

NATIONAL NATIVE TITLE TRIBUNAL

Section 1: Overview, appropriations and budget measures summary

OVERVIEW

The role of the National Native Title Tribunal (NNTT) is to facilitate the recognition and protection of native title in accordance with the requirements of the *Native Title Act 1993* (the Act). The NNTT's performance is measured by outputs that are directly derived from the processes and obligations under the Act.

The NNTT is a national provider of registration, notification, mediation and arbitration services and related assistance and information for people in the Australian community involved in the resolution of native title and related issues.

The NNTT applies a stringent registration test to native title applications; mediates native title applications under the supervision of the Federal Court; and assists in various areas of agreement-making in relation to native title. The Act allows parties in mediation of native title applications to negotiate agreements involving matters other than native title. The Act also allows for the negotiation and registration of indigenous land use agreements as an alternative to future act processes and for other purposes. The NNTT facilitates these agreements where parties wish to engage its services.

APPROPRIATIONS AND RESOURCING

The total appropriation for the NNTT in the 2003–04 Budget is \$33.929m. Table 1.1 shows appropriations (2003–04) and other revenue by outcome.

ADMINISTERED CAPITAL AND DEPARTMENTAL EQUITY INJECTIONS AND LOANS

The NNTT does not have an appropriation for an equity injection or loan or an appropriation for administered capital.

NATIONAL NATIVE TITLE TRIBUNAL — APPROPRIATIONS 2003–04

Table 1.1: Appropriations and other revenue ('000)

Outcome	Departmental (price of outputs)					Administered				Total Appropriations
	Revenue from Government (Appropriations)			Revenue from other sources	Price of outputs	Annual Appropriations		Special Appropriations	Total Administered Appropriations	
	Bill No. 1 (A)	Special approps (B)	Total (C = A+B)	(D)	(E = C+D)	Bill No. 1 (F)	Bill No. 2 (SPPs & NAOs) (G)	(H)	(I = F+G+H)	
Recognition and protection of Native Title	33,929	-	33,929 99.5%	164	34,093	-	-	-	-	33,929
Total	33,929	-	33,929	164	34,093	-	-	-	-	33,929
Departmental capital (equity injections and loans)										-
Administered capital										-
Total Appropriations										33,929

1. Columns C, E and I refer to information provided in Total Resources for Outcome tables.
 2. Under the Appropriation structure, Bill No. 2 includes Specific Purpose Payments (SPP's), New Agency Outcomes (NAO's), administered capital and departmental capital via departmental injections and loans.
 3. Refer to Budgeted Statement of Financial Performance for application of agency revenue.
 4. Revenue from other sources includes other revenue from government (for example, resources free of charge).
- Note: Percentage figures indicate the percentage contribution of Revenue from Government (Departmental Appropriations) to the Total Price of Outputs.

RECEIPTS FROM INDEPENDENT SOURCES

Table 1.3: Receipts from independent sources

	Estimated Revenue 2002-03 \$'000	Estimated Revenue 2003-04 \$'000
Sales of goods and services	150	150
Interest	120	-
Resources received free of charge	13	14
Total estimated revenue	283	164

There is no bank interest for 2003-04 as the Agency Banking Incentive Scheme will be discontinued from 1 July 2003.

Section 2: Outcomes and outputs information

OUTCOMES AND OUTPUT GROUPS

The National Native Title Tribunal works to achieving the outcomes specified by Government. The following section provides a departmental overview, and then the outcome is discussed. Map 2 shows the relationship between the outcome and outputs.

Financial detail and non-financial information is provided as follows:

- Map 2 - details outcome and output resourcing and illustrates the relationship between the outcome and contributing outputs.
- Table 2.1.1 - details financial information for outcome 1.
- Table 2.2.1 - description of outputs.
- Table 2.3.1 - performance information for outcome 1.

Output cost attribution

2003-04 output price estimates are based on actual prices determined at the end of 2001-02. Direct costs are identified against outputs, salary costs apportioned and overheads allocated proportionally.

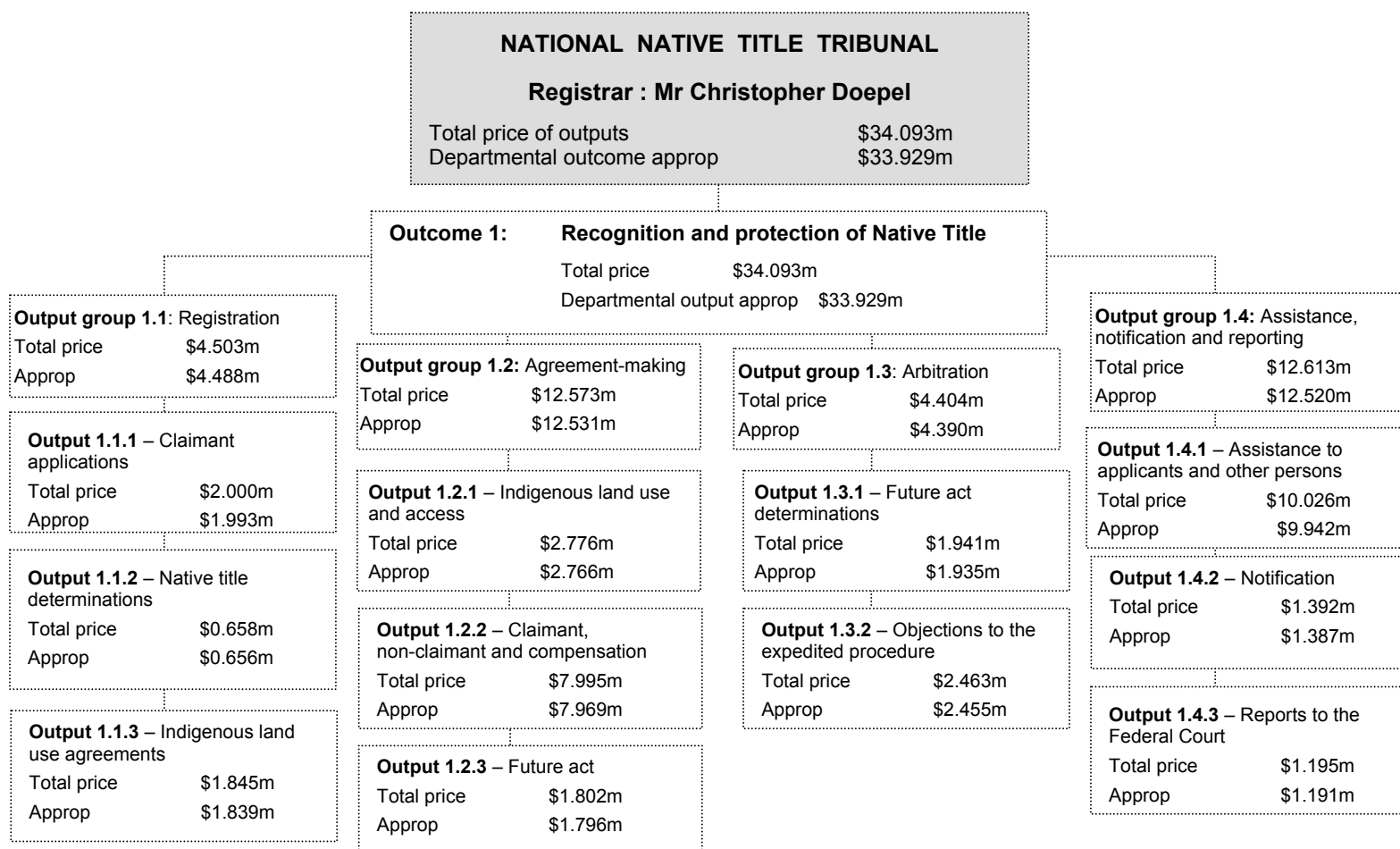
CHANGES TO OUTCOMES AND OUTPUTS

The NNTT has retained, without amendment, its single outcome statement.

A new output item, Capacity Building Initiatives, has been added under 1.4.1 - Assistance to applicants and other persons. Capacity building initiatives include projects and activities that are intended to help people or organisations to participate more effectively in the native title system. The NNTT's strategic planning process has identified the need for several initiatives that fall into this category.

Map 2: Outcomes and output groups

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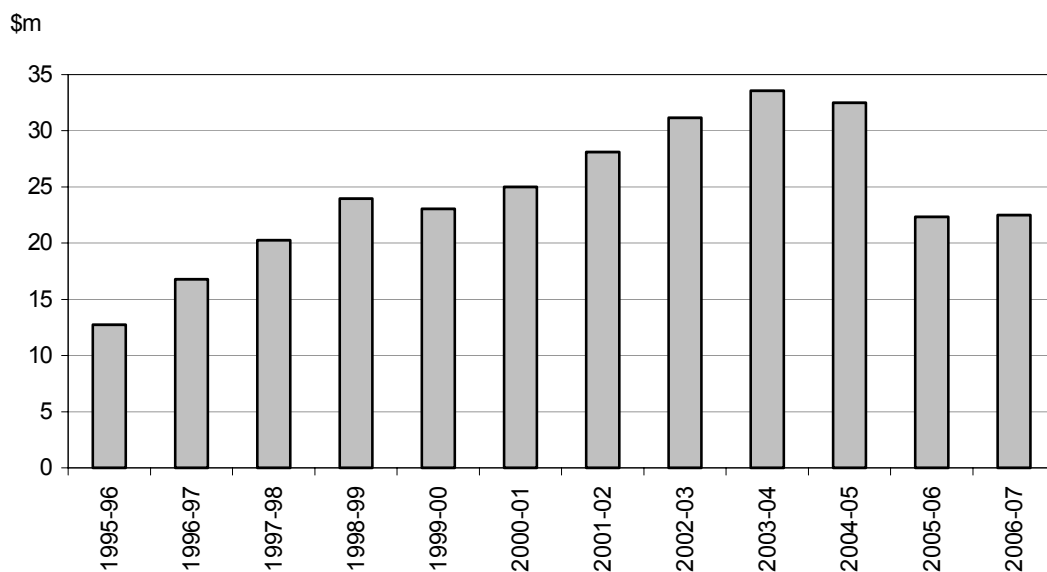


OUTCOME 1 — RECOGNITION AND PROTECTION OF NATIVE TITLE

The relative balance of activity between the output groups continues to change, resulting in a shift in levels of resources required for the various output groups. The expected pattern of activity generates increasing budget requirements in the years leading up to 2004-05.

Chart 2.1 shows the annual operating costs of the NNTT up to the end of 2001-02 and the forward estimate appropriations for future years. Appropriations for 2005-06 and 2006-07 show a return to the baseline figures that preceded the additional funding provide in the 2001-02 Budget. Current workload projections for 2005-06 and the outyears indicate that there will be a need for funding beyond the base level in those years. However, the relatively brief history and unique nature of the native title system poses particular difficulties for forecasting native title workloads. Therefore, the required level of funding for 2005-06 and the outyears will be further considered at that time.

Chart 2.1 Annual Operating Expenses/Appropriations



Outcome 1 — Resourcing

Table 2.1.1 shows how the 2003–04 Budget appropriations translate to total resourcing for outcome 1, including revenue from government (appropriation), revenue from other sources, and the total price of outputs.

Table 2.1.1: Total resources for Outcome 1 (\$'000)

	Estimated Actual 2002–03 \$'000	Budget Estimate 2003–04 \$'000
Departmental appropriations		
Output group 1.1 – Registrations		
Output 1.1.1 – Claimant applications	3,303	1,993
Output 1.1.2 – Native title determinations	422	656
Output 1.1.3 – Indigenous land use agreements	1,397	1,839
Subtotal Output Group 1.1	5,122	4,488
Output group 1.2 – Agreement-making		
Output 1.2.1 – Indigenous land use and access	3,745	2,766
Output 1.2.2 – Claimant, non-claimant and compensation	8,133	7,969
Output 1.2.3 – Future act	1,603	1,796
Subtotal Output Group 1.2	13,481	12,531
Output group 1.3 – Arbitration		
Output 1.3.1 – Future act determinations	1,684	1,935
Output 1.3.2 – Objections to the expedited procedure	3,390	2,455
Subtotal Output Group 1.3	5,074	4,390
Output group 1.4 – Assistance, notification and reporting		
Output 1.4.1 – Assistance to applicants and other persons	4,873	9,942
Output 1.4.2 – Notification	1,618	1,387
Output 1.4.3 – Reports to the Federal Court	1,416	1,190
Subtotal Output Group 1.4	7,907	12,520
Total revenue from government (appropriations) contributing to price of departmental outputs	31,584	33,929
Revenue from other sources		
Output 1.1.1 – Claimant applications	25	7
Output 1.1.2 – Native title determinations	3	2
Output 1.1.3 – Indigenous land use agreements	10	6
Output 1.2.1 – Indigenous land use and access	27	9
Output 1.2.2 – Claimant, non-claimant and compensation	60	27
Output 1.2.3 – Future act	12	6
Output 1.3.1 – Future act determinations	12	7
Output 1.3.2 – Objections to the expedited procedure	25	8
Output 1.4.1 – Assistance to applicants and other persons	86	83
Output 1.4.2 – Notification	12	5
Output 1.4.3 – Reports to the Federal Court	11	4
Total revenue from other sources	283	164
Total price from departmental outputs	31,867	34,093
Dividend paid to Government	1,900	-
(Total revenue from government and from other sources)	33,767	34,093
Total estimated resourcing for Outcome 1	31,867	34,093
Average staffing level	270	275

The NNTT has two special accounts and no funds were transferred into or out of them. These are Services to Other Governments and Other Trust Monies.

OUTCOME 1 — CONTRIBUTION OF OUTPUTS

The National Native Title Tribunal (NNTT) has one outcome:

Recognition and protection of Native Title

There are four output groups with outputs for the NNTT's outcome:

1.1 Registration

- Claimant applications
- Native title determinations
- Indigenous land use agreements

1.2 Agreement-making

- Indigenous land use and access
- Claimant, non-claimant and compensation
- Future act

1.3 Arbitration

- Future act determinations
- Objections to the expedited procedure

1.4 Assistance, notification and reporting

- Assistance to applicants and other persons
- Notification
- Reports to Federal Court

PERFORMANCE INFORMATION FOR OUTCOME 1

Registration

Registration relates to the maintenance of various registers and the processes leading to registration. The Native Title Registrar is responsible for the Register of Native Title Claims, the National Native Title Register and the Register of Indigenous Land Use Agreements. In administering the Register of Native Title Claims, the Registrar and delegated decision makers apply a statutory registration test to each application for a determination that native title exists.

Agreement-making

NNTT Members mediate applications for determination of native title and compensation that are referred to the NNTT by the Federal Court. The NNTT assists parties to reach agreements about native title and compensation. Parties wishing to reach agreement about certain future acts affecting native title request the NNTT to

mediate. Similarly, parties wishing to make an indigenous land use agreement or statutory access agreement can request the NNTT to assist them in negotiating the agreement.

Arbitration

The NNTT arbitrates in relation to certain types of future acts where the parties do not reach agreement.

Assistance, notification and reporting

Under the Act, the NNTT assists applicants and other persons with preparation of applications by:

- providing maps, Register and tenure information;
- providing information about native title and agreement-making processes and research reports;
- conducting seminars and workshops; and
- undertaking collaborative projects.

The NNTT must notify people or bodies whose interests may be affected by each native title application. It does so by way of advertisements and notices to individual holders of a registered property interest in land or waters affected by a native title application.

Table 2.2.1 Description of outputs

Outputs	Items	Description
Group 1.1: Registration		
1.1.1: Claimant applications	Decisions	Number of registration decisions, including both pass and fail decisions
1.1.2: Native title determinations	Registrations	Number of claimant, non-claimant and compensation determinations registered
1.1.3: Indigenous land use agreements	Decisions	Number of ILUA registration decisions, including both pass and fail decisions
Group 1.2: Agreement-making		
1.2.1: Indigenous land use and access agreements	Agreements	Indigenous land use agreements and other agreements negotiated with the assistance of the NNTT, and completed
1.2.2: Claimant, non-claimant and compensation applications	Agreements	Agreements that resolve or partly resolve the application where the NNTT has assisted
1.2.3: Future Act applications	Agreements	Tribunal mediated agreements between parties that a proposed activity or acquisition may proceed
Group 1.3: Arbitration		
1.3.1: Future act determination applications	Determinations	Decisions (by tenement or land acquisition) made by the NNTT that a proposed act may or may not proceed
1.3.2: Objections to the expedited procedure	Objections	Objections finalised
Group 1.4: Assistance, notification and reporting		
1.4.1: Assistance to applicants and other persons	Initiatives	Projects and activities aimed at capacity building for participants in Native Title processes
	Events	Research reports for parties in agreement-making, collaborative projects, educational programs such as seminars and workshops and production of discussion papers, library catalogues, fact sheets, newsletters and other publications.
	Contacts	Telephone discussions, correspondence and media statements providing information and assistance with preparation of applications and agreements, provision of maps, spatial descriptions and searches of the registers.
1.4.2: Notification	Applications advertised	Applications advertised in newspapers and other publications in an area affected by a claimant, non-claimant or compensation application, or application to register an ILUA
	Notification letters	Written notice to individuals or bodies in an area affected by a claimant, non-claimant or compensation application, or an application to register an ILUA
1.4.3: Reports to the Federal Court	Reports	Mediation and status reports provided to the Federal Court

Table 2.3.1 Performance information for outcome 1

Effectiveness — overall achievement of the outcome	
Agreements that recognise and protect native title	
Performance information for departmental outputs	
<i>Output description</i>	<i>Performance measure</i>
Output group 1.1: Registration	
Output 1.1.1: Claimant applications	<i>Price:</i> \$28,568 per decision <i>Quality:</i> 70% decided within two months of receipt from Federal Court <i>Quantity:</i> 70 decisions
Output 1.1.2: Native title determinations	<i>Price:</i> \$21,922 per determination <i>Quality:</i> 80% registered within two working days from receipt of notice <i>Quantity:</i> 30 determinations
Output 1.1.3: Indigenous land use agreements	<i>Price:</i> \$26,357 per decision <i>Quality:</i> 70% registered within six months (including 3 month notification period) where no objection lodged <i>Quantity:</i> 70 processed
Output group 1.2: Agreement-making	
Output 1.2.1: Indigenous land use and access	<i>Price:</i> \$111,027 per agreement <i>Quality:</i> Level of client satisfaction <i>Quantity:</i> 25 agreements
Output 1.2.2: Claimant, non-claimant and compensation	<i>Price:</i> \$88,836 per agreement <i>Quality:</i> Level of client satisfaction <i>Quantity:</i> 90 agreements
Output 1.2.3: Future act	<i>Price:</i> \$27,720 per mediation <i>Quality:</i> 70% of mediations concluded within six months <i>Quantity:</i> 65 mediations

Table 2.3.1 Performance information for outcome 1 (continued)

<i>Output description</i>	<i>Performance measure</i>
Output group 1.3: Arbitration	
Output 1.3.1: Future act determinations	<p>Price: \$19,416 per determination</p> <p>Quality: 70% determined within six months from application</p> <p>Quantity: 100 determinations</p>
Output 1.3.2: Objections to the expedited procedure	<p>Price: \$3,518 per objection finalised</p> <p>Quality: 80% determined within six months from application</p> <p>Quantity: 700 objections processed</p>
Output group 1.4: Assistance, notification and reporting	
Output 1.4.1: Assistance to applicants and other persons	<p>Price: \$100,000 per capacity building initiative \$6,417 per event \$159 per contact</p> <p>Quality: Level of client satisfaction</p> <p>Quantity: 30 initiatives 650 events 18,000 contacts</p>
Output 1.4.2: Notification	<p>Price: \$6,192 per application advertised \$56 per notification letter</p> <p>Quality: Re-notification (full or partial) necessary in less than 5% of applications</p> <p>Quantity: 135 applications advertised 10,000 notification letters</p>
Output 1.4.3: Reports to Federal Court	<p>Price: \$1,838 per report</p> <p>Quality: 95% provided within timeframe set by Federal Court</p> <p>Quantity: 650 mediation and status reports</p>

EVALUATIONS

The NNTT has commenced a program of client evaluation surveys to assess satisfaction within the qualitative performance measures.

Section 3: Budgeted financial statements

ANALYSIS OF BUDGETED FINANCIAL STATEMENTS

The 2005-06 and 2006-07 forward estimates show a significant decrease in appropriation. Funding to cover increases in workload was approved in the 2001-02 Budget for the four years ending in 2004-05. As noted previously, current workload projections for 2005-06 and the outyears indicate that there will be a need for funding beyond the base level in those years. However, the relatively brief history and unique nature of the native title system poses particular difficulties for forecasting native title workloads. Therefore, the required level of funding for 2005-06 and the outyears will be further considered at that time.

Non-financial asset purchases are expected to be higher in 2003-04 when the NNTT will be reviewing and upgrading its financial and human resources systems software. This is expected to result in an increase in intangible (software) assets in that year.

The Statement of Financial Position will continue to show increasing provisions for employees. The NNTT has recruited a significant number of staff in recent years who have less than ten years' service. This will result in an accumulation of long service leave liabilities for staff who are not yet eligible to use these entitlements.

Table 3.1: Budgeted Departmental Statement of Financial Performance for the period ended 30 June

	Estimated Actual 2002-03 \$'000	Budget Estimate 2003-04 \$'000	Forward Estimate 2004-05 \$'000	Forward Estimate 2005-06 \$'000	Forward Estimate 2006-07 \$'000
REVENUE					
Revenues from ordinary activities					
Revenues from government 1	33,484	33,929	32,857	22,674	22,854
Goods and services	150	150	150	150	150
Interest	120	-	-	-	-
Revenue from sales of assets					
Other	13	14	14	14	14
Revenues from ordinary activities	33,767	34,093	33,021	22,838	23,018
EXPENSE					
Expenses from ordinary activities (excluding borrowing costs expense)					
Employees	18,570	20,131	19,487	13,442	13,579
Suppliers	12,372	13,286	12,853	8,840	8,917
Depreciation and amortisation	701	676	671	556	522
Expenses from ordinary activities (excluding borrowing costs expense)	31,643	34,093	33,021	22,838	23,018
Operating surplus or deficit from ordinary activities					
	2,124	-	-	-	-
Equity appropriation 1	38	-	-	-	-
Capital Use Charge Paid *	(150)	-	-	-	-
Dividend Paid 2	(1,900)	-	-	-	-
Net surplus or deficit after CUC	112	-	-	-	-

*The Capital Use Charge will be discontinued from 1 July 2003.

Table 3.2: Budgeted Departmental Statement of Financial Position as at 30 June

	Estimated Actual 2002-03 \$'000	Budget Estimate 2003-04 \$'000	Forward Estimate 2004-05 \$'000	Forward Estimate 2005-06 \$'000	Forward Estimate 2006-07 \$'000
ASSETS					
Financial assets					
Cash	3,796	3,082	3,268	3,348	3,390
Receivables	150	150	150	150	150
Accrued revenues	0	0	0	0	0
Total financial assets	3,946	3,232	3,418	3,498	3,540
Non-financial assets					
Land and buildings	599	348	392	551	731
Infrastructure, plant and equipment	749	999	999	999	999
Intangibles	62	237	172	107	55
Other	800	810	810	800	800
Total non-financial assets	2,210	2,394	2,373	2,457	2,585
Total assets	6,156	5,626	5,791	5,955	6,125
LIABILITIES					
Provisions					
Employees	3,323	2,793	2,963	3,133	3,303
Payables					
Suppliers	430	430	425	420	420
Total payables	3,753	3,223	3,388	3,553	3,723
Total liabilities	3,753	3,223	3,388	3,553	3,723
EQUITY					
Parent entity interest					
Contributed equity	2,453	2,453	2,453	2,453	2,453
Retained surpluses or accumulated deficits	(50)	(50)	(50)	(50)	(50)
Total equity	2,403	2,403	2,403	2,403	2,403
Total assets and liabilities by maturity					
Current assets	4,746	4,042	4,228	4,298	4,340
Non-current assets	1,410	1,584	1,563	1,657	1,785
Current liabilities	2,258	1,966	2,055	2,143	2,237
Non-current liabilities	1,495	1,257	1,333	1,410	1,486

**Table 3.3: Budgeted Departmental Statement of Cash Flows
for the period ended 30 June**

	Estimated Actual 2002-03 \$'000	Budget Estimate 2003-04 \$'000	Forward Estimate 2004-05 \$'000	Forward Estimate 2005-06 \$'000	Forward Estimate 2006-07 \$'000
OPERATING ACTIVITIES					
Cash received					
Appropriations for outputs	33,484	33,929	32,857	22,674	22,854
Sales of goods and services	153	150	150	150	150
Interest	125	0	0	0	0
Other (GST)	1,254	1,328	1,286	881	891
Total cash received	35,016	35,407	34,293	23,705	23,895
Cash used					
Employees	18,400	20,661	19,315	13,272	13,409
Suppliers	13,375	14,610	14,142	9,703	9,794
Total cash used	31,775	35,271	33,457	22,975	23,203
Net cash from operating activities	3,241	136	836	730	692
INVESTING ACTIVITIES					
Cash used					
Purchase of property, plant and equipment	675	850	650	650	650
Total cash used	675	850	650	650	650
Net cash from investing activities	(675)	(850)	(650)	(650)	(650)
FINANCING ACTIVITIES					
Cash used					
Capital use and dividends paid	2,050	-	-	-	-
Total cash used	2,050	-	-	-	-
Net cash from financing activities	(2,050)	-	-	-	-
Net increase in cash held	516	(714)	186	80	42
Cash at the beginning of the reporting period	3,280	3,796	3,082	3,268	3,348
Cash at the end of the reporting period	3,796	3,082	3,268	3,348	3,390

Table 3.4: Departmental Capital Budget Statement

	Estimated Actual 2002-03 \$'000	Budget Estimate 2003-04 \$'000	Forward Estimate 2004-05 \$'000	Forward Estimate 2005-06 \$'000	Forward Estimate 2006-07 \$'000
CAPITAL APPROPRIATIONS					
Total equity injections	-	-	-	-	-
Total loans	-	-	-	-	-
Represented by:					
Purchase of non-financial assets	-	-	-	-	-
Other	-	-	-	-	-
Total	-	-	-	-	-
PURCHASE OF NON-FINANCIAL ASSETS					
Funded by capital appropriations	-	-	-	-	-
Funded internally by departmental resources	675	850	650	650	650
Total	675	850	650	650	650

Table 3.5: Departmental Non-financial Assets — Summary of Movement (Budget year 2003–04)

	Land \$'000	Buildings \$'000	Total land and buildings \$'000	Other infrastructure plant and equipment \$'000	Computer software \$'000	Other intangibles \$'000	Total \$'000
Carrying amount at the start of year	-	599	599	749	62	-	1,410
Additions	-	200	200	450	200	-	850
Disposals	-	-	-	-	-	-	-
Revaluation increments	-	-	-	-	-	-	-
Recoverable amount write-downs	-	-	-	-	-	-	-
Net transfers free of charge	-	-	-	-	-	-	-
Depreciation/amortisation expense	-	(451)	(451)	(200)	(25)	-	(676)
Write-off of assets	-	-	-	-	-	-	-
Carrying amount at the end of year	-	348	348	999	237	-	1584
Total additions						-	
Self funded	-	200	200	450	200	-	850
Appropriations	-	-	-	-	-	-	-
Total	-	200	200	450	200	-	850

Table 3.6: Schedule of Budgeted Revenues and Expenses Administered on behalf of Government for the period ended 30 June

	Estimated Actual 2002-03 \$'000	Budget Estimate 2003-04 \$'000	Forward Estimate 2004-05 \$'000	Forward Estimate 2005-06 \$'000	Forward Estimate 2006-07 \$'000
REVENUES					
Fees	6	6	6	6	6
Total revenues administered on behalf of the Government	6	6	6	6	6
EXPENSES					
Other	6	6	6	6	6
Total expenses administered on behalf of the Government	6	6	6	6	6

Table 3.7: Schedule of Budgeted Assets and Liabilities Administered on behalf of Government as at 30 June

	Estimated Actual 2002-03 \$'000	Budget Estimate 2003-04 \$'000	Forward Estimate 2004-05 \$'000	Forward Estimate 2005-06 \$'000	Forward Estimate 2006-07 \$'000
ASSETS					
Financial assets					
Receivables	1	1	1	1	1
Total financial assets	1	1	1	1	1
Total assets administered on behalf of the Government	1	1	1	1	1
LIABILITIES					
Total liabilities administered on behalf of the Government	-	-	-	-	-

Table 3.8: Schedule of Budgeted Administered Cash Flows for the period ended 30 June

	Estimated Actual 2002-03 \$'000	Budget Estimate 2003-04 \$'000	Forward Estimate 2004-05 \$'000	Forward Estimate 2005-06 \$'000	Forward Estimate 2006-07 \$'000
FINANCING ACTIVITIES					
Cash received					
Other	6	6	6	6	6
Total cash received	6	6	6	6	6
Cash used					
Cash to Official Public Account	6	6	6	6	6
Total cash used	6	6	6	6	6
³ Net increase (decrease) in cash held	-	-	-	-	-
Cash at beginning of reporting period	-	-	-	-	-
Cash at end of reporting period	-	-	-	-	-

NOTES TO THE FINANCIAL STATEMENTS

1. An appropriation adjustment was made to finalise the Government's Agency Banking Incentive Scheme.
2. Due to lower than expected workload, a forecast underspend of \$1.9m will be returned to Government as a dividend in 2002-03.
3. The NNTT collects statutory charges, which are passed on to the Official Public Account. The NNTT does not expend any administered monies.

COST RECOVERY ARRANGEMENTS

The NNTT has no significant cost recovery arrangements. Fee for service revenue totals approximately \$0.15m, which represents 0.5% of total operating expenses.