of an initial assessment about relevant issues (Right People for Country, extent of country and rights and interests) to inform decisions about providing assistance to new clients	In Progress
	Undertake targeted community outreach to educate prospective clients about NTSV policy, native title research and processes	In Progress
Future Acts	Assist claimants and native title holders in negotiations with future act proponents	Achieved
	Provide advice and assist groups to establish appropriate structures to hold agreement monies	In Progress
NNTC	Participate in ongoing NNTC Board and Executive meetings	Achieved
	Contribute to NNTC policy and management	Achieved
PBC/TO Corporation support	Develop NTSV's role in supporting sustainable Traditional Owner organisations	Achieved
Natural Resource Management	Assist Traditional Owner groups in their capacity to develop and manage natural resources	Achieved
Corporate	Complete organisational policy manual	Achieved
	Ensure NTSV compliance with FaHCSIA funding conditions and statutory requirements	Achieved
	Improve key HR mechanisms	Achieved
	Upgrade NTSV's Information and Communication Technology capability	In Progress
	Upgrade structural layout of office and improve general amenity	In Progress
	Further development of internal policies and strategies	Achieved



Highlights of the Year

Gunditjmara and Eastern Maar Determination

At the start of the year, the Gunditjmara and Eastern Maar peoples were recognised as the native title holders for an area of their traditional country in south-west Victoria.

At a special sitting of the court, Justice North handed down the determination at Yambuk Coastal Reserve, an area of the coast close to Deen Maar Island which is a site of immense cultural significance for the Gundijtjmara and Eastern Maar people.

The occasion was marked with celebrations and speeches including a smoking ceremony and traditional dancing. The Victorian Attorney-General, the Honourable Robert Clark MP was presented with a message stick to symbolise the importance of an ongoing positive relationship with the government.

For the Eastern Maar people the determination is the first recognition of their native title rights. While for the Gunditjmara people it was the resolution of their native title applications first lodged in 1996.

The determination is the first recognition of native title by the present State Government and the first time that two groups of native title holders have been recognised in Victoria. It illustrates the achievements that can be made when Traditional Owners work together.

Justice North and Attorney-General Robert Clark

Uncle Johnny Lovett, Aunty Laura Bell and Aunty Maisie Davis welcome the court and guests to country

Victorian Traditional Owner Land Justice Group

NTSV continues to provide secretariat support and policy advice to the Victorian Traditional Owner Land Justice Group, as the representative body for Victorian Traditional Owners assisting them with briefings, submissions and meeting arrangements.

This year, NTSV assisted the Land Justice Group with submissions to the Aboriginal Heritage Review, the inquiry into Registered Aboriginal Parties and the Murray Darling Basin Plan, which was presented to the Chief of Staff for the Minister for Water at a ceremony in May.

This role is generously supported by funding from the Victorian Department of Justice and our principle funder FaHCSIA.

The Land Justice Group formed in 2005 as an unincorporated coalition of representatives of Traditional Owner groups across Victoria. Membership is open to one representative and a deputy from each group and the full group meets approximately every three months in Melbourne.

The Co-Chairs over the past year were Graham Atkinson, Melissa Jones, Bobby Nicholls and Annette Xiberras.

The Land Justice Group aims to lobby the Victorian Government for improvements to policy, legislation and action to achieve greater land justice for all of the Traditional Owners in the State. It continues a long tradition of Traditional Owner activism for land justice in Victoria and is regarded as a peak body for Victorian Traditional Owners. The group was integral in the formation of the Victorian Native Title Settlement Framework. At the National Native Title Conference in May 2012, The Minister for Families, Community Services and Indigenous Affairs, the Honourable Jenny Macklin MP gave a special mention in her speech to members Graham Atkinson, Len Clarke, Robert Nicholls, Sandra Onus, Albert Mullet and Mick Harding for setting the policy for the *Traditional Owner Settlement Act 2010* (Vic).

Left to Right: Luke Gardiner, Mark Gardiner and Jida Gulpilil-Murray presenting submissions

Natural Resource Management

In recognising growing aspirations and the central importance of Country to the health and prosperity of Victorian Traditional Owner communities, NTSV engaged a senior advisor to help create opportunities for greater involvement in natural and cultural resource management. The approach has focussed on both:

a) securing a range of outcomes in Native Title Agreements that recognise the primacy of rights and interests on traditional lands; and

b) participating in and influencing policy and planning processes of government and statutory authorities.

Dja Dja Wurrung, Taungurung, Gunaikurnai and Eastern Maar people are being engaged and supported to develop strategic whole-of-Country Plans that will articulate the vision, goals and objectives that these groups hold for their land, resources and communities. These plans also aim to outline the principles (based on cultural knowledge) that all stakeholders should take into account in the management of traditional lands.

Specialist advice to both NTSV and the Land Justice Group has been provided by the senior advisor in the development of comprehensive submissions to the Murray Darling Basin Plan and draft Victorian Waterway Management Plan.

A Land Justice Group Natural Resource Management sub-committee was established to provide advice to the Departments of Sustainability and Environment and Primary Industries and Parks Victoria on a number of areas such as joint management, carbon farming, forestry and the National Parks estate, marine protected areas and fisheries.

Victorian Prescribed Body Corporates Share Knowledge

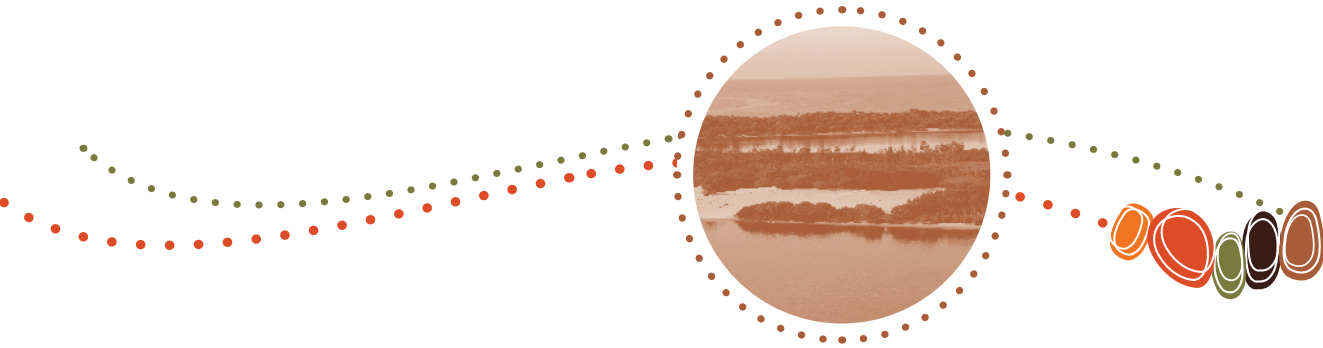
At the instigation of the NTSV Board, Victoria's four Prescribed Body Corporates met as a group for the first time in October 2011.

Representatives from Eastern Maar Aboriginal Corporation, Barengi Gadjin Land Council, Gunditj Mirring Traditional Owners Aboriginal Corporation and Gunaikurnai Land and Waters Aboriginal Corporation shared information and discussed a range of matters including managing future acts in the post-determination environment, PBC service and support needs and Natural Resource Management opportunities. NTSV convened a second meeting in December 2011 with support from the Australian Institute of Aboriginal and Torres Strait Islander Studies and a third meeting in April 2012.

The latter occasion also included a representative of the Dja Dja Wurrung Clans Aboriginal Corporation. As native title settlement negotiations progress in Victoria, there has been a growing demand from PBCs for support services that are targeted to common areas of need that can better equip them to develop into resilient and sustainable organisations. In 2011-12, NTSV began positioning itself to respond to this trend.

As part of its focus on enhancing support in this area and at the request of Victorian PBCs, NTSV has provided a commitment to convene three PBC meetings in 2012-13. Resourcing will be critical to offering enhanced and quality support in this area.

L-R Barry Kenny, Robert Critch, Jim Golden-Brown, Lloyd Hood, Frank Clarke, Aunty Lorraine 'Bunta' Pattern, Jeremy Clark, Uncle Herb Pattern, Damein Bell



Our Clients

Client Satisfaction

No complaints were received under NTSV's Handling of Complaints Policy. NTSV is developing a methodology for the ongoing measurement of client satisfaction that will be used in the coming years.

Scar tree, taken on a field trip on Dja Dja Wurrung Country

Dja Dja Wurrung

In June 2011 the State advised of its intention to recommence negotiations with the Dja Dja Wurrung on all agreement making options that had become available following the commencement of the *Traditional Owner Settlement Act 2010* (Vic). The Dja Dja Wurrung native title claims then became priority claims for NTSV over the year.

The Dja Dja Wurrung negotiating team met on an almost monthly basis during the year to negotiate the details of the settlement with the State. The full group met on two occasions for the purpose of receiving a progress report on negotiations and to provide instructions on a number of matters.

Under the provisions of the *Traditional Owner Settlement Act* the Dja Dja Wurrung and the State have been negotiating the terms of the following agreements: an Indigenous land use agreement, a recognition and settlement agreement (including a natural resources agreement and a land agreement), a land use activity agreement (which will replace the future acts regime under the *Native Title Act*), and a Traditional Owner land management agreement for the joint management of some national parks within the agreement area.

It is anticipated that in-principle agreement on all aspects of the settlement will be reached by the parties in late 2012.

Gunaikurnai

Since the settlement of the historic Gunaikurnai native title claim on 22 October 2010, the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) continues to engage on behalf of native title holders with relevant government agencies and external stakeholders to progress Gunaikurnai interests in the settlement area.

NTSV continues to assist GLaWAC with implementation matters which arise from the Gunaikurnai settlement agreements. This includes work to set up the operations of the Traditional Owner Land Management Board for the joint management of national parks and crown land areas within the Gunaikurnai settlement area.

In addition, NTSV is assisting GLaWAC with the progress of negotiations with land developers, including exploration and mining companies within Gunaikurnai country.

The GLaWAC Board meets monthly at their offices situated in Bairnsdale.

Lakes Entrance, Gunaikurnai country

Gunditjmara and Eastern Maar Peoples – Joint Recognition in Part B

On 27 July 2011, the Gunditjmara and Eastern Maar Peoples were recognised as the native title holders for an area of their traditional country in south west Victoria.

The Federal Court of Australia made orders recognising the ongoing native title rights of the Gunditjmara and Eastern Maar Peoples. A determination was handed down at Yambuk Coastal Reserve, an area of the coast close to Deen Maar Island (Lady Julia Percy Island). The area in which native title has been recognised is between the Shaw and Eumeralla Rivers and from Yambuk in the south to beyond Lake Linlithgow in the north.

Since the determination, representatives of both groups have been working towards developing a single interface for dealing with native title and cultural heritage matters in the area.

Gunditjmara

The Gunditjmara People continue to meet monthly through meetings of the Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC). The GMTOAC continues its work in representing the interests of Gunditjmara people in the area of the consent determination.

The GMTOAC's funding agreement came to a conclusion on 30 June 2012 and the Corporation has recently secured funding from the State of Victoria for the next financial year. As part of the 12 month funding agreement, the GMTOAC will be required to develop a business development and sustainability plan for the State of Victoria and NTSV will be assisting GMTOAC to develop this plan.

The State of Victoria has yet to indicate whether it is prepared to engage in a review of the 2007 Gunditjmara settlement ILUA, including whether it is prepared to entertain further settlement negotiations under the *Traditional Owner Settlement Act*.

NTSV continues to assist the GMTOAC in relation to its dealings with the State of Victoria and external stakeholders.

Eastern Maar

The Consent Determination between the Eastern Maar and Gunditjmara Peoples on 27 July 2011 in the Part B area (as detailed above), has provided the Eastern Maar with its first recognition under the *Native Title Act 1993*.

The Eastern Maar People and NTSV are working together to develop a claim over the broader extent of Eastern Maar country under the *Native Title Act* and the *Traditional Owner Settlement Act*.

Robinvale

A comprehensive review of the legal and anthropological basis for the Robinvale claim was conducted throughout 2010 -2011. As a result of this review the Robinvale Aboriginal Community native title group instructed NTSV to withdraw their application from the Federal Court.

The withdrawal of the application has facilitated NTSV to engage more broadly with Traditional Owner groups across the northwest to determine the best options for pursuing native title recognition in this part of the State. To this end NTSV will be conducting more research in the early stages of 2012-2013 and running a series of community meetings in the northwest.

Taungurung

A claim under the *Traditional Owner Settlement Act* for the Taungurung people was prioritised by NTSV in 2011-2012 and our researchers worked steadily to prepare a threshold statement. The statement was the product of rigorous and professional research practices.

From analysis of interviews with Taungurung people and existing records, the researchers at NTSV wrote a detailed report describing the Taungurung people's claim to their traditional country based on their genealogical link to ancestors, their association to their traditional country and their rights on that country.

The threshold statement setting out the research findings so as to satisfy the criteria set by the State is expected to be authorised by the full group meeting in July 2012.

Once the State agrees to the negotiations with the Taungurung in response to the threshold statement it will be the first claim to proceed under the *Traditional Owner Settlement Act* that is not underpinned by a native title claim under the *Native Title Act*.

Euston

Mt Buller

Wamba Wamba, Barapa Barapa, Wadi Wadi peoples

Negotiations between the Wamba Wamba, Barapa Barapa and Wadi Wadi peoples and the State resumed in July 2011. However, group composition issues resulted in negotiations being delayed while the Right People for Country program was engaged to assist the group. The Right People for Country program was successful in facilitating the resolution of some of the issues, however, others remain outstanding. Whilst these issues remain unresolved it is unlikely that the Wamba Wamba, Barapa Barapa and Wadi Wadi claim will be settled by negotiation or through the courts.

Given the statutory requirement for NTSV to provide assistance to native title groups in an efficient and cost-effective manner, NTSV has embarked on a review of its support for the Wamba Wamba, Barapa Barapa and Wadi Wadi claim. The outcome of this review will be known early in the 2012-13 financial year.

Wimmera (including Yupagalk)

At a meeting in September 2011 it appeared that provisional agreement had been reached between the Barengi Gadjin Land Council (BGLC) and the Applicant in the Yupagalk claim to resolve and withdraw this claim in the context of renegotiating the Wotjobaluk settlement ILUA with the State. Circumstances changed in the following months and it was no longer possible to resolve the Yupagalk claim in this way.

NTSV is continuing to work with the BGLC to ensure that all native title holders including those who identify as Yupagalk are able to exercise their native title rights and interests.

NTSV has recently met with the BGLC Board to discuss NTSV's role in providing ongoing support to the BGLC. This would include services relating to economic development and corporate governance and the renegotiation of the Wotjobaluk settlement ILUA that was negotiated in 2005.

Murray River at Swan Hill

Future Acts

NTSV provides assistance to Victorian native title groups in their negotiations with project proponents.

During the 2011-12 financial year six agreements relating to future act activities were executed.

There were four Deeds of Assumption signed under the Dja Dja Wurrung Regional Indigenous Land Use Agreement for Exploration:

1. Westrock Pty Ltd for Exploration Licence 5349, on 22 November 2011
2. Flitegold Pty Ltd for Exploration Licence 5387, on 13 January 2012
3. Bora Bora Resources Ltd for Exploration Licence 5384, on 20 February 2012
4. Karl Sabljak for Exploration Licence 5411, on 5 April 2012

There was one Deed of Assumption signed under the Dja Dja Wurrung Regional Indigenous Land Use Agreement for Small Scale Mining:

- Emerchandiser Pty Ltd for Mining Licence 5544, on 11 November 2011.

There was one other agreement executed during the period which was negotiated under the Right To Negotiate provisions:

- Commonwealth Mining Pty Ltd and the Gunaikurnai Native Title Group for Exploration Licence 5334, on 9 November 2011.

Future Act Notifications Information for the 2011-12 Financial Year

	Section 24	Section 24 KA	Section 29	ILUA	General notification	Total
BGLC			9			**9**
Bidawal	12	2				**14**
Boonerwrung	24	6				**30**
Dhuudhoroa	13	1	1			**15**
Dja Dja Wurrung	35	2	8	4		**49**
Eastern Maar	12	2	6			**20**
Gunaikurnai	22	2	10	1		**35**
Gunditjmara	7	4	11		1	**23**
Jaithmathang			2			**2**
Latji Latji						**0**
Latji Wergaia	1					**1**
Monaro	12	2	2			**16**
Robinvale	4		1			**5**
Taungurung	31		3		1	**35**
Wadi Wamba Barapa	7					**7**
Wathuarong	22	1	5	1	5	**34**
WJJWJ	5		5			**10**
Wurundjeri	22				1	**23**
Yorta Yorta	1					**1**
Yupagalk	1					**1**
Total	**231**	**22**	**63**	**6**	**8**	**330**

Corporate Governance

The Senior Management Team

The Chief Executive Officer leads NTSV through its day to day operations.

He is assisted by a management team consisting of

- Austin Sweeney, Principal Legal Officer
- Kim Robinson, Corporate Services Manager & Company Secretary
- David Lucas, Operations Planning Manager (covering for Christy Hawker's maternity leave)
- Tatiana Romanovsky, Research Manager
- Paul Simmons, Senior Lawyer

The Senior Management Team meets every fortnight to plan, discuss and review operational performance.

Matthew Storey, CEO

Matthew was appointed CEO in January this year following the departure of Chris Marshall.

Originally from Victoria, he is a former Associate Professor and Head of Law at Charles Darwin University in the Northern Territory. Most recently, Matthew held a senior position in the Northern Territory administration; with particular responsibility for Indigenous land tenures, encompassing native title, economic development, environmental and natural resources law.

Matthew was President of the Law Society of the Northern Territory for the past two years.

Principal Legal Officer – Austin Sweeney

Austin Sweeney joined NTSV as Principal Legal Officer in April 2009. He is a lawyer and mediator, and originally practised in the area of commercial law. He has extensive experience having worked on land rights and native title matters in different parts of Australia for over 20 years, both as a lawyer for native title representative bodies and as a consultant.

Kim Robinson, Corporate Services Manager & Company Secretary

Kim Robinson joined NTSV in 2008.

Kim is a qualified accountant and FCPA . He has extensive experience in administration, finance and human resource management gained through his roles as Company Secretary for various commercial, government and not-for-profit organisations.

David Lucas, Senior Natural Resource Management Adviser and Acting Operations Planning Manager

David Lucas joined NTSV in March 2011 in a newly created role focussing on natural resource management. He has an international and community development background and came across from the Department of Sustainability and Environment where he had been employed in a variety of policy, planning and program roles since 2005. These roles included supporting the development and implementation of the Land and Biodiversity White Paper, developing standards with Catchment Management Authorities for Regional Catchment Strategies, and managing the Victorian Landcare Program.

Christy Hawker, Operations and Planning Manager

Christy Hawker was appointed in October 2010. Christy has over a decade of experience in native title and alternative dispute resolution having worked in program management and policy advisory roles in government and non-government organisations in Western Australia and Victoria. Before commencing maternity leave in June, Christy led the planning and recruitment of the NTSV policy unit.

Tatiana Romanovsky, Research Manager

Tatiana Romanovsky joined NTSV in July 2010 to head up the Research Department.

She has over 15 years' experience in project and program management roles in Australia and overseas having worked in a variety of sectors within the development field including welfare, education and health.

In addition, Tatiana has experience of working with funding agents including Australian and overseas government bodies and private industries.

Tatiana holds a Masters of Applied Anthropology and Participatory Development.

Paul Simmons, Senior Lawyer

Paul Simmons joined NTSV in 1999 as a graduate lawyer and has been committed to native title service for the past 12 years.

Accountability

External Auditor and Audit Committee

Native Title Services Victoria is externally audited by McLean, Delmo Hall Chadwick (MDHC Audit Assurance Pty Ltd). Their report accompanies the financial statements for 2011-2012 and is included on page 56.

The functions of the Audit Committee are performed by the Board of Directors. These functions include reviewing internal operating controls, ensuring our resources are well managed and secured and assessing the quality and adequacy of financial systems and reports.

The Board has met with the auditor and is pleased to report there were no significant audit concerns.

Indigenous Programs Branch, Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)

To perform the functions of native title service delivery in Victoria, NTSV annually enters into a Program Funding Agreement (PFA) with the Land Branch of FaHCSIA.

The obligations of the PFA are detailed in a booklet entitled 'General Terms and Conditions Relating to *Native Title Program Funding Agreements*'. They are comprehensive and hold to account NTSV's Board and its management.

The reporting and acquittals framework ensure FaHCSIA are apprised of our activities regularly. To the best of our knowledge we have met all our obligations under the PFA. We acknowledge and value our good working relationship with FaHCSIA.

Risk Management

Risk management is an integral part of effective corporate governance. It identifies and assesses risks and adopts appropriate practices to mitigate those risks. There were no matters of risk that presented a concern to NTSV in 2011-2012.

Insurance

We have insurance cover for assets and activities which includes work cover, fire, burglary, money, public and products liability and general property, motor vehicle, professional indemnity and directors and officers insurance. There were no outstanding claims in 2011-2012 and we are not aware of any legal proceedings or material claims against us.

Ethical Standards, Polices and Procedures

Our Board, Management and staff are guided in their actions and duties by NTSV's Constitution and its policies and procedures, including Codes of Conduct. To ensure a fair and balanced prioritisation of our activities we have a well-documented internal review process.

We are pleased to note there were no reported breaches of our ethical standards, policies and procedures in 2011-2012.

Financial Overview

A summary of the operating result reported to FaHCSIA is given below[1]:

NTRB Functions (Funds utilized under Native Title Program Funding Agreement)	(1) Actual 2010-11 $'000	(2) Budget 2011-12 $'000	(3) Actual 2011-12 $'000	(4) Variation (column 3 minus column 2)
- Capital	30	252	237	(15)
- Activities	3,125	3,051	2,846	(205)
- Corporate	1,272	1,668	1,647	(21)
Total	**4,427**	**4,971**	**4,730**	**(241)**
Income				
FaCHCSIA Funding	4,176	4,492	4,492	-
Activity Generated Income	481	360	350	(10)
Other Income	42	119	130	11
Total	**4,699**	**4,971**	**4,972**	**(1)**
Surplus/(Deficit)	**272**	**-**	**242**	**240**

The table above indicates NTSV has underspent its budget by $240,000. It is important to note that this table excludes the legally committed contracts that were in place at 30 June 2012. The value of these contracts is taken into account by FaHCSIA at year end and these amounts are carried forward as unspent grants into the new financial year.

Once this is taken into account NTSV expenditure lines up within $17K of the budget for 2011-12.

Capital expenditure was unusually high in 2011-12 because of the renovations to the leased premises at 638 Queensberry Street, upgrade of the telephone system and the upgrade of the computer server and network. These one-off costs will benefit NTSV for some years to come.

[1]Note that this table is prepared in accordance with the FaHCSIA funding agreement and is not in accordance with accounting standards.

A summary of the operating expenditure for the 12 months to 30 June 2012, as reported to FaHCSIA is given below:

Activity Name	$'000
Dja Dja Wurrung	551
Gunditjmara	214
Wamba Wamba Barapa Barapa and Wadi Wadi	539
Gunaikurnai	164
Robinvale/Latji Latji	243
Yupagalk	87
Eastern Maar	143
Taungurung	154
Policy Engagement	300
Assessment Research	73
Future Acts	227
National Native Title Council	20
Natural Resource Management	113
Prescribed Body Corporate/Traditional Owner Support	18
Governance and Administration	1,884
Total	**4,730**

Our People

Workforce Planning

As a not-for-profit company NTSV has a number of initiatives in place which are designed to retain and attract highly qualified staff. These include flexible work arrangements with specific reference to family-friendly work practices, regular team building days, emphasis on training and professional development, access to salary sacrifice arrangements and tax benefits through our standing as a Public Benevolent Institution.

Additional benefits offered to employees include generous study leave arrangements, paid parental leave, lifestyle leave and cultural leave.

NTSV has strived to employ suitably qualified expert staff in line with its intention to move away from a reliance on external consultants and its commitment to broadening staff skills to improve service delivery.

As part of this commitment a Human Resources Management Officer was recruited to develop a more structured workforce plan including; career progression mapping for staff, skills gap analysis and a review of the approach to professional development.

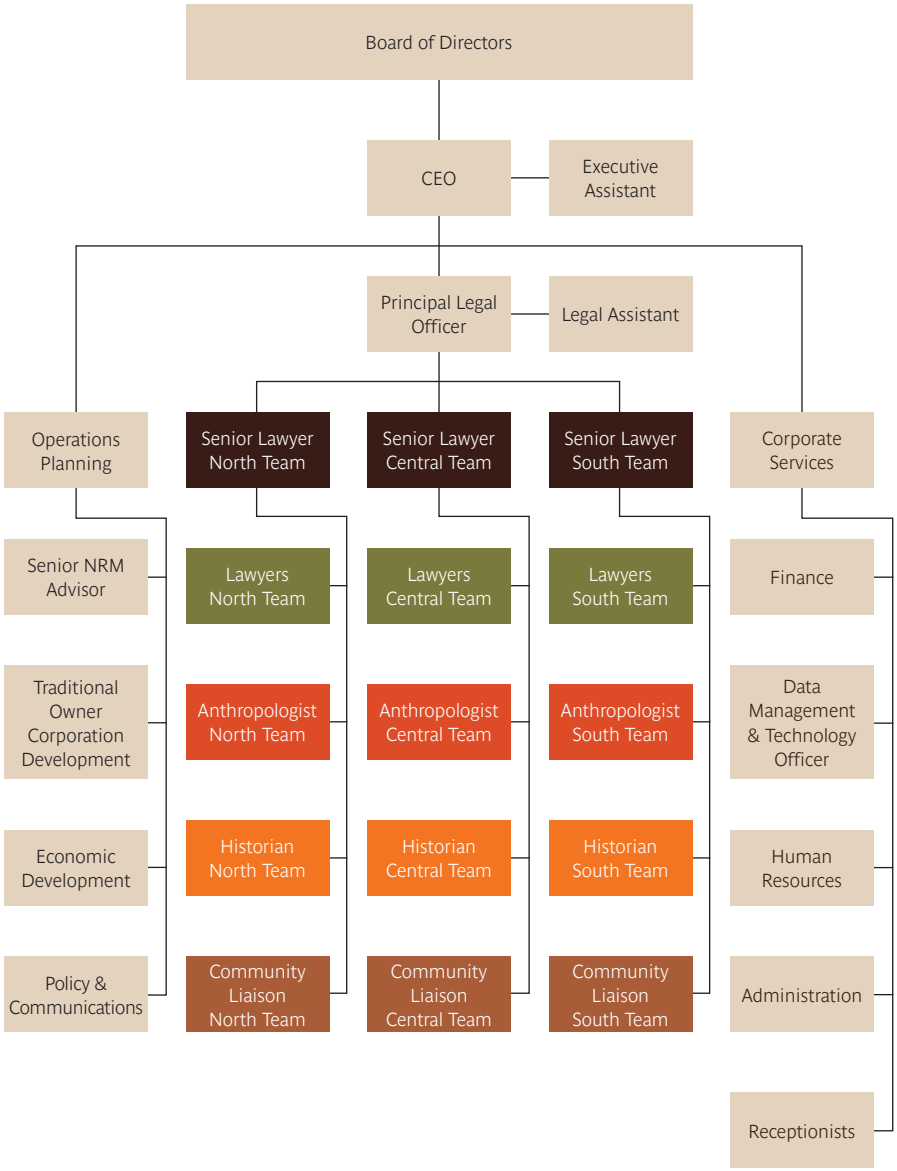
As outlined in the CEO report, NTSV underwent an internal restructure this year. Staff are now grouped into geographic teams that represent north, south and central Victoria with each team benefiting from dedicated legal staff, anthropologists, historians and community liaison officers.

As a direct result of this restructure and the move away from external consultants, the policy team was able to be strengthened with the addition of a Policy and Communications Officer, a Traditional Owner Corporation Development Advisor and an Economic Development Advisor.

The policy team will enhance NTSV's capability to influence policy and legislative reform and respond to the growing need to support the development of sustainable Traditional Owner organisations.

The organisational structure is illustrated on the following page.

Organisation Chart



NTSV is divided into three multi-disciplinary teams dedicated to geographic regions in Victoria.

Each team is co-ordinated by the Senior Lawyer, however; the research team and community liaison teams retain a management structure.

Each team is supported by the policy team and the corporate services team.

Training

As part of our strategy to ensure NTSV is a robust, and effective organisation, staff are encouraged to plan, source and undertake relevant training on a regular basis throughout the year.

NTSV spent $139,563 to provide 1,092 hours of professional development and training in the last year. The average training hours per person for the reporting period was 28 hours.

A key annual feature of the PD program is the National Native Title Conference, this year held in Townsville. NTSV provided the opportunity for 16 staff and 12 PBC/Traditional Owners to attend.

At the beginning of the reporting period NTSV accepted a grant from the Attorney-General's Department of $28,214 for use specifically to support the work of anthropologists. This funding was used for training, books and other relevant resources; this is included in the total spending listed above.

We acknowledge the contributions of the Aurora Project, who are specialised providers of training in the Native Title sector. Training provided by Aurora was attended by six staff members with representation from the research, legal, policy and administration sections of the organisation.

Other training providers include Leo Cussen Institute, Law Institute of Victoria, Australian Anthropological Society and the Victorian Employers' Chamber of Commerce and Industry.

Professional memberships paid by NTSV as a further support to the professional development of staff were a notable contribution to our spending this year, as in past years.

A large component of the expenditure on professional development and training was associated with travel and accommodation. A review will be undertaken to establish the extent to which equivalent training courses can be sourced that do not require travel or accommodation and to assess the role played by training offered by the Aurora Project and by FaHCSIA who offer training without registration fees, but often require travel.

Commencements and Departures

During the financial year we had 11 commencements and eight departures, along with changes to individual time fractions; the net effect on the equivalent full-time staff total was an increase of 2.43 (see Staff Profile Table).

With eight departures this year the staff turnover rate is 20.5%, down from 21.4% last year. This figure fits into the expected range based on labour trends for turnover of 15-25%.

Average length of service for staff as at 1 July 2012 is 3.91 years. A slight majority of staff, 52% have three years of service or less.

Terms and Conditions of Employment and Enterprise Agreement

NTSV staff are currently employed under a standard set of terms and conditions which are regularly revised to comply with industrial relations legislation.

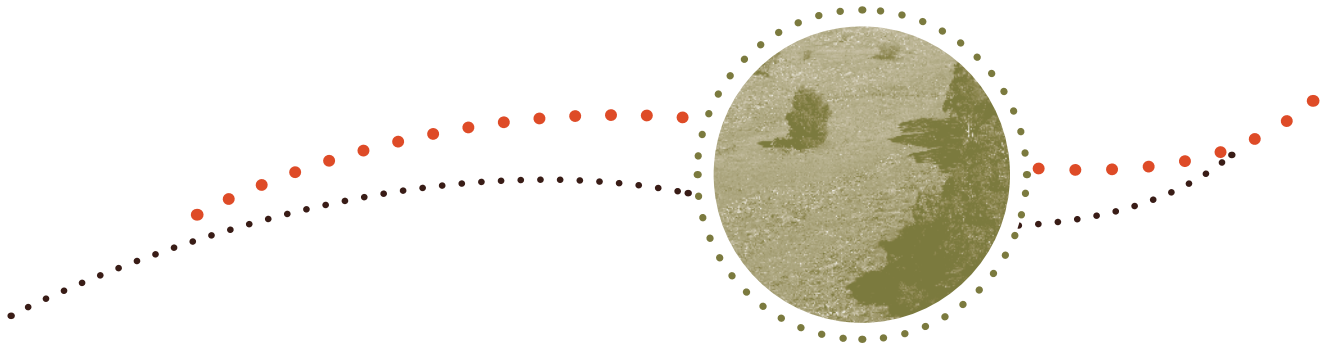
NTSV reviews salaries annually using federal and state government departments and agencies delivering similar services as benchmarks. Following this, and where funding constraints allow, salaries are adjusted to reflect CPI and merit based performance increases.

In June 2012 NTSV started the negotiation process for an Enterprise Agreement (EA), a recognised industrial agreement covering employment conditions for all staff and approved by FairWork Australia. This EA would replace the current terms and conditions of employment. It is anticipated that this process will be finalised before the end of 2012. Once finalised the EA will embody working conditions in which staff are better off overall than under the previous terms and conditions.

Occupational Health and Safety Performance

NTSV complies with the legislation requirements of the Occupational
Health and Safety Act 2004. Our policies and procedures promote a safe and healthy work environment. In 2011-12 there were no recorded injuries and/or claims for compensation.

Each year our staff travel over 90,000 kilometres on Victoria's roads and we have had another incident free year and have maintained our good record of safe driving.



Staff Profile

The following is NTSV's staff profile as at 30 June 2012: -

Equivalent Full-Time	Indigenous		Non-indigenous		Total	
	2012	2011	**2012**	2011	**2012**	2011
Female	**3.40**	2.60	**13.68**	13.05	**17.08**	15.65
Male	**3.00**	3.40	**10.40**	9.00	**13.40**	12.40
Total	**6.40**	6.00	**24.08**	22.05	**30.48**	28.05

The above statistics are staff numbers based on equivalent full-time hour per week (37.5 hours). The actual number of staff is greater, for instance as at 30 June 2012 NTSV employed 39 individuals (which translated to 30.48 total equivalent full-time staff as noted above).

NTSV is proud of its dedicated staff. As part of affirmative action, our policy when recruiting is to appoint Indigenous people wherever possible.

Consultants

In 2011-12 NTSV engaged a number of consultants to undertake work primarily in its legal and research areas.

The following table is a summary of the number and expenditure on consultancies. In this context 'legal consultancies' include the briefing of Counsel.

Type	Number	Expenditure
Legal	14	$527,943
Research	4	$39,493
Others	6	$47,941
Total		$615,377

Financial Statements

FOR THE YEAR ENDED 30 JUNE 2012

Directors' Report

Your directors present their report on the company for the financial year ended 30 June 2012.

Directors

The names of the directors in office at any time during or since the end of the financial year are:

Graham Atkinson

Daphne Milward

Eleanor Bourke
(resigned 31 January 2012)

Michael Harding

Damein Bell

Eileen Alberts

Aileen Blackburn

Ken Stewart
(appointed 23 February 2012)

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

Graham Atkinson
Chairperson
(appointed 18 November 2003)

Qualifications
Master of Business Administration (RMIT University), Bachelor of Arts and Bachelor of Social Work

Experience
A director of a consultancy firm, with many years' experience in senior management roles.
Mr Atkinson is Chairman of Dja Dja Wurrung Clans Aboriginal Corporation and a Board Member of the Indigenous Land Corporation. He is a Dja Dja Wurrung and Yorta Yorta man.

Daphne Milward
Deputy Chairperson
(appointed 18 November 2003)

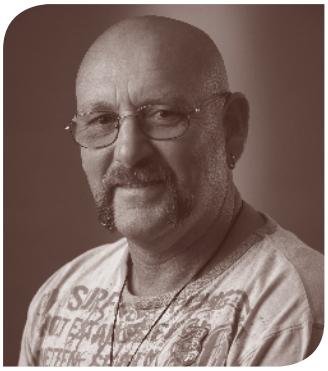
Experience
Former owner and operator of a consultancy firm with extensive experience in management.
Ms Milward has considerable community involvement.
She is a Yorta Yorta woman.

Eleanor Bourke
Director
(appointed 18 November 2003, resigned 31 January 2012)

Qualifications
M. Ed Studies; B.A. (Professional Writing); Dip Arts (Journalism);

Adjunct Professor at Ballarat University.

Experience
Held numerous positions with Government departments and community organisations over the course of a long and distinguished career. Professor Bourke is a Wergaia and Wamba Wamba woman.



Michael Harding
Director
(appointed 18 November 2003)

Experience
An indigenous artist with a background of extensive community involvement. Mr Harding is Chairperson of Taungurung Clans Aboriginal Corporation, Director Mt Buller and Mt Sterling Alpine Resorts Management Board and Council member of the Aboriginal Heritage Council. He is of Taungurung descent, from the Yeerun-Illam -Baluk and Yowung-Illam-Baluk clans.

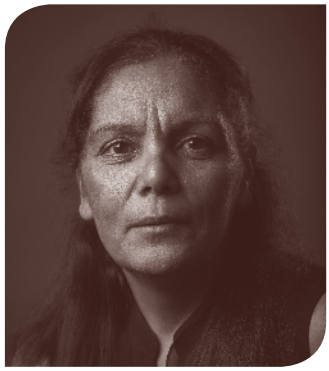
Damein Bell
Director
(appointed 18 November 2003)

Qualifications
Graduate Diploma in Natural Resources Management.

Experience
Mr Bell is the Strategic Project Manager for the Advancing Country Towns Project with the Glenelg Shire Council. During the period, Mr Bell was a member of the Indigenous Advisory Committee for the Department of Sustainability Environment, Water, Populations and Communities. Damein Bell is part of the Gunditjmara Nation.

Eileen Alberts
Director
(appointed 28 September 2009)

Experience
Ms Alberts has many years experience in Aboriginal health and education and has been a field officer in native title. She has recently retired from the Gunditj Mirring Traditional Owner Aboriginal Corporation where she was employed as the Cultural Heritage Officer. Ms Alberts is a Gunditjmara woman.



Aileen Blackburn
Director
(appointed 24 May 2011)

Qualifications
Bachelor of Arts and Graduate Bachelor of Laws

Experience
Ms Blackburn is a strong advocate for Indigenous women and family rights, and is involved in several grass roots community organisations including the East Gippsland National Park Reference Group, Orbost/Cann River Local Indigenous Network(s), East Gippsland Aboriginal Justice Advisory Committee and the Victorian Alps Traditional Owner Reference Group.

Ken Stewart
Director
(appointed 23 February 2012)

Experience
Ken is a Wamba Wamba descendant with extensive experience in corporate governance, native title, cultural heritage and natural resource management. Ken was on the working group that established the Murray Lower Darling Indigenous Nations (MLDRIN). He has worked with the North West Clans Aboriginal Corporation and is currently the Living Murray Indigenous Facilitator with the Mallee Catchment Management Authority. Ken is also Public Officer with the Wiran Aboriginal Corporation.

Meeting of Directors

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

	Number eligible to attend	Number attended
Graham Atkinson	6	6
Daphne Milward	6	6
Eleanor Bourke	4	2
Michael Harding	6	5
Damein Bell	6	5
Eileen Alberts	6	6
Aileen Blackburn	6	6
Ken Stewart	2	2

Principal Activities

The principal activities of the company during the financial year were the provision of professional services to Indigenous people in Victoria and to pursue the recognition and protection of native title under the *Native Title Act 1993* (Cth) in Victoria.

Objectives and Strategies

The company's long-term objectives are to:

- develop long term, sustainable and economic land bases for the Aboriginal peoples of Victoria; and
- assist in the development of a united, informed Aboriginal community in Victoria.

The company's short-term objectives are to provide sustainable native title and land justice solutions for Traditional Owners in Victoria.

To achieve these objectives, the company has adopted the following strategic themes and the respective strategies:

1. facilitate successful determinations, settlements and agreements

- manage resource allocation to simultaneously settle priority claims and ready other claims to take on priority status
- use cross-organisational project teams to progress activities on the Operational Plan
- develop and implement a future acts assistance policy
- develop and implement an external communications strategy
- maintain collaborative relationships with all stakeholder agencies

2. influence policy and legislative reform

- conduct a sustained and persuasive dialogue with relevant State Government ministers
- provide timely and relevant policy and strategic advice to the Land Justice Group
- work with Land Justice Group to clarify its future role and relationship with NTSV
- strengthen the alignment of cultural heritage and native title processes
- participate actively in the NNTC and contribute to its policy advocacy

3. **support Traditional Owners to develop sustainable organisations**

- provide legal and strategic advice to PBC's and other post-settlement organisations on request
- define NTSV's role in developing sustainable Traditional Owner organisations
- develop capacity building and agreement implementation support service model
- develop and participate in initiatives to resolve inter/intra- group conflict, including the Right People for Country project

4. **ensure NTSV strength, security and capability**

- broaden staff skills mix to improve service delivery
- enhance NTSV's financial administration and information management systems
- enhance NTSV's performance management systems
- strengthen NTSV's governance structure as necessary
- develop and implement an Indigenous employment strategy
- strengthen NTSV's internal communications

Performance Measures

The company measures its performance by using the following success measures:

- the maximum number of positive native title outcomes, with the strongest possible recognition of rights and interests
- Traditional Owners shall have their land-related aspirations met
- Traditional Owners shall be recognised and respected throughout Victoria
- legislation/policy reformed to allow for just settlement of native title
- there shall be effective mechanisms for dispute resolution within Traditional Owner groups
- land justice outcomes shall maximise the number of strong incorporated organisations, with associated social improvements for Traditional Owners

Members' Liability

The company is incorporated under the Corporations Act 2001 and is a company limited by guarantee. If the company is wound up, the Constitution states that each member is required to contribute a maximum of $1 each towards meeting any outstanding obligations of the company. As at 30 June 2012 there were 10 members (2011: 9).

Auditor's Independence Declaration

The auditor's independence declaration for the year ended 30 June 2012 has been received and can be found on the following page.

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

Director
Graham Atkinson

Director
Daphne Milward

Dated in Melbourne on 9 October 2012

MDHC
AUDIT
ASSURANCE

AUDITOR'S INDEPENDENCE DECLARATION
UNDER SECTION 307C OF THE CORPORATIONS ACT 2001
TO THE DIRECTORS OF NATIVE TITLE SERVICES VICTORIA LTD

I declare that, to the best of my knowledge and belief, during the year ended 30 June 2012 there have been:

(i) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and

(ii) no contraventions of any applicable code of professional conduct in relation to the audit.

MDHC Audit Assurance Pty Ltd

MDHC Audit Assurance Pty Ltd

Graeme A. Marriott
Director

Hawthorn
9 October 2012

STATEMENT OF COMPREHENSIVE INCOME
for the year ended 30 June 2012

	2012 $	2011 $
INCOME		
Revenue from government	4,269,194	3,903,819
Interest	50,690	42,574
Other income	399,100	481,517
	4,718,984	**4,427,910**
EXPENSES		
Employee benefits expense	2,494,681	2,393,709
Consultants	615,378	713,330
Leasehold property	209,551	209,274
Other occupancy expenses	102,838	66,638
Office expenses	336,533	262,638
Depreciation expense	69,702	71,624
Claimant meeting expenses	443,842	516,429
Motor vehicle expenses	90,090	77,428
Other expenses	206,045	158,207
	4,568,660	**4,469,277**
Surplus (deficit) for the year	**150,324**	**(41,367)**
Total comprehensive income for the year	**150,324**	**(41,367)**

The accompanying notes form part of these financial statements

STATEMENT OF FINANCIAL POSITION
as at 30 June 2012

	Note	2012 $	2011 $
CURRENT ASSETS			
Cash and cash equivalents	2	1,151,796	696,799
Trade and other receivables	3	148,188	193,634
Other financial assets	4	2,376,254	1,927,083
Prepayments		40,154	33,395
Total current assets		**3,716,392**	**2,850,911**
NON-CURRENT ASSETS			
Plant and equipment	5	249,706	125,056
Total non-current assets		**249,706**	**125,056**
Total assets		**3,966,098**	**2,975,967**
CURRENT LIABILITIES			
Trade and other payables	6	2,879,514	2,210,840
Deferred income – unexpended grants	7	640,015	451,788
Provisions	8	224,377	226,953
Total current liabilities		**3,743,906**	**2,889,581**
NON CURRENT LIABILITIES			
Provisions	8	80,153	94,671
Total non current liabilities		**80,153**	**94,671**
Total liabilities		**3,824,059**	**2,984,252**
Net assets (net liabilities)		**142,039**	**(8,285)**
EQUITY			
Accumulated surplus (deficit)		142,039	(8,285)
Total equity (capital deficiency)		**142,039**	**(8,285)**

The accompanying notes form part of these financial statements

STATEMENT OF CHANGES IN EQUITY
for the year ended 30 June 2012

	Accumulated Surplus (Deficit) $
Balance at 1 July 2010	33,082
Deficit for the year	(41,367)
Balance at 30 June 2011	(8,285)
Surplus for the year	**150,324**
Balance at 30 June 2012	**142,039**

The accompanying notes form part of these financial statements.

STATEMENT OF CASH FLOWS
for the year ended 30 June 2012

	Note	2012 $	2011 $
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from course of operations		4,897,007	4,550,980
Payments in course of operations		(4,357,263)	(4,667,868)
Receipts from trust funds		503,126	383,810
Interest received		50,690	42,574
Net cash provided by operating activities		1,093,560	309,496
CASH FLOWS FROM INVESTING ACTIVITIES			
Payment for investments		(449,171)	(431,075)
Payment for plant and equipment		(214,392)	(30,257)
Proceeds from sale of plant and equipment		25,000	-
Net cash used in investing activities		(638,563)	(461,332)
Net increase (decrease) in cash held		454,997	(151,836)
Cash and cash equivalents at the beginning of the year		696,799	848,635
Cash and cash equivalents at the end of the year	2	1,151,796	696,799

The accompanying notes form part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2012

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Preparation

Native Title Services Victoria Ltd has elected to early adopt the 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 Australian Accounting Standards – Reduced Disclosure Requirements of the Australian Accounting Standards Board (AASB) and the Corporations Act 2001. The company is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards.

Australian Accounting Standards set out accounting policies that the AASB has concluded would result in financial statements containing relevant and reliable information about transactions, events and conditions. Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless otherwise stated.

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 measurement at fair value of selected non-current assets, financial assets and financial liabilities.

The financial statements were authorised for issue on 9 October 2012 by the directors of the company.

Accounting Policies

(a) Income Tax

No provision for income tax has been raised as the company is exempt from income tax under Div 50 of the Income Tax Assessment Act 1997.

(b) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks and other short-term highly liquid investments with original maturities of three months or less.

(c) Plant and Equipment

Plant and equipment are measured on the cost basis less accumulated depreciation and any accumulated impairment losses. In the event the carrying amount of plant and equipment is greater than its estimated recoverable amount, the carrying amount is written down immediately to its estimated recoverable amount and impairment losses are recognised in profit or loss. A formal assessment of recoverable amount is made when impairment indicators are present.

Depreciation

The depreciable amount of all fixed assets is depreciated on a straight-line basis over the asset's useful life to the company commencing from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

The depreciation rates used for each class of depreciable assets are:

Class of fixed asset	Depreciation rate
Office Fit Out	20%
Computers	40%
Plant and Equipment	25%
Motor Vehicles	20%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains or losses are included in the statement of comprehensive income.

(d) Financial Instruments

Initial recognition and measurement

Financial assets and financial liabilities are recognised when the company becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the company commits itself to either purchase or sell the asset (ie trade date accounting is adopted). Financial instruments are initially measured at fair value plus transaction costs.

Classification and subsequent measurement

Financial instruments are subsequently measured at amortised cost using the effective interest rate method or cost. Amortised cost is calculated as the amount at which the financial asset or financial liability is measured at initial recognition less principal repayments and any reduction for impairment, and adjusted for any cumulative amortisation of the difference between that initial amount and the maturity amount calculated using the effective interest method.

(i) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss through the amortisation process and when the financial asset is derecognised.

(ii) Financial liabilities

Non-derivative financial liabilities are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss through the amortisation process and when the financial liability is derecognised.

Impairment

At the end of each reporting period, the company assesses whether there is objective evidence that a financial asset has been impaired.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

A financial asset or a group of financial assets is deemed to be impaired if, and only if, there is objective evidence that impairment as a result of one or more events (a "loss event") has occurred, which has an impact on the estimated future cash flows of the financial asset(s).

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

Derecognition

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

(e) Impairment of Assets

At the end of each reporting period, the company assesses whether there is any indication that an asset may be impaired. If such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount. Any excess of the asset's carrying amount over its recoverable amount is recognised immediately to profit or loss.

Where it is not possible to estimate the recoverable amount of an individual asset, the company estimates the recoverable amount of the cash-generating unit to which the asset belongs.

(f) Leases

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

(g) 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 settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits payable later than one year have been measured at 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 not satisfy vesting requirements. Those cash outflows are discounted using market yields on national government bonds with terms to maturity that match the expected timing of cash flows.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

(h) 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.

(i) Revenue

Government grants are recognised as revenue when the company obtains control over the assets comprising the contributions. Control over granted assets is normally obtained upon their receipt and the timing of commencement of control depends upon the arrangements that exist between the grantor and the entity. Where the company considers the grant to be reciprocal in nature, the grant will be treated as deferred income and the grant will be progressively brought to account as revenue in the statement of comprehensive income over the period.

Interest revenue is recognised using the effective interest method, which for floating rate financial assets is the rate inherent in the instrument.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customers.

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

(j) Goods and Services Tax (GST)

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

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included in the statement of financial position.

(k) Comparative Figures

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

(l) Critical Accounting Estimates and Judgments

The directors evaluate estimates and judgements incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the company.

NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2012

NOTE 2: CASH AND CASH EQUIVALENTS

	2012 $	2011 $
Cash on hand	500	500
Deposits held at call with bank:		
- Cash at bank	1,135,607	671,707
- Cash held for third parties in NTSV account	15,689	24,592
	1,151,796	696,799

NOTE 3: TRADE AND OTHER RECEIVABLES

	2012 $	2011 $
CURRENT		
Trade receivables	42,901	142,937
Other receivables	105,287	50,697
	148,188	193,634

NOTE 4: OTHER FINANCIAL ASSETS

	2012 $	2011 $
CURRENT		
Term deposits held for third parties	2,376,254	1,927,083

NOTE 5: PLANT AND EQUIPMENT

	2012 $	2011 $
Office fit out – at cost	479,093	453,398
Less accumulated depreciation	(449,030)	(434,169)
	30,063	19,229
Plant and equipment – at cost	102,107	113,650
Less accumulated depreciation	(50,255)	(107,023)
	51,852	6,627
Computers – at cost	340,874	252,426
Less accumulated depreciation	(240,830)	(210,069)
	100,044	42,357
Motor vehicles – at cost	95,782	94,825
Less accumulated depreciation	(28,035)	(37,982)
	67,747	56,843
Total plant and equipment	249,706	125,056

Movements in Carrying Amounts

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

	Office fit out $	Plant and equipment $	Computers $	Motor vehicles $	Total $
Balance at 1 July 2011	19,229	6,627	42,357	56,843	125,056
Additions	25,695	50,330	88,448	49,919	214,392
Disposals	-	-	-	(20,040)	(20,040)
Depreciation expense	(14,861)	(5,105)	(30,761)	(18,975)	(69,702)
Balance at 30 June 2012	30,063	51,852	100,044	67,747	249,706

NOTE 6: TRADE AND OTHER PAYABLES

	2012 $	2011 $
CURRENT		
Trade creditors	240,151	86,632
Cash held for third parties (Note 11)	2,497,230	1,994,104
Sundry creditors and accruals	142,133	130,104
	2,879,514	2,210,840

NOTE 7: DEFERRED INCOME

	2012 $	2011 $
CURRENT		
Unexpended grants – Federal	223,187	273,210
Unexpended grants – State	416,828	178,578
	640,015	451,788

NOTE 8: PROVISIONS

	2012 $	2011 $
CURRENT		
Employee benefits	224,377	226,953
NON-CURRENT		
Employee benefits	80,153	94,671

NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2012

NOTE 9: OPERATING LEASE COMMITMENTS

	2012 $	2011 $
Non cancellable operating leases contracted for but not capitalised in the financial statements:		
Payable		
- not later than one year	143,462	224,218
- later than one year but not later than five years	175,558	319,020
	319,020	543,238

These commitments relate to the office building occupied by Native Title Services Victoria Ltd.

NOTE 10: KEY MANAGEMENT PERSONNEL COMPENSATION

	2012 $	2011 $
Total compensation	829,001	585,883

The number of key management personnel included in this analysis is 7 (2011: 6). Compensation total for 2012 includes previous CEO's final payments.

NOTE 11: RELATED PARTY TRANSACTIONS

During the year out of pocket expenses and compensations were paid to directors totalling $47,996 (2011: $31,925).

The company also held in trust balances for Dja Dja Wurrung, Taungurung, , Wathaurong, Gunditjmara, Kirrae-Wurong, Wotjobaluk, Wadi Wadi, Gunaikurnai and Robinvale claim groups.

NOTE 12: ECONOMIC DEPENDENCE

To the extent that the company performs functions prescribed by the *Native Title Act 1993* (Cth) it is dependent on the continued funding of its operations by the federal authority.

MDHC
AUDIT
ASSURANCE

Independent Auditor's Report to the Members of Native Title Services Victoria Ltd

Report on the Financial Report

We have audited the accompanying financial report of Native Title Services Victoria Ltd, which comprises the statement of financial position as at 30 June 2012, and the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information and the directors' declaration.

Directors' Responsibility 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 is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

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

Independence

In conducting our audit, we have complied with the independence requirements of the Corporations Act 2001.

MDHC
AUDIT
ASSURANCE

Opinion

In our opinion, the financial report of Native Title Services Victoria Ltd 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 2012, and of its performance for the year ended on that date; and

(ii) complying with Australian Accounting Standards – Reduced Disclosure Requirements and the Corporations Regulations 2001.

MDHC Audit Assurance Pty Ltd

MDHC Audit Assurance Pty Ltd

Graeme A. Marriott
Director

Hawthorn
9 October 2012

Directors' Declaration

The directors of the company declare that:

1. The financial statements and notes are in accordance with the Corporations Act 2001, and:

   (a) give a true and fair view of the financial position as at 30 June 2012 and of performance for the year ended on that date of the company; and

   (b) comply with Australian Accounting Standards and the Corporations Regulations 2001.

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.

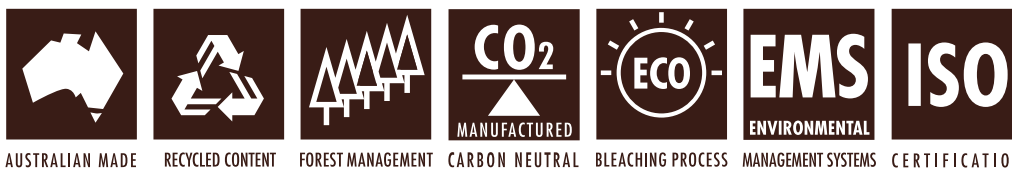
Director
Graham Atkinson

Director
Daphne Milward

Dated in Melbourne on 9 October 2012

Glossary

BGLC	Barengi Gadjin Land Council
Board	The governing Board of Native Title Services Victoria Ltd
CEO	Chief Executive Officer
Consultants	An entity (an individual, a partnership or a corporation) engaged to provide professional, independent and expert advice or services.
FaHCSIA	Australian Government Department of Families, Housing, Community Services and Indigenous Affairs
GLaWAC	Gunaikurnai Land and Waters Aboriginal Corporation
GMTOAC	Gunditj Mirring Traditional Owner Aboriginal Corporation
ILUA	Indigenous Land Use Agreement
NTA	*Native Title Act 1993* (Cth)
NNTC	National Native Title Council
NNTT	National Native Title Tribunal
NTSV	Native Title Services Victoria Ltd
PBC	Prescribed Body Corporate
PFA	Program Funding Agreement
Settlement Act	*Traditional Owner Settlement Act (2010)* Vic
TO	Traditional Owner
WJJWJ	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk



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Designed by Fluid

Contact details

Native Title Services Victoria
642 Queensberry Street (PO Box 431)
North Melbourne
Victoria 3051

Telephone: 03 9321 5300
Toll free: 1800 791 779
Fax: 03 9326 4075
Email: webemail@ntsv.com.au

www.ntsv.com.au

www.facebook.com/NativeTitleServicesVictoria

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Cover images:

Taken at the Gunditjmara and Eastern Maar consent determination in July 2011.

Native Title Services Victoria acknowledge the Traditional Owners of the land we work on as the First People of this country.