



First Nations
Legal & Research
Services

ANNUAL REPORT 2022-2023

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First Nations Legal and Research Services acknowledges the traditional custodians of the land on which we work and live, and recognise their continuing connection to land, water and community. We pay respect to Elders past, present and future.

Warning: Aboriginal and Torres Strait Islander readers should be aware that this document may contain images or names of people who have since passed away.

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Front cover 55. Zac Porter, a view of the earth from space

This page 63. Nao Takabayashi, silhouette of trees

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CHAIRPERSON'S REPORT

With every meeting, phone call and email, we reconfirm our commitment to Victoria's Traditional Owners. Our job is to support them in realising recognition of their inherent rights in and responsibilities to Country. To some this is land justice, to us, as a Board of Aboriginal and Torres Strait Islander people, it is simply justice.

It is important to us that Traditional Owners feel that our work as their native title lawyers, is targeted to their needs and is without influence. This year we have undertaken the First Nations Legal and Research Services Strategic Review (**the Review**). We have talked to the community about our work, who we are and where we should be in five years. We have done this so that we can continue to hold ourselves to the highest standard of accountability, confidentiality and cultural competence whilst delivering land justice outcomes in a changing rights recognition environment. The Board has agreed to implement the Review recommendations in full.

The referendum for an Aboriginal and Torres Strait Islander Voice to Parliament has damaged the broad community and deeply upset many in our own communities. We will need time to heal and come to terms with the result.

The review of our role and the broader land justice landscape enables us to consider what's next. Statutory and legislated acknowledgement of rights, pegged to international law and practice, links First Nations across the world. In doing so, we will raise the bar for recognition and respect of our cultures everywhere, ensuring a better, culturally grounded future for our children.



Ken Stewart | Chair, FNLRS
November 2023

CEO'S REPORT

The work we undertake in progressing the rights of Traditional Owners is fundamental. It underpins wellbeing in the community, the health of Country and an acknowledgement of the rights and responsibilities of those peoples who have been here for more than 65,000 years.

The 2022-23 reporting period and subsequent six months have both buoyed and distressed us. We work side by side with Traditional Owners, supporting them to have their connections to Country acknowledged.

During these 18 months we have had to do more than that and support them in taking their case to the broader community.

The outcomes of the October 14 referendum on an Aboriginal and Torres Strait Islander Voice to Parliament will not change the passion with which we undertake our work. But it will change the environment in which we do it.

Before this however, on a windy day in March 2023, the Eastern Maar Peoples welcomed the Federal Court of Australia to their Country to recognise in Australian law their native title and celebrate the end of a long, difficult journey. After a decades long process, the Federal Court of Australia recognised their native title rights over Country.

On this day, after years of striving for this outcome, we talked about justice – land justice, social justice and legal justice. As only the fourth Traditional Owner group in Victoria to have their native title rights recognised, there is still much work to be done. Still much justice to be achieved.

This year the first group to achieve ground breaking native title recognition in Victoria, the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk, also reached a comprehensive settlement with the State under the *Traditional Owner Settlement Act 2010* (Vic). We congratulate the perseverance of the people of the Wotjobaluk Nations.

As the native title services provider for Victorian Traditional Owners, we have a responsibility to Traditional Owners that is legal, statutory and cultural. During this reporting period we lived our commitment to the recognition of Traditional Owner interests by reviewing who we are as an organisation.

We commissioned the Review to broadly consider our role, operations, and structure, within the changing rights recognition environment of Victoria.

The Review considered and made recommendations on the extent to which the operation of the legislative regime and associated Victorian Government programs, inhibit the performance of our representative body function and how we can mitigate these impacts and perceptions, to maximise the likelihood that representative body functions will be performed to a high standard in Victoria over the next five years.

The Review validated our work while making recommendations for change. Our challenge now is to implement the Report's recommendations to continue to meet the expectations of Victorian Traditional Owners, including those relating to Treaty, as they advance their rights, representation and recognition.



Tony Kelly | CEO, FNLRS
November 2023

WHAT WE DO

VISION All Traditional Owner groups in Victoria are formally recognised and supported

MISSION To be the service provider of choice for supporting Traditional Owner groups to realise and exercise their native title rights and interests

To realise our vision, we support Traditional Owners in Victoria to exercise their rights and interests. Practically, this means we talk to Traditional Owners, working with them on research and nation building.

When Traditional Owners are ready, their inclusive and representative group then works with us to navigate the legal system that considers native title, settlement and Recognised Aboriginal Party (RAP) status in Victoria.

We don't make decisions about formal recognition, we support Traditional Owners to make their case to the Federal Court, the State and/or the Aboriginal Heritage Council and once recognised, when requested, we support Traditional Owners exercise their rights

Our work is broken into seven key areas to achieve recognition for our Traditional Owner clients.

1. Achieve formal recognition across Victoria.
2. Provide professional legal, research and corporate support to groups post settlement.
3. FNLRS has the capacity to support Traditional Owner groups with preparing for and negotiating treaties and other future agreements, upon request.
4. Victorian Traditional Owners benefit from improved settlement outcomes, including in relation to rights recognition, compensation and cultural heritage protection.
5. A collaborative process for the return of research materials to Traditional Owner clients is established, within legal and ethical frameworks.
6. FNLRS has an increased profile within the Traditional Owner community.
7. A healthy, nurturing, culturally safe and responsive work environment with a diverse staff group is established.

SEVEN KEY AREAS AND STRATEGIES TO ACHIEVE RECOGNITION FOR OUR TRADITIONAL OWNER CLIENTS

KEY AREAS	1. Achieve formal recognition across Victoria.	2. Provide professional legal, research and corporate support to groups post settlement.	3. FNLRS has the capacity to support Traditional Owner groups with preparing for and negotiating treaties and other future agreements, upon request	4. Victorian Traditional Owners benefit from improved settlement outcomes, including in relation to rights recognition, compensation and cultural heritage protection.	5. A collaborative process for the return of research materials to Traditional Owner clients is established, within legal and ethical frameworks.	6. FNLRS has an increased profile within the Traditional Owner community	7. A healthy, nurturing, culturally safe and responsive work environment with a diverse staff group is established.
STRATEGIES	<ul style="list-style-type: none"> • Conduct inclusive, forward-thinking research that supports a range of formal recognition options. • Provide strategic advice tailored to each Traditional Owner group about their recognition options. • Assist Traditional Owner groups with negotiating native title and related settlements with the State. • Assist Traditional Owners with resolving disputes. • Work with the regional Nation Building teams to draw on available resources to support formal recognition. • Advocate for law reform and policy changes that support formal recognition outcomes. 	<ul style="list-style-type: none"> • Continue to improve upon the quality of our post settlement services whilst maintaining competitive pricing. • Expand our service offering in response to identified needs, particularly in relation to: <ul style="list-style-type: none"> - Treaty - Indigenous knowledge • Community and cultural development: <ul style="list-style-type: none"> - Natural resource management - Build and maintain relationships of trust and respect with our Traditional Owner clients post settlement. 	<ul style="list-style-type: none"> • Leverage and expand our unique and interdisciplinary skills to assist Traditional Owner groups in Treaty negotiations. • Utilise and strengthen our partnership with the Federation to deliver specialist Treaty related support to Traditional Owners. • Develop a strong relationship with the First Peoples' Assembly of Victoria (the Assembly) and other relevant stakeholders to help progress Treaty in Victoria. 	<ul style="list-style-type: none"> • Advocate for the expansion of Traditional Owner rights and interests under existing legislation and identify other opportunities for Traditional Owner recognition • In conjunction with the National Native Title Council, Federation and our Traditional Owner clients advocate for full and comprehensive compensation for loss and/or impairment of native title rights and interests • Advocate for improvement in Victorian and national cultural heritage protection laws and support Traditional Owner groups to achieve maximum control of their cultural heritage. 	<ul style="list-style-type: none"> • Continue auditing research materials held by FNLRS. • Refine return of materials policy in response to legal advice and Traditional Owner group feedback. • Implement return of materials policy in conjunction with pilot Traditional Owner groups. 	<ul style="list-style-type: none"> • Build clear and strong communication channels with Traditional Owner communities. • Create positive meeting environments in which Traditional Owners feel valued and respected. • Continue to attend and present at regional and national forums relating to Traditional Owner rights and interests. 	<ul style="list-style-type: none"> • Maintain a trust-based relationship between staff and management, where staff feel free to ask questions and raise issues. • Maintain a work environment free from bullying, discrimination, and sexual harassment, guided by policies that continually adapt in response to community standards and contemporary workplace practices. • Ensure the development and maintenance of an office culture that allows for difference and diversity. • Investigate options for creating an office environment suitable for people of all abilities including wheelchair accessibility. • Continue to maintain flexible work arrangements. • Embed healing informed practice into all aspects of FNLRS' operations.



ABOUT US

In 2023 we celebrated 20 years of fighting for land justice outcomes in Victoria. FNLRS was registered on 12 August 2003 as a public company limited by guarantee under the *Corporations Act 2001* (Cth) and this shapes our corporate governance and financial reporting practices. FNLRS' organisational objectives and governance structure are set out in our constitution. As we are a charity registered with the Australian Charities and Not-for-Profit Commission (ACNC), a copy of our constitution is publicly available on the ACNC website.

STRUCTURE

From 2017 to 2022, FNLRS and the Federation of Victorian Traditional Owner Corporations (**the Federation**) worked together to realise a shared vision of Traditional Owners strong on Country and leading the social, political, economic and cultural landscape. They have been two strong, resolute vehicles facilitating and amplifying Traditional Owner voices to self-determine their futures and to build on and strengthen collective interest and opportunities.

Following targeted community consultation and consideration the FNLRS Board wrote to the Federation Board in early 2022 proposing a de-coupling with the Federation withdrawing as the sole member of FNLRS. The FNLRS and Federation Boards acknowledged that de-coupling would better meet community expectations for accountability and respond to a perceived need for there to be a clearer distinction between the roles of each organisation.

As a result, from 1 July 2022 the Federation was no longer a member of FNLRS and was therefore not responsible for appointing the Directors of FNLRS. The cohort of FNLRS Directors at that date remain unchanged until future appointment processes are put in place. There are no changes to the Federation's governance arrangements.

The separation of the organisations allows both to evolve independently and provide a clearer distinction as to the different roles, functions and services delivered by Federation and FNLRS. Upon de-coupling both organisations committed to:

- Continue their work with the same determination and commitment
- Continue to support agreement making including native title, settlement agreement and Treaty process
- Continue to protect the current and potential rights and interest of Traditional Owners, including those in areas without formal recognition.

FIRST NATIONS LEGAL AND RESEARCH SERVICES STRATEGIC REVIEW

In late 2022 we commissioned a review to broadly consider our role, operations, and structure, within the changing native title environment of Victoria.

The Review considered and made recommendations on:

- The extent to which the operation of the legislative regime and associated Victorian Government programs, inhibit the performance of our representative body functions, including their contribution to intra and inter-Indigenous disputes regarding native title rights and interests; and the perceived conflicts of interest with respect to the performance of representative body functions.
- How we can mitigate these impacts and perceptions, so as to maximise the likelihood that representative body functions will be performed to a high standard in Victoria over the next five years, while taking into account the contextualised operating environment in Victoria.

PARTICIPATION IN THE REVIEW

The Review was undertaken by the Indigenous Law and Justice Hub at the University of Melbourne's Melbourne Law School and Redgum Legal & Consulting. Consultations were carried out between January and May 2023 with more than 40 individual participants representing around 20 different native title holders, claimants and Traditional Owner corporations, as well as relevant statutory bodies, the Victorian and Commonwealth Governments, the Federal Court, the First Peoples Assembly of Victoria and our directors and staff.

From these consultations it became clear that there were at least two principle factors underpinning the views of many participants, these were the complex and challenging nature of the native title environment, and perception of reputational issues.

From the outset it should be noted that most participants held us in high professional regard acknowledging the difficulty of the environment and its breadth of functions, and secondly, the nature of the Review required direct examination of those

areas generating the most conflict and dispute.

Notwithstanding the above it became clear during the consultations that institutional distrust or reputational issues are to some extent impacting on our ability to undertake our work. Overall, the Review observed that:

- There is no evidence of institutional distrust or reputational issues among the Victorian or Commonwealth bodies that we routinely deal with. The same is true for independent legal professionals (other than those acting for disaffected Traditional Owners) and for the staff of representative or statutorily empowered Traditional Owner bodies. Indeed, all of these groups appear to respect our professional skills and objectivity.
- There is also little to no evidence of institutional distrust or reputational problems among those Traditional Owner groups or individual Traditional Owners that have recently been represented by, or have had close and extended contact with us.
- There are however high levels of institutional distrust and reputational issues among those Traditional Owner groups, their staff and legal representatives who are in active legal dispute about, or otherwise oppose our research.

A key theme communicated throughout consultations was that our reputation needs rehabilitation, but that was primarily communicated as a matter of a fundamental reset in our relationships with Victorian Traditional Owners, rather than a critique of the current governance or call for specific structural reform.

THE POLICY CONTEXT

We operate in a busy policy and legislative environment. Until recently, there were three active pieces of legislation in Victoria which provide acknowledgement of Traditional Ownership, or at least some level of 'formal recognition' by the State. These are the *Native Title Act 1993* (Cth), the *Traditional Owner Settlement Act 2010* (Vic) and the *Aboriginal Heritage Act 2006* (Vic). The advent of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) has now seen the First Peoples Assembly of Victoria develop a fourth method for the purposes of determining composition of the First People's Assembly of Victoria through the allocation of reserve seats, and potentially in

forming delegations to make Treaties. This method is appropriately called 'Additional Pathways to Recognition'.

No other jurisdiction in Australia provides Traditional Owners so many forums through which their group can be 'recognised' by the State. However, despite the number of pathways, these processes have each made only partial progress in seeing Victorian Traditional Owners achieve the outcome they prescribe, and even where outcomes are achieved, they have done little to resolve the considerable disputes about proper group composition.

Those spoken to through consultations acknowledged that our role is an extremely difficult one and that native title is a traumatic system for applicants, and also extremely difficult for those who work in it. Native title was described as 'a lightning rod for discontent'; an area where unfortunately there are winners and losers, and there are many people who are not happy with outcomes or results delivered on matters of great importance to them. Our difficult position within a 'messy environment' was consistently acknowledged by interviewees, both in terms of difficulty in achieving desired legal outcomes for Traditional Owners, as well as working in a context characterised by distress, conflict and trauma.

RECOMMENDATIONS

The Review concluded that there are two main factors to which we need to respond over the next five years. These are:

1. The continuing development of Treaty processes, and the role the native title sector should play in supporting this process; and
2. The greater propensity for Traditional Owners to seek independent legal representation and their willingness to litigate, matched by an apparent openness from the Federal Court to address such matters without requiring the parties to proceed to a final determination of native title.

To address these changes, the following recommendations were made.

- We should avoid any significant re-structure until the Treaty process and its associated institutions are more fully established, to avoid locking into unsuitable or inflexible arrangements that do not serve Traditional Owner needs.

- We should strengthen and build ties with emerging Treaty institutions, and remain agile and ready to reflect their needs as new spaces develop.
- We should adopt more neutral positioning in active legal disputes between and internal to Traditional Owner groups, and instead place greater reliance on third party legal service providers.
- In re-positioning to rely more on third party legal services providers, we should not move too quickly so as to not deplete existing services, and potentially alienate the users of those services.
- We should seek to externalise politically charged decisions or research outcomes, and support the authority of such decisions / positions by reference to external and independent expertise.
- We should increase communication with the Victorian Traditional Owner communities and celebrate our work and success more openly.
- We should seek to diversify the composition and skills of our board.
- We should commission a review/project into the research we hold and current and past research practices.
- We should assess current research practices and consent forms to ensure they provide informants the option for their information to contribute to Treaty negotiations.

CONCLUSION

Following the Review, we are developing a strategy to implement its recommendations. Primarily, we are pleased with the way our professionalism and sensitivity to the environment are respected by those community members and government entities that we work with. We will continue to maintain a high benchmark in this regard and broaden our accessibility through changing our Board composition.

We are currently implementing a rebranding and website development project to better talk about our work and provide clear pathways for nation building to the community in an accessible way.

Finally, the other projects and recommended initiatives will be scoped within the next 12 months for implementation over the next five years.

OBJECTS AND FUNCTIONS

Our constitution directs us to work with Victorian Traditional Owners to reverse the socio-economic disadvantage they experience as a result of progressive dispossession of their traditional lands and waters by assisting them to:

- Regain recognition of their rights and interests in land and waters arising from traditional law and custom; regain access to those land and waters
- Have a voice in relation to the future use of those land and waters and obtain compensation for past dispossession and future use of those lands and waters.

Directed by our constitution and by agreement with the Commonwealth Government, FNLRS performs the functions of a Native Title Service Provider as set out in the *Native Title Act 1993* (Cth) (**Native Title Act**), including:

- S203BB facilitation and assistance functions, including but not limited to, the research and preparation of native title claims, representation in native title proceedings before the Federal Court and the National Native Title Tribunal (**Tribunal**), representation in future act and Indigenous Land Use Agreement (**ILUA**) negotiations with the State and third parties, and the establishment and good governance of native title corporations
- S203BE certification function in relation to native title claims and ILUAs
- S203BF dispute resolution function to promote stability and certainty between and within native title claimant groups and corporations
- S203BG notification functions to ensure native title holders are advised of and can respond to activities proposed for their traditional lands and waters
- S203BH agreement making functions, participating as a party ILUAs where appropriate and in line with client interests
- S203BI internal review functions to ensure native title claimants and holders can seek review of our decisions and actions as a Native Title Service Provider
- S203BJ other functions including consulting with Aboriginal Victorians and cooperating with other Native Title Representative Bodies and Service Providers to promote an effective, efficient and just native title sector.

THE VICTORIAN CONTEXT

Although it does not confer formal functions or responsibilities directly on FNLRS, the *Traditional Owner Settlement Act 2010* (Vic) (**Settlement Act**) is an important feature of our operating environment that is unique to Victoria.

The Settlement Act is the result of collaborative policy development between the State Government and Victorian Traditional Owners and establishes an alternative way to resolve native title claims in Victoria. The Settlement Act provides for out-of-court settlements of native title and delivery of land justice by enabling the Victorian Government to make agreements that recognise Traditional Owners and their rights in Crown land in return for the settlement of current and future claims (including compensation claims) under the Native Title Act.

Under the Settlement Act, a settlement package can include:

- An ILUA, which is required to ensure that the settlement is legally valid under the Native Title Act
- A Recognition and Settlement Agreement (RSA), which recognises a Traditional Owner group as Traditional Owners for an area and recognises certain Traditional Owner rights over Crown land
- A Land Agreement, which provides for grants of land in freehold title for cultural or economic purposes and grants of Aboriginal title over national parks and reserves to be jointly managed in partnership with the State
- A Traditional Owner Land Management Agreement, which provides for the joint management of national parks and reserves
- A Land Use Activity Agreement, which grants Traditional Owners procedural rights to comment on or negotiate and consent to certain activities on Crown land, including the payment of 'community benefits', or compensation, for some activities. (The Land Use Activity Agreement replaces the future acts regime under the Native Title Act.)
- A Funding Agreement to enable Traditional Owner corporations to manage their settlement obligations and to undertake economic development for financial self-sufficiency
- A Natural Resource Agreement to recognise Traditional Owners' rights to take and use

specified natural resources in the agreement area (including animals, plants and forest produce) and to participate in the State's management of land, waters and natural resources.

Settlement Act agreements and consent determinations under the Native Title Act are not mutually exclusive and subject to the wishes of the group and the evidence available, outcomes under both are possible.

With support from the State's Nation Building Program, FNLRS has been able to engage more deeply with Traditional Owners in parts of Victoria without formal recognition, building capacity and consensus towards making applications for recognition under the Native Title Act, Settlement Act and/or *Aboriginal Heritage Act 2006* (Vic) (**Aboriginal Heritage Act**).

With the passage of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) in 2018 it has become increasingly important for FNLRS to consider the role the native title process plays in relation to Treaty. Treaty-making with Traditional Owners is fundamental. Therefore, once the Treaty Framework is established, it is vital to ensure Traditional Owner groups are identified and recognised, and given the support and resources to negotiate with the State on an even footing. FNLRS has been working with the Victorian Government and the First Peoples Assembly of Victoria to ensure native title processes are aligned, where possible, with the Treaty process.

STRATEGY AND PRIORITIES

FNLRS receives more requests for assistance from native title groups than it is able to meet at any given time and has a policy and planning framework in place to guide resource allocation.

The FNLRS Board set out its priorities for the provision of professional services to client groups in its Operational Plan 2020-21.

During the year the Operational Plan guided the direction of resources and assisted the Board and the Management Team to monitor progress. FNLRS continues to implement our Guidelines for FNLRS Assistance to Native Title Groups Policy in assessing requests for assistance from native title groups or individuals. Decisions made under these guidelines are reviewable. The guidelines assist

FNLRS to allocate the funds it receives to facilitate native title matters in Victoria in a manner which:

- Advances the interests of Traditional Owners in accordance with FNLRS' Operational Plan
- Enables FNLRS to manage the provision of assistance to native title groups effectively in accordance with the principles of procedural fairness
- Complies with FNLRS' funding terms and conditions
- Complies with the Native Title Act.

SERVICES

In line with our objects, functions and current strategic plan, our services to clients include:

- Legal representation and research assistance for native title claimants and corporations
- Notification of activities on Crown land under the Native Title Act
- Negotiation and agreement-making under the Native Title Act and the Settlement Act
- Dispute resolution services
- Professional services to support native title agreement-making and self-determination, including technical advice and planning support, corporation development and governance
- Secretariat services, including policy, governance and technical advice to Registered Native Title Bodies Corporate (also known as Prescribed Bodies Corporate) and Traditional Owner Group Entities.



OUR WORK

BUNURONG/BOON WURRUNG

The Boonwurrung People's native title application continued to progress in the Federal Court. In December 2022, Preservation Evidence from elderly or ill native title claimants was taken on Country to ensure important oral history is on the Court record. In July 2023, the Federal Court decided a separate question hearing is required to decide who the Boonwurrung/Bunurong people. A decision regarding the separate question is anticipated to be handed down late 2023 or early 2024. FNLRS is taking a neutral role in the litigation but is providing assistance to the Court and parties where appropriate and useful.

FNLRS facilitated funding from NIAA for the Bunurong Land Council and Bunurong identifying people to participate in the Boonwurrung native title proceedings as indigenous respondents.

CENTRAL NORTH

Traditional Owners of the Central North region continue to pursue formal recognition of their rights and interests in Country. FNLRS provides general legal support to individual Traditional Owners in relation to formal recognition, on request.

DJAARA / DJAARA

Dja Dja Wurrung people (**Djaara**) were the second group to achieve a comprehensive settlement with the State of Victoria under the Settlement Act, signing a Settlement Agreement in 2013. Dja Dja Wurrung Clans Aboriginal Corporation (**DJAARA**) continues to oversee and implement the terms of the settlement. **FNLRS** continues to assist **DJAARA** on a fee for service basis by providing legal advice and support in relation to land use activities, the negotiation of agreements and community benefits, dispute resolution processes and other commercial matters as they arise.

EASTERN MAAR

On Tuesday 28 March 2023, the Federal Court of Australia made a consent determination that recognises in Australian law the Eastern Maar Peoples' native title. The determination was made over the majority of the area claimed by the Eastern Maar, which was originally filed in the Federal Court in 2012. FNLRS represented the Eastern Maar in this matter and also assisted the parties and Court as requested throughout the proceeding.

FNLRS is providing ongoing legal advice and assistance **to achieve native title recognition over the remainder of the claim area. In May 2023, the Federal Court heard evidence in Warrnambool from Eastern Maar witnesses as part of a hearing over an area contested by a neighbouring Aboriginal group. It is hoped that all contested areas within the claim area will be resolved in the coming financial year.**

Negotiations with the State of Victoria under the Settlement Act were suspended in August 2021 because of the competing claims lodged in the Eastern Maar native title claim area. These negotiations will resume in the coming financial year.

FAR EAST GIPPSLAND

FNLRS continues research and engagement with Traditional Owners of the region that lies approximately between the Snowy River and the NSW/Victorian border bounded by the Tasman Sea. In August 2022, FNLRS held a full group meeting in Orbost to discuss a claim for formal recognition and to present on the ethno-historic record of the region. Following this meeting, FNLRS has focused on examining those individuals claimed by contemporary descendants as apical ancestors, who as members of a society or societies at the onset of colonisation, held or may have held rights and interests in the area.

EASTERN MAAR NATIVE TITLE DETERMINATION

On Tuesday 28 March 2023, the Eastern Maar Peoples welcomed the Federal Court of Australia to their Country to recognise in Australian law their native title and celebrate the end of a long, difficult journey. After a decades long process, the Federal Court of Australia has recognised their native title rights over Country.

Native title is about justice.

We talk about land justice, social justice, legal justice but really, it's about righting an historical wrong. Native title is the contemporary legal acknowledgment of Traditional Owners' ongoing connection to and responsibility for Country, continuing today and for more than 60,000 years.

Native title is a community title.

Unlike other statutory rights, it recognises the collective nature of rights held by Traditional Owners as a community and represented by their corporation. The Eastern Maar native title determination provides the Eastern Maar Peoples with rights and interests under Australian law to access, camp, use, enjoy and take the resources of the land and waters within the determination area. These rights and interests can be exercised in accordance with their traditional laws and customs and to satisfy their personal, cultural, domestic or communal needs. It also grants the Eastern Maar the right to protect places and areas of importance in the determination area.

Native title is a long process.

Our role as native title lawyers is to work with groups who wish to pursue land justice outcomes in Victoria. We approach this through the lens of formal statutory recognition at Commonwealth and Victorian state levels. We do not make decisions formally recognising Traditional Owners for Country, our work is to assist Traditional Owners in seeking formal recognition. We speak to Traditional Owners, not for Traditional Owners.

Tirelessly working towards these outcomes since 2003, for 20 years we have delivered land justice outcomes under Commonwealth and Victorian legislation. The Eastern Maar native title determination is another step in remediating the 2002 *Yorta Yorta v Victoria* High Court decision, that left in its wake a common view that native title as a doctrine would have little application in Southern Australia. We are pleased that they were wrong.

On 28 March 2023, the Federal Court sat under a specially constructed gazebo at Logan's Beach, Warrnambool, on the traditional lands of the Eastern Maar People. The Eastern Maar community welcomed the Court and the hundreds of attendees to their Country, including through a smoking ceremony and dance. Senior Elders and community leaders gave speeches recognising the significance of the occasion. Justice Murphy of the Federal Court then made the formal orders that recognised under Australian law the native title of the Eastern Maar Peoples.

We will continue to provide legal assistance and advise the Eastern Maar Peoples and their representative Prescribed Body Corporate, the Eastern Maar Aboriginal Corporation. The decision of the Federal Court on 28 March did not recognise native title over the entirety of the Eastern Maar claim area. We are working with the Eastern Maar to achieve native title recognition over the remainder of their claim area. We will also continue to support the Eastern Maar to use their native title recognition to further their aspirations for self-determination and to care for Country.

FIRST PEOPLE OF THE MILLEWA-MALLEE & FIRST PEOPLES OF THE MILLEWA-MALLEE ABORIGINAL CORPORATION

The First People of the Millewa-Mallee continue to pursue formal recognition outcomes through their registered native title claim. Resolving connection issues and respondent party matters continues to be a focus of our work with the group.

FNLRS continues to provide governance, legal and corporate secretariat support on a fee for service basis to First Peoples of the Millewa-Mallee Aboriginal Corporation, the RAP for the area.

FNLRS provided funding to individuals asserting a Nyeri Nyeri identity to prepare for and participate in the First Peoples of the Millewa Mallee native title proceeding as indigenous respondents

GUNAIKURNAI & GUNAIKURNAI LAND AND WATERS ABORIGINAL CORPORATION

Gunaikurnai Land and Waters Aboriginal Corporation (**GLaWAC**) continues to oversee and implement the terms of their 2010 settlement with the State of Victoria under the Settlement Act, in addition to their roles and responsibilities under the Native Title Act.

In the last financial year, GLaWAC continued their negotiations with the State to enter into a new Recognition and Settlement Agreement (**RSA**) that aims to build on the settlement reached in 2010. In October 2022 GLaWAC and the State agreed on a package of early outcomes, which provides for the joint management of four additional parks and further funding to support it, as well as the option to receive freehold title over two properties in East Gippsland. **FNLRS** is providing legal advice and assistance with the ongoing RSA negotiations with the State.

FNLRS also continues to assist the GLaWAC Board and executive team by providing legal advice and support on a fee for service basis in relation to native title, future act negotiation and corporate matters.

FNLRS facilitated funding from NIAA for individuals identifying as Gunaikurnai and Kurnai only to participate in the Boonwurrung native title proceeding as indigenous respondents.

GUNDITJMARA & GUNDITJ MIRRORING TRADITIONAL OWNERS ABORIGINAL CORPORATION

The Gunditj Mirring Traditional Owners Aboriginal Corporation (**GMTOAC**) continues to carry out the functions of a registered native title body corporate and RAP in south-west Victoria, holding native title rights and interests on behalf of the Gunditjmara People, following their successful native title determinations in 2007 and 2011. FNLRS provides ongoing limited advice and assistance to the corporation on native title matters.

MID NORTH-WEST

FNLRS continues to engage with Traditional Owners of the area that is located approximately from Swan Hill to Mildura to explore formal recognition options and share research findings. In October 2022, FNLRS held a full group meeting in Mildura to discuss a claim for formal recognition. At this meeting, FNLRS received instructions to pursue a claim for formal recognition and to create a working group. Throughout late 2022 and 2023, the working group met a number of times to discuss claim group composition, extent of Country and decision making processes. Two full group meetings are scheduled in the second half of 2023 to continue the full group's resolve to lodge a claim for land justice.

NORTH EAST

The North East region lies roughly to the east of the Yorta Yorta RAP area and to the west of Far-East Gippsland. FNLRS continues to undertake research and engagement with Traditional Owners of the region to understand their aspirations for formal recognition, and provide support in relation to future act matters under the Native Title Act.

TAUNGURUNG & TAUNGURUNG LAND AND WATERS COUNCIL ABORIGINAL CORPORATION

The status of the 2018 Taungurung settlement under the Traditional Owner Settlement Act continues to be challenged, with work progressing under an agreed framework for objectors to undertake further research, and parties to the ongoing dispute to provide submission to the State of Victoria. On completion of this process the State will reconsider in good faith its 2018 decision to enter into the Taungurung settlement. In the meantime the Taungurung settlement continues to be implemented, subject to the outcome of the agreed processes. FNLRs has continued to assist Taungurung Land & Water Council with implementation, particularly in relation to the land use activity agreement on a fee for service basis.

WADAWURRUNG/WATHAURUNG

A Wadawurrung native title claim was filed on 26 October 2022. FNLRs is not representing the applicant on this claim but will where useful and appropriate continue to assist the Court and parties.

WOTJOBALUK, JAADWA, JADAWADJALI, WERGAIA AND JUPAGULK & BARENGI GADJIN LAND COUNCIL ABORIGINAL CORPORATION

On 25 October 2022 the Barengi Gadjin Land Council, on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples, signed an RSA with the Victorian Government under the Settlement Act. The RSA provides for recognition, exercise of Traditional Owner rights on Crown land, grant of Aboriginal Title to a number of parks and reserves to be jointly managed with the State, financial benefits, involvement in natural

resource management and a host of other rights and benefits. Negotiation of a separate Land Use Activity Agreement is anticipated to take place over the following year.

FNLRs provided both direct and indirect (through funding a private law firm) support to the and Wotjobaluk nations and the BGLC throughout negotiations.

WURUNDJERI/WOIWURRUNG

Assistance to Wurundjeri/Woiwurrung was limited in this period to provision of future act notices. However, FNLRs remains available to assist where useful and appropriate.

FNLRs facilitated funding from NIAA for the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and individuals identifying as Wurundjeri/Woiwurrung to participate in the Boonwurrung native title proceeding as indigenous respondents.

DIGITISATION AND RETURN OF MATERIALS

Through the financial year FNLRs continued its work of digitising and auditing its extensive archive of materials, so that they are more accessible to Traditional Owners in accordance with principles of data sovereignty.

OUR GOVERNANCE

CORPORATE GOVERNANCE

FNLRS' corporate governance framework comprises the legislative framework governing the organisation, our constitution, Board of Directors, Board sub-committees, the CEO and the management team.

THE MANAGEMENT TEAM

The Chief Executive Officer leads FNLRS through its day-to-day operations. During the reporting period he was assisted by the management team, who meet on a fortnightly basis, to plan, discuss and review operational performance. The management team is as follows:

Tony Kelly, CEO

Dilruk Taylor, Chief Financial Officer

Rainer Matthews, Principal Legal Officer

Nisha Jholl, Deputy Principal Legal Officer

Rohan Thwaites, Deputy Principal Legal Officer

Dr Michael O'Kane, Research Manager

Ken Kennedy, Corporate Services Manager

ACCOUNTABILITY

EXTERNAL AUDITOR AND AUDIT COMMITTEE

The annual audit of FNLRS was carried out by PricewaterhouseCoopers. Its report accompanies the financial statements for 2022-2023 and is included on page 54.

The Audit and Risk Committee (**ARC**) was formed in May 2012 and the Board approved the Charter (revised in February 2017) under which the Committee operates. The role of the ARC is to assist the Board in First Nations governance and exercising of due care, diligence and skill in relation to reporting financial information to users of financial reports. This includes consideration of accounting policies, financial management, internal control systems, risk management systems, protection of the company's assets and, acting as the Remuneration Committee to review the remuneration and performance of the CEO.

The ARC and Board met together on 29 July 2022, 10 October 2022, 30 November 2022, 17 April 2023 and 15 May 2023. Agenda items considered by the committee included review of the organisation restructure, regulatory compliance, CEO remuneration and performance and annual accounts. The Committee meets annually with the auditors to discuss the financial reports and other relevant issues.

ARC reports and makes recommendation to the Board after each meeting.

NATIONAL INDIGENOUS AUSTRALIANS AGENCY (NIAA)

FNLRS has entered into an agreement with NIAA to perform the functions of native title service delivery in Victoria.

The obligations of the funding agreement are detailed in the "Head Agreement for Indigenous Grants" and "Project Agreement". They are comprehensive and hold to account First Nations Board and its management.

The reporting and acquittals framework ensure NIAA are apprised of our activities regularly. Half yearly reports – Operational Plan Performance Report and Financial Report as at 31 December and 30 June are tabled at relevant Board meetings.

To the best of our knowledge we have met all our obligations under the funding agreement.

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 FNLRS in 2022-23.

INSURANCE

FNLRS has comprehensive insurance cover for all assets and activities. This 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 2022-23 and we are not aware of any legal proceedings or material claims against us.

ETHICAL STANDARDS, POLICIES AND PROCEDURES

Our Board, Management and staff are guided in their actions and duties by FNLRS 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 report there were no breaches of our ethical standards, policies and procedures in 2022-23.

FINANCIAL OVERVIEW

A summary of the operating result reported to NIAA is given in Table 1.

Note that the table 1 is prepared in accordance with the funding agreement which is prepared on a modified cash basis and is therefore only partly in accordance with accounting standards.

The surplus of \$2,613M indicated in this table arises from underspent funds which have been committed to be expended in the financial year 2023-24.

A summary of operating expenditure for the 12 months to 30 June 2023, by activity is shown in the Table 2.

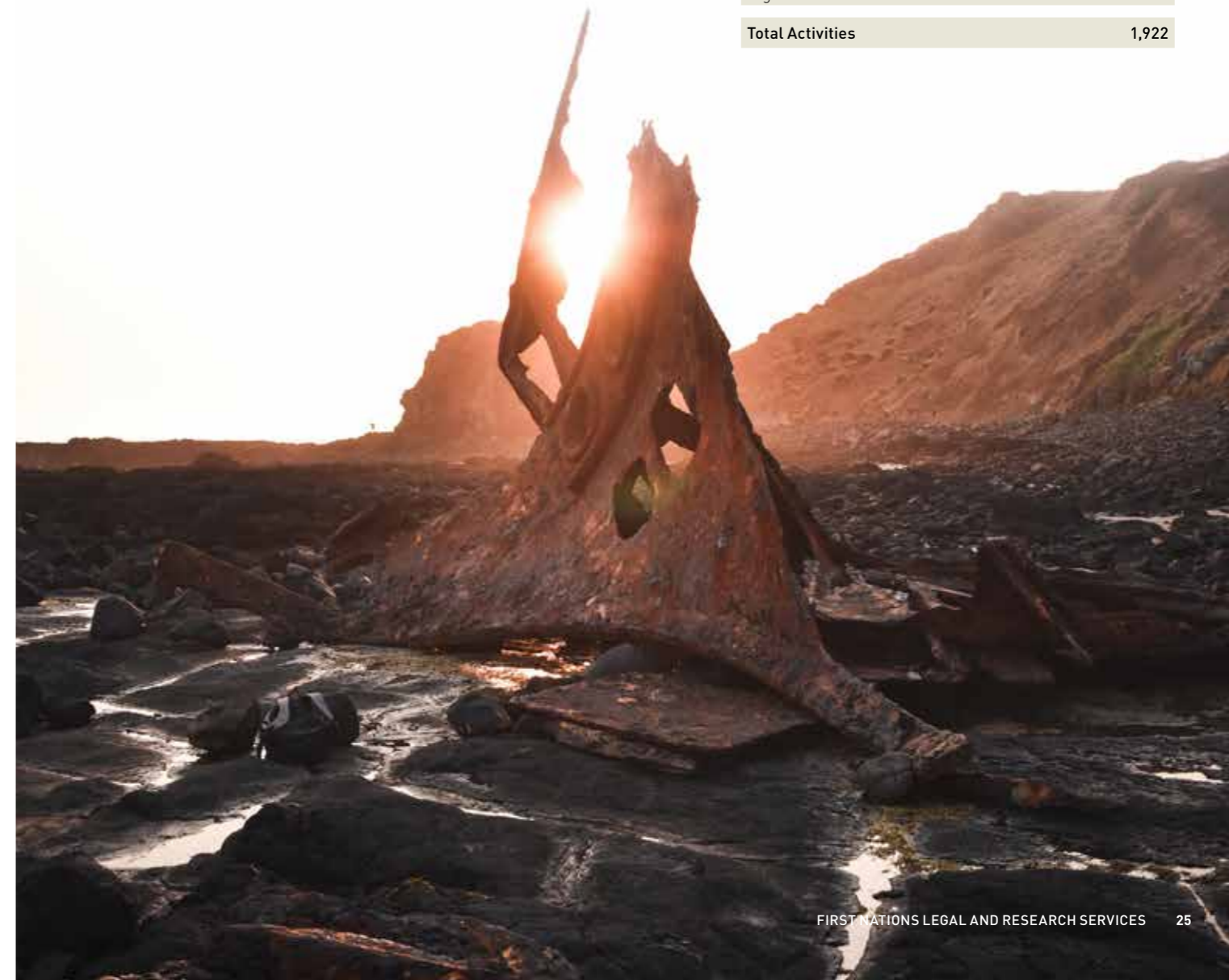
Table 1

NTRB Functions Funds utilised under Native Title Program Funding Agreement

	Actual 2021-22	Budget 2022-23	Actual 2022-23	Variation	
	(1)	(2)	(3)	(3) minus (2)	
	\$'000	\$'000	\$'000	\$'000	
INCOME					
NIAA Funding	4,352	7,806	7,806	-	
NIAA funding carried forward	606	799	799	-	
Activity generated income	373	263	352	89	
TOTAL INCOME	5,331	8,868	8,957	89	
EXPENSES					
Capital	5	70	5	-	65
Contested Litigation	390	4,396	2,525	-	1,871
Prescribed Body Corporate Funding	100	100	100	-	
Activities	2,290	2,133	1,922	-	211
Corporate	1,747	2,169	1,792	-	377
TOTAL EXPENSES	4,532	8,868	6,344	-	2,524
Surplus/(Deficit)	799	-	2,613	2,613	

Table 2

ACTIVITY NAME	\$'000
Boonwurrung contested litigation	2,346
EMAC contested litigation	153
Gunaikurnai and Wurundjeri contested litigation	26
Total contested litigation	2,525
PBC funding - BGLC	50
PBC Funding - GLaWAC	50
Total Prescribed Body Corporate	100
Eastern Marr	757
First People of the Millewa-Mallee	443
Taungurung	36
Barengi Gadjin Land Council	197
Mid-North West	40
Far East Gippsland	30
Woiwurrung/Wurundjeri	17
Bunurong/ Boon Wurrung	31
Woiwurrung/Wadawurrung	17
Gunditjmarra	53
North East	42
GLaWAC	45
Return of Material	137
Digitisation	77
Total Activities	1,922





OUR PEOPLE

CULTURAL SAFETY

At FNLRS it is essential that Cultural Safety, for both our staff and clients, is built into our practice and performance. Through various support mechanisms such as the Healing Informed Practice training we can continue to build and maintain a strong workforce culture within FNLRS.

PROFESSIONAL DEVELOPMENT

Staff professional development opportunities are highly valued and all staff are encouraged to learn and develop in their roles. FNLRS also continues to provide access to salary sacrifice arrangements and tax benefits through our standing as a Public Benevolent Institution. FNLRS is proud of its dedicated staff, and its policy when recruiting is to appoint Aboriginal people wherever possible.

STAFF PROFILE

During the 2022-23 financial year FNLRS had two new starters and five departures.

We are proud of the diversity in our team, providing an informed and sensitive basis for our work. Ensuring culturally informed practice, 25 per cent of our staff are members of First Nations communities. Gender equity is important both to us culturally and in our governance. Currently 46 per cent of our staff are women and 50 per cent of our positions are part-time.

ENTERPRISE AGREEMENT

The First Nations Legal and Research Services and Federation of Victorian Traditional Owner Corporations Enterprise Agreement 2018-2021 was successfully implemented in July 2021. The Enterprise Agreement continues to cover the terms and conditions of employment of all FNLRS staff.

WORKPLACE HEALTH AND SAFETY

FNLRS complies with the legislative requirements of the *Occupational Health and Safety Act 2004* (Vic). Our policies and procedures promote a safe and health work environment. During the reporting period, there were no recorded injuries which required workers' compensation.

We have had another incident free year and have maintained our good record of safe driving.

INTERNS

FNLRS continues to maintain and develop ongoing relationships with the Aurora Project and University of Melbourne. Each year FNLRS hosts a number of interns both from legal and research based disciplines. These interns are highly motivated and provide FNLRS with high quality assistance and support as part of their professional development and on-the-ground work experience



**FINANCIAL
REPORT
2022–2023**

**First Nations Legal & Research
Services Ltd**

ABN 27 105 885 149

**Annual report
for the year ended 30 June 2023**

Contents

Directors' report
Auditor's independence declaration
Financial report
Directors' declaration
Independent auditor's report to the members

The directors present their report on First Nations Legal & Research Services Ltd (the "entity" or "FNLRs") for the year ended 30 June 2023.

Directors

The following persons were directors of First Nations Legal & Research Services Ltd during the whole of the financial year and up to the date of this report, unless otherwise stated:

Kenneth Stewart
Eileen Alberts
Drew Berick
Jesse Williams
Raylene Harradine (resigned 11 July 2022)
Craig Watson (appointed 13 February 2023)

Information on directors

Kenneth Stewart

Chairperson
Director

Kenny Stewart is a Wamba Wamba descendent with strong family ties to the Lake Boga area. Kenny is a fourth-generation descendant of this area, and still has family there and spends a lot of time in this region and is committed to maintaining strong connections to that place.

In Kenny's words "I am and have been fortunate to have played a vital role in supporting Elders both past and present. I have been able to travel with and spend time with Elders, and this allowed me to gain greater knowledge and respect. They shared their knowledge with me and gave me a greater insight into Aboriginal issues involving both Native Title and cultural heritage.

In recognition of the fact that a number of key Aboriginal Elders trusted me with their knowledge and passion, I feel that now is the time to give something meaningful back to the community, to benefit the future of the Aboriginal people."

In his professional life, Kenny has further extended his relationship with Aboriginal people across north-west Victoria and has continued to build good working relationships through these communities. Recently, this has extended into the Riverland of South Australia, where he has formed and fostered new relationships. Other current professional service roles are:

- Past Member Victoria Aboriginal Heritage council
- Wiran Aboriginal Corporation (Chairperson).

Eileen Alberts

Director

Eileen is a Gunditjmarra woman and respected Elder of the Koori Court. Eileen works as a mentor for Budj Bim Rangers and is employed by Winda Mara Aboriginal Corporation. She has many years' experiences in Aboriginal health and education and is a former Community Liaison Officer with both Mirimbiak Nations Aboriginal Corporation and Native Title Services Victoria. Eileen has been a Board member since September 2009.

Information on directors (continued)

Drew Berick

Director

Drew is a proud Dja Dja Wurrung and Yorta Yorta man. Drew is the Elders' Voice Coordinator at the First Peoples Assembly of Victoria, where he engages with Elders across the State of Victoria to get their guidance, knowledge and wisdom to help shape the Elders' Voice.

Drew brings over 11 years of experience working in the native title sector and almost 21 years working in the Victorian Aboriginal community.

Jesse Williams

Deputy Chairperson
Director

Jesse is a proud Gunditjmarra, Yorta Yorta and Wiradjuri man. Jesse works as an Engagement Officer with Aboriginal Victoria working extensively with local Aboriginal communities through the state to maintain their traditions, achieve their aspirations and become self-governing.

Being a local Aboriginal Traditional Owner of Victoria and working closely with Aboriginal communities for most of his life, Jesse has a deep connection and understanding with various communities across the state.

Raylene Harradine - resigned 11 July 2022

Director

Raylene is a proud Wotjbulluk and Latje Latje woman who has been the CEO of Bendigo Health & Districts Aboriginal Cooperative for the past 8 years.

Raylene brings a wealth of experience working in the Aboriginal community and sits on various executive boards and committees. Raylene was instrumental in leading the establishment of the first rural Victorian Authorisation of Children in Out of Home Care under Section 18 of the Child, Youth and family Act 2005 as Principal Officer. Raylene was awarded a Public Service Medal in 2006 for her outstanding work with Aboriginal communities

Craig Watson - appointed 13 February 2023

Director

Craig is a proud Latji Latji man with significant leadership experience, bringing together people on Country, strengthening culture and driving real outcomes for First nations communities. With strong recommendations from Elders within First Nations, Craig proudly sits amongst one of the States leading resources for Indigenous peoples.

Meetings of directors

The numbers of meetings of the entity's board of directors and of each board committee held during the year ended 30 June 2023, and the numbers of meetings attended by each director were:

Director	Number eligible to attend	Number attended
Kenneth Stewart	5	5
Eileen Alberts	5	5
Drew Berick	5	4
Jesse Williams	5	5
Raylene Harradine	-	-
Craig Watson	2	2

Principal activities

The principal activities of the entity 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.

Vision statement

All Traditional Owner groups in Victoria are formally recognised and supported.

Mission statement

To be the service provider of choice for supporting Traditional Owner groups realise and exercise their Native Title rights and interests.

Objectives and strategies

(1) Achieve formal recognition across Victoria

Strategies:

- Conduct inclusive, forward thinking research that supports a range of formal recognition options
- Provide strategic advice tailored to each Traditional Owner group about their recognition options
- Assist Traditional Owner groups negotiate native title and related settlements with the State
- Assist Traditional Owners resolve disputes
- Work with the regional Nation Building teams to draw on available resources to support formal recognition
- Advocate for law reform and policy changes that support formal recognition outcomes

(2) Provide professional legal, research and corporate support to groups post settlement.

Strategies:

- First Nation continues to improve upon the quality of our post settlement services whilst maintaining competitive pricing
- Expand our service offering in response to identified need, particularly in relation to:
 - Treaty
 - Indigenous knowledge
 - Community and cultural development
 - Natural resource management
- Build and maintain relationships of trust and respect with our Traditional Owner clients post settlement

(3) First Nations has the capacity to support Traditional Owner groups prepare for and negotiate treaties and other future agreements, upon request.

Strategies:

- Leverage and expand our unique and interdisciplinary skills to assist Traditional Owner groups in treaty negotiations
- Utilise and strengthen our partnership with the FVTOC to deliver specialist treaty related support to Traditional Owners
- Develop a strong relationship with the First Peoples' Assembly of Victoria and other relevant stakeholders to help progress treaty in Victoria

Objectives and strategies (continued)

(4) Victorian Traditional Owners benefit from improved settlement outcomes, including, in relation to rights recognition, compensation and cultural heritage protection

Strategies:

- Advocate for expansion of Traditional Owner rights and interests under existing legislation and identify other opportunities for Traditional Owner recognition
- In conjunction with the National Native Title Council, FVTOC and our Traditional Owner clients advocate for full and comprehensive compensation for lost and/or impairment of native title rights and interests
- Advocate for improvement in Victorian and National cultural heritage protection laws and support Traditional Owner groups to achieve maximum control of their cultural heritage

(5) A collaborative process for the return of research materials to Traditional Owner clients is established, within legal and ethical frameworks.

Strategies:

- Continue auditing research materials held by First Nations
- Refine return of materials policy in response to legal advice and Traditional Owner group feedback
- Implement return of materials policy in conjunction with pilot Traditional Owner group

(6) First Nations has an increased profile within the Traditional Owner community.

Strategies:

- Build clear and strong communication channels with Traditional Owner communities
- Create positive meeting environments in which Traditional Owners feel valued and respected
- Continue to attend and present at regional and national forums relating to Traditional Owner rights and interests

(7) A healthy, nurturing, culturally safe and responsive work environment with a diverse staff group, is established

Strategies:

- Maintain a trust-based relationship between staff and management, where staff feel free to ask questions and raise issues.
- Maintain a work environment free from bullying, discrimination, and sexual harassment, guided by policies that continually adapt in response to community standards and contemporary workplace practices
- Ensure the development and maintenance of an office culture that allows for difference and diversity
- Investigate options for creating an office environment suitable for people of all abilities including wheelchair accessibility.
- Continue to maintain flexible work arrangements
- Embed healing informed practice into all aspects of First Nations operations

Review of operations

The surplus from ordinary activities for the year was \$116,860 (2022: deficit of \$79,190).

Members' liability

The entity is a entity limited by guarantee. If the entity is wound up, the Constitution states that each member is required to contribute a maximum of \$1 (2022: \$1) each towards meeting any outstanding obligations of the entity. As at 30 June 2023, the total amount that a member of the entity is liable to contribute if the entity is wound up is \$5 (2022: \$1).

Significant changes in the state of affairs

Federation of Victorian Traditional Owner Corporation Limited ceased to be the sole member of FNLRS as of 1 July 2022. Directors become members as per the Constitution.

There have been no other significant changes in the state of affairs of the entity during the year.

Event since the end of the financial year

No matter or circumstance has arisen since 30 June 2023 that has significantly affected the entity's operations, results or state of affairs, or may do so in future years.

Likely developments and expected results of operations

The entity is heavily reliant on government grant funding - this funding is continuing with the entity signing a three year funding agreement with the federal government from July 2023 to June 2026. A four year funding agreement with the state government is expected to be signed soon.

Environmental regulation

The entity is not affected by any significant environmental regulation in respect of its operations.

Insurance of officers and indemnities

During the year, the entity paid a premium which provides indemnity for the directors.

Auditor's independence declaration

A copy of the auditor's independence declaration as required under section 60 - 40 of the *Australian Charities and Not-for-profit Commission (ACNC) Act 2012* is set out on page 6 and forms part of the Director's report.

Rounding of amounts

The entity is of a kind referred to in ASIC Legislative Instrument 2016/191, relating to the 'rounding off' of amounts in the directors' report. Amounts in the directors' report have been rounded off in accordance with the instrument to the nearest dollar.

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



Kenneth Stewart
Chairperson



Jesse Williams
Deputy Chairperson

Melbourne
21 August 2023



Auditor's Independence Declaration

As lead auditor for the audit of First Nations Legal & Research Services Ltd for the year ended 30 June 2023, I declare that to the best of my knowledge and belief, there have been no contraventions of any applicable code of professional conduct in relation to the audit.



David Kennett
Partner
PricewaterhouseCoopers

Melbourne
21 August 2023

First Nations Legal & Research Services Ltd

ABN 27 105 885 149

Financial report - 30 June 2023

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These financial statements are the financial statements of First Nations Legal & Research Services Ltd as an individual entity.

The financial statements are presented in Australian dollars which is First Nations Legal & Research Services Ltd's functional and presentation currency.

All amounts disclosed in the financial statements and notes have been rounded off to the nearest currency units unless otherwise stated.

Its registered office and principal place of business is:

First Nations Legal & Research Services Ltd
12-14 Leveson Street
North Melbourne VIC 3051

The financial statements were authorised for issue by the directors on 21 August 2023. The directors have the power to amend and reissue the financial statements.

First Nations Legal & Research Services Ltd Statement of profit or loss and other comprehensive income For the year ended 30 June 2023

	Notes	2023 \$	2022 \$
Income			
Revenue from government	3	7,150,312	4,783,749
Project income	3	282,386	296,642
Other income	4	236,576	268,727
		<u>7,669,274</u>	<u>5,349,118</u>
Expenses			
Employee benefits expense		(2,887,387)	(3,217,324)
Depreciation expense		(286,613)	(352,201)
Consultants		(3,413,180)	(1,125,219)
Other occupancy expenses		(79,191)	(78,272)
Office expenses		(272,820)	(326,900)
Claimant meeting expenses		(533,609)	(268,801)
Motor vehicle expenses		(8,200)	(11,206)
Other expenses		(63,855)	(36,499)
Interest		(7,559)	(11,886)
		<u>(7,552,414)</u>	<u>(5,428,308)</u>
Surplus/(deficit) for the year		<u>116,860</u>	<u>(79,190)</u>
Other comprehensive income for the year, net of tax		<u>-</u>	<u>-</u>
Total comprehensive surplus/(deficit) for the year		<u>116,860</u>	<u>(79,190)</u>

The above statement of profit or loss and other comprehensive income should be read in conjunction with the accompanying notes.

First Nations Legal & Research Services Ltd
Statement of financial position
As at 30 June 2023

	Notes	2023 \$	2022 \$
ASSETS			
Current assets			
Cash and cash equivalents	5	4,749,436	3,330,085
Trade receivables	6	27,056	102,389
Financial assets at amortised cost	7	-	7,848
Other current assets	8	69,571	57,903
Total current assets		4,846,063	3,498,225
Non-current assets			
Property, plant and equipment	9	11,288	2,575
Right-of-use assets	10	212,654	496,202
Total non-current assets		223,942	498,777
Total assets		5,070,005	3,997,002
LIABILITIES			
Current liabilities			
Trade and other payables	11	773,303	479,075
Contract liabilities	3	3,184,506	2,206,944
Lease liabilities	10	212,942	273,656
Employee benefit obligations	12	550,553	619,774
Total current liabilities		4,721,304	3,579,449
Non-current liabilities			
Lease liabilities	10	-	212,942
Employee benefit obligations	12	98,938	71,708
Total non-current liabilities		98,938	284,650
Total liabilities		4,820,242	3,864,099
Net assets		249,763	132,903
EQUITY			
Accumulated surplus		249,763	132,903
Total equity		249,763	132,903

The above statement of financial position should be read in conjunction with the accompanying notes.

First Nations Legal & Research Services Ltd
Statement of changes in equity
For the year ended 30 June 2023

	Accumulated surplus \$	Total equity \$
Balance at 1 July 2021	212,093	212,093
Deficit for the year	(79,190)	(79,190)
Total comprehensive deficit for the year	(79,190)	(79,190)
Balance at 30 June 2022	132,903	132,903
Balance at 1 July 2022	132,903	132,903
Surplus for the year	116,860	116,860
Total comprehensive surplus for the year	116,860	116,860
Balance at 30 June 2023	249,763	249,763

The above statement of changes in equity should be read in conjunction with the accompanying notes.

First Nations Legal & Research Services Ltd
Statement of cash flows
For the year ended 30 June 2023

Notes	2023 \$	2022 \$
Cash flows from operating activities		
Receipts from course of operations	9,414,438	6,713,549
Payments to suppliers and employees	<u>(7,737,780)</u>	<u>(5,407,088)</u>
	1,676,658	1,306,461
Interest received	35,686	425
Interest paid	<u>(7,559)</u>	<u>(11,886)</u>
Net cash inflow from operating activities	<u>1,704,785</u>	<u>1,295,000</u>
Cash flows from investing activities		
Payments for property, plant and equipment	(11,778)	(3,168)
Proceeds from sale of property, plant and equipment	-	20,909
Net cash (outflow) inflow from investing activities	<u>(11,778)</u>	<u>17,741</u>
Cash flows from financing activities		
Principal elements of lease payments	(273,656)	(261,109)
Net cash (outflow) from financing activities	<u>(273,656)</u>	<u>(261,109)</u>
Net increase in cash and cash equivalents		
Cash and cash equivalents at the beginning of the financial year	3,330,085	2,278,453
Cash and cash equivalents at the end of the financial year	5 <u>4,749,436</u>	<u>3,330,085</u>

The above statement of cash flows should be read in conjunction with the accompanying notes.

First Nations Legal & Research Services Ltd
Notes to the financial statements
30 June 2023

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1 Summary of significant accounting policies

This note provides a list of the significant accounting policies adopted in the preparation of these financial statements. These policies have been consistently applied to all the years presented, unless otherwise stated. The financial statements are for the First Nations Legal & Research Services Ltd as a single entity.

(a) Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board, Urgent Issues Group Interpretations and the *Australian Charities and Not-for-Profits Commission Act 2012*. First Nations Legal & Research Services Ltd is a not-for-profit entity for the purpose of preparing the financial statements.

First Nations Legal & Research Services Ltd is a public entity limited by guarantee, incorporated and domiciled in Australia. The sole member of the entity is Federation of Victorian Traditional Owner Corporations Ltd.

(i) Compliance with Australian Accounting Standards - Simplified Disclosure Requirements

The financial statements of the First Nations Legal & Research Services Ltd comply with *Australian Accounting Standards - Simplified Disclosures* as issued by the Australian Accounting Standards Board (AASB).

(ii) Historical cost convention

These financial statements have been prepared under the historical cost basis.

(iii) New and amended standards adopted by the entity

The entity has applied the following standards and amendments for the first time in their annual reporting period commencing 1 July 2022:

- AASB 2020-3 *Amendments to Australian Accounting Standards - Annual Improvements 2018-2020 and Other Amendments [AASB 1, AASB 3, AASB 9, AASB 116, AASB 137 & AASB 141]*, and

The amendments listed above also did not have any impact on the amounts recognised in prior periods and are not expected to significantly affect the current or future periods.

(iv) Economic reliance

The entity is heavily reliant on government grant funding - this funding is continuing with the entity signing a three year funding agreement with the federal government from July 2023 to June 2026. A four year funding agreement with the state government is expected to be signed soon. On this basis, the entity will be able to manage its costs and continue to meet its obligations and pay its debts as and when they fall due. The financial statements have been prepared on a going concern basis.

(v) Critical accounting estimates and assumption

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 entity.

(b) Revenue recognition

The entity recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the entity and specific criteria have been met for each of the entity's activities as described below. The entity bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

1 Summary of significant accounting policies (continued)

(b) Revenue recognition (continued)

Revenue is recognised for the major business activities using the methods outlined below.

Government grants

Revenue from government is recognised when there is sufficiently specific promises to meet according to the agreement between the entity and the government. When there is a sufficiently, specific promise, the revenue is recognised as the promise is satisfied and conditions fulfilled being the expenditure incurred to perform the promises as specified in the agreement.

Where there is not sufficiently specific promise to satisfy and be performed, the grant is recognised as income when the entity obtains control or the right to receive the contribution.

Project income

Project income is recognised in the accounting period in which the services are rendered being the expenditure is incurred to fulfill the performance obligation.

Interest income

Interest income is recognised using the effective interest method.

Other income

Other income consists of various, miscellaneous and one-off items, including bookkeeping service fees, legal fees and cost reimbursements.

(c) Income tax

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

(d) Leases

Leases are recognised as a right-of-use asset and a corresponding liability at the date at which the leased asset is available for use by the entity.

The entity leases office building. Rental contract is made for fixed period of 10 years.

Contracts may contain both lease and non-lease components. The entity allocates the consideration in the contract to the lease and non-lease components based on their relative stand-alone prices. However, for leases of real estate for which the entity is a lessee, it has elected not to separate lease and non-lease components and instead accounts for these as a single lease component.

Lease terms are negotiated on an individual basis and contain a wide range of different terms and conditions. The lease agreements do not impose any covenants other than the security interests in the leased assets that are held by the lessor. Leased assets may not be used as security for borrowing purposes.

Assets and liabilities arising from a lease are initially measured on a present value basis. Lease liabilities include the net present value of the following lease payments:

- fixed payments (including in-substance fixed payments), less any lease incentives receivable,
- variable lease payment that are based on an index or a rate, initially measured using the index or rate as at the commencement date,
- amounts expected to be payable by the entity under residual value guarantees,

Lease payments to be made under reasonably certain extension options are also included in the measurement of the liability.

1 Summary of significant accounting policies (continued)

(d) Leases (continued)

The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, which is generally the case for leases in the entity, the lessee's incremental borrowing rate is used, being the rate that the individual lessee would have to pay to borrow the funds necessary to obtain an asset of similar value to the right-of-use asset in a similar economic environment with similar terms, security and conditions.

To determine the incremental borrowing rate, the entity:

- where possible, uses recent third-party financing received by the individual lessee as a starting point, adjusted to reflect changes in financing conditions since third-party financing was received,
- uses a build-up approach that starts with a risk-free interest rate adjusted for credit risk for leases held by First Nations Legal & Research Services Ltd, which does not have recent third-party financing, and
- makes adjustments specific to the lease, e.g. term, country, currency and security.

The entity is exposed to potential future increases in variable lease payments based on an index or rate, which are not included in the lease liability until they take effect. When adjustments to lease payments based on an index or rate take effect, the lease liability is reassessed and adjusted against the right-of-use asset.

Right-of-use assets are measured at cost comprising the following:

- the amount of the initial measurement of lease liability,
- any lease payments made at or before the commencement date less any lease incentives received,
- any initial direct costs, and
- restoration costs.

Right-of-use assets are generally depreciated over the shorter of the asset's useful life and the lease term on a straight-line basis.

Payments associated with short-term leases and all leases of low-value assets are recognised on a straight-line basis as an expense in profit or loss. Short-term leases are leases with a lease term of 12 months or less.

(e) Impairment of non-financial assets

Assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs of disposal and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows which are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at the end of each reporting year.

(f) Cash and cash equivalents

For the purpose of presentation in the statement of cash flows, cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

1 Summary of significant accounting policies (continued)

(g) Trade receivables

Trade receivables are amounts due from customers for goods sold or services performed in the ordinary course of business. They are generally due for settlement within 30 days and therefore are all classified as current.

The entity holds trade receivables with the objective to collect the contractual cash flows and therefore measures them subsequently at amortised cost using the effective interest method, less provision for impairment. The entity applies the AASB9 *Financial Instruments* simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, trade receivables have been grouped based on shared credit risk characteristics and the days past due.

(h) Property, plant and equipment

Property, plant and equipment is stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the entity and the cost of the item can be measured reliably. The carrying amount of any component accounted for as a separate asset is derecognised when replaced. All other repairs and maintenance are charged to profit or loss during the reporting year in which they are incurred.

Depreciation is calculated using the straight-line method to allocate the cost or revalued amounts of the assets, net of their residual values, over their estimated useful lives as follows:

Class of fixed asset	Depreciation rate
• Computers	40%
• Motor vehicles	20%

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

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount (note 1(e)).

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in profit or loss.

(i) Trade and other payables

These amounts represent liabilities for goods and services provided to the entity prior to the end of financial year which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition. Where trade payables are settled via electronic cash transfer, they are derecognised when the entity has no ability to withdraw, stop or cancel the payment, has lost the practical ability to access the cash as a result of the electronic payment instruction and the risk of a settlement not occurring is insignificant. Trade and other payables are presented as current liabilities unless payment is not due within 12 months from the reporting date. They are recognised initially at their fair value and subsequently measured at amortised cost using the effective interest method.

(j) Employee benefits

(i) Short-term obligations

Liabilities for wages and salaries, including non-monetary benefits that are expected to be settled wholly within 12 months after the end of the period in which the employees render the related service are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liabilities are presented as current employee benefit obligations in the statement of financial position.

1 Summary of significant accounting policies (continued)

(j) Employee benefits (continued)

(ii) Other long-term employee benefit obligations

The entity also has liabilities for long service leave and annual leave that are not expected to be settled wholly within 12 months after the end of the year in which the employees render the related service. These obligations are therefore measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting year using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and years of service. Expected future payments are discounted using market yields at the end of the reporting year of high-quality corporate bonds with terms and currencies that match, as closely as possible, the estimated future cash outflows. Remeasurements as a result of experience adjustments and changes in actuarial assumptions are recognised in profit or loss.

The obligations are presented as current liabilities in the statement of financial position if the entity does not have an unconditional right to defer settlement for at least twelve months after the reporting date, regardless of when the actual settlement is expected to occur.

(iii) Post-employment obligations

The entity pays contributions to publicly or privately administered defined contribution superannuation plans on a mandatory, contractual or voluntary basis. The entity has no further payment obligations once the contributions have been paid. The contributions are recognised as employee benefit expense when they are due. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

(k) Rounding of amounts

The entity is of a kind referred to in ASIC Legislative Instrument 2016/191, relating to the 'rounding off' of amounts in the financial statements. Amounts in the financial statements have been rounded off in accordance with the instrument to the nearest dollar.

(l) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

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 taxation authority is included with other receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the taxation authority, are presented as operating cash flows.

(m) Contract liabilities

Contract liability is the unutilised amounts of grants reearned on the condition that specified services are delivered or conditions are fulfilled. The services are usually provided on the conditions usually fulfilled within 12 months of receipt of the grant.

2 Critical estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the entity's accounting policies. There are no areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements.

Significant estimates and judgements

Estimates and judgements are continually evaluated. They are based on historical experience and other factors, including expectations of future events that may have a financial impact on the entity and that are believed to be reasonable under the circumstances.

3 Revenue from contracts with customers

	2023 \$	2022 \$
Revenue from government - Federal	5,993,130	4,159,098
Revenue from government - State	1,157,182	624,651
Project income	282,386	296,642
	<u>7,432,698</u>	<u>5,080,391</u>

Project income includes grants received from the State government.

Liabilities related to contracts with customers

The entity has recognised the following liabilities related to contracts with customers:

	2023 \$	2022 \$
Contract liabilities		
Unexpended grants - Federal	2,611,639	798,445
Unexpended grants - State	572,867	1,408,499
Total contract liabilities	<u>3,184,506</u>	<u>2,206,944</u>

4 Other income

	2023 \$	2022 \$
Interest	35,686	425
Other income	200,890	268,302
	<u>236,576</u>	<u>268,727</u>

5 Cash and cash equivalents

	2023 \$	2022 \$
Cash at bank	<u>4,749,436</u>	<u>3,330,085</u>

First Nations Legal & Research Services Ltd
Notes to the financial statements
30 June 2023
(continued)

6 Trade receivables

	2023 \$	2022 \$
Trade receivables	<u>27,056</u>	102,389

7 Financial assets at amortised cost

	2023 \$	2022 \$
Funds held on behalf of third parties	<u>-</u>	7,848

8 Other current assets

	2023 \$	2022 \$
Prepayments	67,990	56,791
Other receivables	1,581	1,112
	<u>69,571</u>	57,903

9 Property, plant and equipment

	Motor vehicles \$	Computers \$	Total \$
At 30 June 2022			
Cost	49,943	238,998	288,941
Accumulated depreciation	(49,943)	(236,423)	(286,366)
Net book amount	<u>-</u>	2,575	2,575
Year ended 30 June 2023			
Opening net book amount	-	2,575	2,575
Additions	-	11,778	11,778
Depreciation charge	-	(3,065)	(3,065)
Closing net book amount	<u>-</u>	11,288	11,288
At 30 June 2023			
Cost	49,943	250,776	300,719
Accumulated depreciation	(49,943)	(239,488)	(289,431)
Net book amount	<u>-</u>	11,288	11,288

First Nations Legal & Research Services Ltd
Notes to the financial statements
30 June 2023
(continued)

10 Leases

This note provides information for leases where the entity is a lessee.

(a) Amounts recognised in the statement of financial position

The statement of financial position shows the following amounts relating to leases:

	2023 \$	2022 \$
Right-of-use assets		
Buildings	<u>212,654</u>	496,202
Lease liabilities		
Current	212,942	273,656
Non-current	<u>-</u>	212,942
	<u>212,942</u>	486,598

Future lease payments in relation to lease liabilities as at year end are as follows:

	2023 \$	2022 \$
Within one year	212,942	279,634
Later than one year but not later than five years	<u>-</u>	214,409
	<u>212,942</u>	494,043

There were no additions to the right-of-use assets during the 2023 financial year (2022: \$nil).

(b) Amounts recognised in the statement of profit or loss and other comprehensive income

The statement of profit or loss and other comprehensive income shows the following amounts relating to leases:

	2023 \$	2022 \$
Depreciation charge of right-of-use assets		
Buildings	<u>283,648</u>	283,548
Interest expense	<u>7,559</u>	11,886

First Nations Legal & Research Services Ltd
Notes to the financial statements
30 June 2023
(continued)

11 Trade and other payables

	2023 \$	2022 \$
Trade payables	390,376	183,116
Sundry creditors and accruals	382,927	295,959
	<u>773,303</u>	<u>479,075</u>

The following table shows the carrying amounts of trade and other payables between financial liabilities and non-financial liabilities:

	2023 \$	2022 \$
Financial liabilities measured at amortised cost	390,376	183,116
Non-financial liabilities	382,927	295,959
	<u>773,303</u>	<u>479,075</u>

12 Employee benefit obligations

	2023			2022		
	Current \$	Non- current \$	Total \$	Current \$	Non- current \$	Total \$
Leave obligations	550,553	98,938	649,491	619,774	71,708	691,482

(a) Leave obligations

The leave obligations cover the entity's liabilities for long service leave and annual leave which are classified as either other long-term benefits or short-term benefits, as explained in note 1(j).

(b) Amounts recognised in profit and loss in relation to defined contribution plans

The entity has recognised expenses of \$267,840 in the current period (2022: \$279,974) in relation to defined contribution plans which are included in employee benefit expenses in the statement of profit or loss and other comprehensive income.

13 Dividends

There were no franking credits available for subsequent reporting periods (2022: \$nil).

First Nations Legal & Research Services Ltd
Notes to the financial statements
30 June 2023
(continued)

14 Remuneration of auditors

During the year the following fees were paid or payable for services provided by the auditor of the entity:

PwC Australia

(i) Audit and other assurance services

	2023 \$	2022 \$
Audit and review of financial statements	25,000	16,250
Total remuneration for audit and other assurance services	<u>25,000</u>	<u>16,250</u>

(ii) Other services

Compilation of financial statements	3,500	2,000
Total remuneration for other services	<u>3,500</u>	<u>2,000</u>

Total remuneration of PwC Australia	<u>28,500</u>	<u>18,250</u>
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15 Contingencies

The entity had no contingent liabilities at 30 June 2023 (2022: \$nil).

16 Commitments

The entity had no capital commitments at 30 June 2023 (2022: \$nil).

17 Related party transactions

(a) Parent entities

The entity ceased to be controlled by Federation of Victorian Traditional Owner Corporation Limited (FVTOC) on 1 July 2022. The directors became the members of the entity.

(b) Key management personnel compensation

	2023 \$	2022 \$
Total compensation	<u>903,047</u>	<u>801,339</u>

17 Related party transactions (continued)

(c) Transactions with other related parties

Federation of Victorian Traditional Owner Corporation Limited (FVTOC) ceased to be a related party as stated in note 17(a).

The following transactions occurred with related parties:

	2023	2022
	\$	\$
<i>Revenue and reimbursement received</i>		
Admin and overhead recovery charged to Federation of Victoria Traditional Owner Corporation Ltd	-	247,393
<i>Expense and charges incurred</i>		
Consultant fees paid to Federation of Victoria Traditional Owner Corporation Ltd	-	50,000

(d) Outstanding balances

The following balances are outstanding at the end of the reporting year in relation to transactions with related parties:

	2023	2022
	\$	\$
<i>Current receivables (expenses paid by First Nations Legal & Research Services Ltd)</i>		
Parent entity	-	30,722
Other related parties	-	3,449
	-	34,171

(e) Terms and conditions

All transactions were made on normal commercial terms and conditions and at market rates.

18 Events occurring after the reporting period

No matters or circumstances have occurred subsequent to year end that has significantly affected, or may significantly affect, the operations of the entity, the results of those operations or the state of affairs of the entity or economic entity in subsequent financial years.

19 Financial assets held in trust

The organisation holds cash on deposit for Wathaurung/Wadawurrung, Central North and Latji Latji in trust. These assets are not recognised in the statement of financial position as in substance they are owned by third parties. The amounts held in trust on behalf of these third parties are as follows:

	2023	2022
	\$	\$
Liability to third parties	680,125	685,089
Represented by:		
Term deposits	680,125	685,089

In the directors' opinion:

- (a) the financial statements and notes set out on pages 7 to 23 are in accordance with the *Australian Charities and Not-for-profits Commission Act 2012*, including:
 - (i) complying with Accounting Standards and other mandatory professional reporting requirements, and
 - (ii) giving a true and fair view of the entity's financial position as at 30 June 2023 and of its performance for the financial year ended on that date, and
- (b) there are reasonable grounds to believe that the entity 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 directors.



Kenneth Stewart
Director



Jesse Williams
Director

Melbourne
21 August 2023



Independent auditor's report

To the members of First Nations Legal & Research Services Ltd

Our opinion

In our opinion:

The accompanying financial report of First Nations Legal & Research Services Ltd (the Entity) is in accordance with Division 60 of the *Australian Charities and Not-for-profits Commission (ACNC) Act 2012*, including:

- (a) giving a true and fair view of the Entity's financial position as at 30 June 2023 and of its financial performance for the year then ended
- (b) complying with Australian Accounting Standards - Simplified Disclosures and Division 60 of the *Australian Charities and Not-for-profits Commission Regulations 2022*.

What we have audited

The financial report comprises:

- the statement of financial position as at 30 June 2023
- the statement of changes in equity for the year then ended
- the statement of cash flows for the year then ended
- the statement of profit or loss and other comprehensive income for the year then ended
- the notes to the financial statements, which include significant accounting policies and other explanatory information
- the declaration of the Directors.

Basis for opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial report* section of our report.

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

Independence

We are independent of the Entity in accordance with the ethical requirements of the Accounting Professional & Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

Other information

The Directors are responsible for the other information. The other information comprises the information included in the annual report for the year ended 30 June 2023, but does not include the financial report and our auditor's report thereon.

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Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon through our opinion on the financial report.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work we have performed on the other information that we obtained prior to the date of this auditor's report, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Directors for the financial report

The Directors are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards - Simplified Disclosures and the *Australian Charities and Not-for-profits Commission (ACNC) Act 2012* and for such internal control as the Directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

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

Auditor's responsibilities for the audit of the financial report

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

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

PricewaterhouseCoopers

David Kennett
Partner

Melbourne
21 August 2023



