



Message Stick

December 2016

MESSAGE
FROM THE
CEO

**BAR BARRUM
DETERMINATION**

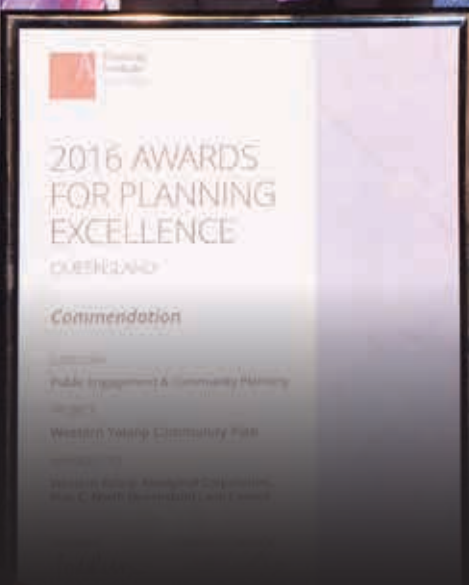
THEIR 15 YEAR STRUGGLE IS FINALLY OVER

**NEW STAFF
PROFILES**

PBC SUPPORT
UNIT

RESEARCH
UNIT UPDATE

**HISTORIC
MEETING
BETWEEN
COUNCILS
AND PBC**



WVAC

COMMUNITY PLAN

**WIDI PEOPLE OF THE
NEBO ESTATE #2
NATIVE TITLE CONSENT
DETERMINATION**

**CHAIN OF
RESPONSIBILITY
BILL**

**FAME UNIT WORKSHOP
FAME REFERENCE GROUP**



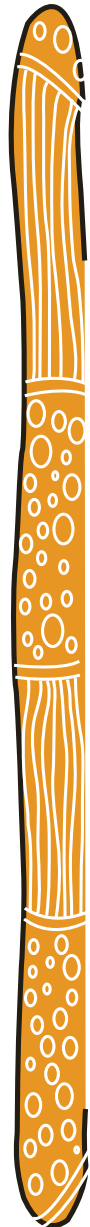
MESSAGE
FROM THE
chair

**Thinking of
Studying in
2017?**

A Kuku Yalanji Rose





Gurambilbarra Wulgunrakaba -
North Queensland Stadium Project

CONTENTS



04	A MESSAGE FROM THE CEO
06	A MESSAGE FROM THE CHAIR
08	WIDI PEOPLE OF THE NEBO ESTATE #2 NATIVE TITLE DETERMINATION
10	BAR BARRUM NATIVE TITLE DETERMINATION
12	A WESTERN YALANJI ROSE - A TRIBUTE TO AUNTY ROSE COLLESS
16	FAME UNIT WORKSHOP & REFERENCE GROUP
18	WESTERN YALANJI COMMUNITY PLAN
20	A MESSAGE FROM WESTERN YALANJI AC
22	PBC UNIT UPDATE
26	DJIRU PBC PROFILE
30	RESEARCH UNIT UPDATE
32	CHAIN OF RESPONSIBILITY BILL
34	HISTORIC MEETING BETWEEN COUNCIL & PBC
35	GURAMBILBARRA WULGURUKABA - NQLC STADIUM PROJECT
36	THINKING OF STUDYING IN 2017?
38	NEW STAFF PROFILES

CONTACT US

-  mliddy@nqlc.com.au
-  61 Anderson Street, Manunda QLD 4870
-  (07) 4042 7000 (freecall:1800 814 779)
-  www.nqlc.com.au

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MESSAGE

FROM
THE



Welcome back to the Message Stick – a bumper Christmas edition. Regular readers will be aware that we haven't had a Message Stick since May, due to our Media Officer and Message Stick editor, Michelle, taking some time out to have a baby. I'm pleased to announce that Django Michael Liddy was born on 27 May 2016 and is now a happy healthy six (6) month old. Another future NQLC employee perhaps?

It has been a very busy period for us here at the NQLC since May, with Martin's legal team taking the Bar Barrum People #2, #3, #4 and #6 claims to consent determinations on the 10th of June and the Bar Barrum #5 to a determination by consent on the 5th of December. The Widi People #2 claim was determined by consent on the 29th of June and Gudjula People #1 & #2 (parts B) were determined on the 13th of December at a hearing in Brisbane. These take the number of determinations achieved by the NQLC to forty eight and maintain our position as a leading Representative Body nationally. This is strong testimony to the expertise and sheer hard work of the NQLC's staff, and the tenacity and persistence of the TOs involved.

The Bindal & Gurambilbarra Wulgurukaba claims have been authorised, filed and registered by the NNTT and are about to enter the notification phase. The Widi team is taking no time to rest

on its laurels and is back into it with Widi #1. I'm also pleased to inform that the Yirrganydji People have joined with the Djabugay-Bulway-Yirrgay-Nyakali-Guluy Peoples under the banner of the Cairns Regional Claim and the matter is progressing strongly.

The NQLC's Research Unit has its hands full with a number of research projects underway – keeping Di and her team on their toes. Preliminary research into sea country has been completed as has a report into the Gia and Ngaro Peoples. Research has commenced for the Wakaman People and work is due to wrap up shortly into a supplementary report for the Bindal matter. Research will commence early next year in the Silver Valley and Southern Warra areas.

I have made a change to the staffing structure of the NQLC and have combined the Future Act Mining & Exploration Unit (FAME) and the PBC Support Unit under the umbrella of the Engagement and Development Support Team, to be managed by Rhonda Jacobsen (aka Jake). It was apparent that the FAME Unit is engaging more and more with PBC activities and there are good commonalities and economies of scale to be had by combining the two units. The process now provides more resources for PBC development in our region.

The NQLC's PBC Toolkit project has encountered some delays but is now back on track and

scheduled for implementation with a trial number of PBCs in the new year, along with a number of new PBC initiatives.

The FAME Unit continues to assist native title groups deal with future acts affecting their country and has processed nearly one thousand notices this year. Also of major significance to the FAME Unit this year, was the Community Plan developed with the Western Yalanji People receiving a Commendation Award at the Planning Institute of Australia's Qld Awards in November. There is an article on page 18 of this Message Stick about the Award so I won't steal their thunder here, other than to congratulate all involved on a fantastic achievement.

You will recall from previous Message Sticks the concerns held by the NQLC about the serious impact of non-claimant applications on native title. Following approaches to DNRM and the responsible Minister, The Hon Anthony Lynham, by the Queensland Representative Body Alliance (QRBA), of which the NQLC is an active member, DNRM has revised its approach to non-claimant applications. I'm very pleased to advise that DNRM will no longer grant the licence, lease, tenement or other interest that triggered the non-claimant applicant to make the application simply on the basis that section 24FA protection was achieved [section 24FA protection is achieved if no native title claim is able to be lodged within the timeframe allowed under the Act]. DNRM has now said it will require the non-claimant to prove their case in Court and resolve native title. The likely effect is that non-claimants will now think twice about the costs of approaching native title this way and will instead choose to negotiate with native title holders.

Those of you who have visited the NQLC office in Cairns over the last few months will have noticed that the place resembles more of a construction site than an office – and that's

because it is! We are undertaking a complete internal refurbishment of the building owned by the NQLC at 61 Anderson St. When completed in April next year the refurbishment will allow us to locate all Cairns NQLC staff at #61 and terminate the lease on the premises next door at #63, thus saving a substantial amount in lease costs over coming years – money that can then be put into progressing more native title claims and agreements. I would like to take this opportunity to thank the staff for their patience and tolerance whilst the building goes on around them.

Finally I would like to acknowledge the hard work and commitment delivered by the NQLC's excellent staff this year and wish them, and you, and your loved ones, a very Merry Christmas and a safe and happy New Year. I very much look forward to working further with you all in 2017.

STEVE DUCKSBURY

Chief Executive Officer
North Queensland Land Council

Ps: I'd also like to welcome to the world my fifth grandchild – Oliver George Russo, born on the 3rd of December. Another one for Poppy to be so proud of!



MESSAGE

FROM
THE

Chair

I would like to acknowledge and pay my respects to the custodians of the land within the NQLC footprint, both past, present and future. Also give my condolences to the families of people who have recently passed on.

I would like to take this opportunity to say thank you to my fellow Board members, the CEO and staff that work for us, and for you. They are a team of dedicated and committed people. It is they who continually provide the leadership and drive that keeps NQLC forging the way forward in native title, and for also sharing the vision and staying on the journey throughout this year. As you would know both the CEO and I are new in our respective positions. Along with the Board and staff we have endured the lows, but we have also celebrated the wins. It is a very demanding job shouldering the responsibility bestowed upon us. It is also sometimes a very thankless job. But the positives far outweigh the negatives and we are so proud to say that we are the Board and Staff of NQLC. We are continuing the fight that was laid down by peoples who have come before us. This fight is for you, our people. I have absolute faith in the leadership.

2016 has been a big year and my first year as Chair. I spent time getting across all aspects of the role as Chair of NQLC, including reviewing current plans and policies and meeting with key

parties within native title. Throughout this year there have been meetings with the National Native Title Council, who are allies of native title representative bodies and service providers. Our mission is to maximise the contribution of native title to achieving and improving the economic, social and cultural participation of indigenous people. We have also met with other members of the Queensland Representative Body Alliance (QRBA). QRBA is made up of native title representative bodies and native title service providers within Queensland and is an advocacy body working to improve the native title system by dealing with issues within the State and Federal government that impact on our native title right.

I also spent time throughout the year meeting with some of the prescribed bodies corporate (PBCs) within our region, including accepting an invitation to attend the Choorechillum PBC Annual General Meeting.

Earlier this year we identified the need to review our strategic direction, with our current Strategic Plan having expired. The Board and Senior Management workshopped NQLC's key objectives for the next five (5) years, as well as reviewing our goals and values as a Corporation. Our 2015-2021 Strategic Plan has now been finalised and can be accessed on our website.

We also spent time reviewing NQLC policies and endorsed an updated Policy Manual in May of this year.

In June, several board members attended the 2016 National Native Title Conference in Darwin, co-convened by AIATSIS and the Northern Land Council. This gave us the opportunity to network and meet with other stakeholders in the native title arena. It was an opportunity to hear what other mobs were doing across the country once they have their determination; economical development is high on the agenda as is housing moving back to country and practising culture, also education, to raise up strong leaders to carry law and walk strong in our current system.

June was a busy month, having also attended the anticipated native title consent determinations of the Bar Barrum People (#2, #3, #4 & #6) in Dimbulah, which was a great celebration filled with speeches of their journey along the way. I would like to take this opportunity to congratulate both the Bar Barrum People, and the Widi People, who also had their native title recognised in June.

The Deputy Chair and I were called to the southern part of our footprint to speak with traditional owners in that area. It resulted in a positive outcome that is progressing.

The Deputy Chair, Phil Rist and I were invited to attend the Referendum Council of Australia's meeting in Broome where we engaged in discussion with around 50 others on constitutional recognition. When asked who would like to host a referendum meeting in their area, NQLC put our hands up! Watch this space in 2017.

Deputy Chair Phil Rist, fellow Director Patricia Dallachy and I attended the Garma Festival in Gove, Northern Territory. At this festival we were once again able to participate in discussions around issues that were affecting our people. A positive outcome from the pressure that was applied by the contingent of traditional owners gathered at Garma resulted in the Minister later making a decision to continue funding the Work on Country Program until 2018. Whilst in

the Northern Territory, the Deputy Chair and I attended a Commonwealth Marine Reserve workshop in Darwin. Once again, NQLC was able to play a role in bringing this to our traditional owner groups and the regional stakeholders Indigenous Reef Advisory Committee (IRAC), and then onto the QRBA.

Earlier on in the year I encouraged the Deputy Chair, along with our members for Mackay and Townsville to speak to the Sea Country issues with the CEO. As a result, we have written to the Minister Freidenburg on Sea Country issues to date we have not had a reply.

I have also spent time this year completing a Certificate IV in Leadership, as well as attending a conflict resolution workshop with the CEO and management team.

In closing I would like to say it has been a busy year, bringing NQLC into a place of change. I along with the Board would like to see a mind shift amongst our staff/members/peoples, in the way we do business, within our families, organisations and the broader community. Respecting each other and bringing integrity as recognised Leaders. We look forward to another challenging year that again will produce new wins for us, and will spill over and be wins for you in our footprint. I would also like to thank you for the honour of being your Chairlady.

KAYLENE MALTHOUSE

Chair

North Queensland Land Council



WIDI PEOPLE OF THE NEBO ESTATE #2

NATIVE TITLE CONSENT DETERMINATION

26 JUNE 2016

BY JASMIN PHILLIPS
Legal Officer



On 29 June 2016, the Federal Court recognised the Widi People's non-exclusive native title rights and interests over land and waters of approximately 4 square kilometres of Widi country and approximately 530 square kilometres of shared country between the Widi People and the Barada Barna People. The Consent Determination was heard in Moranbah on Barada Barna Country where Justice Dowsett delivered his reasons for recognising native title in a joint hearing, addressing three native title claims by consent determination of the Widi Peoples, the Barada Barna Peoples and the Widi and Barada Barna Peoples over shared country.

The Widi #2 claim was lodged in July 2013 and covered part of an area that Barada Barna claimed was their country. This resulted in a number of legal issues that needed to be addressed by both the Widi People and the Barada Barna People. Federal Court Justice Dowsett initially was of the opinion that the complexities needed to be dealt with at trial as opposed to consent determination.

The Widi People negotiated with the State of Queensland, Central Highlands, Isaac and Mackay Regional Councils, Ergon Energy, Telstra Corporation, SunWater and a number of mining companies and pastoralists. Most importantly however, they negotiated with the neighbouring Barada Barna People to reach agreement about shared country and about their respective native title rights and interests in that area. To the merit of all involved, through hard work and negotiation, the Court was convinced that native title could be determined by consent and so, the need for a trial was dismissed.

The Federal Court recognised that Widi People (and Barada Barna People) continue to practice and observe traditional laws and customs through the exercise of native title



rights including the right to access, hunt, fish and gather; take, use, share and exchange natural resources; conduct ceremonies; and maintain places of importance, amongst other things. Justice Dowsett stated “..I have come to recognise, on behalf of all Australians, that they [Widi People] are the traditional owners of this land pursuant to traditional laws and customs which have their roots in ancient times. I now recognise that traditional ownership. In doing so, I bind all people for all time...”

The Widi People were warmly welcomed by the Barada Barna People and shared a celebratory luncheon together on the day. The Widi People also held their own celebrations the following day in Mackay, where the Elders and Applicants (past and present) were acknowledged and thanked for their hard work and commitment to securing native title recognition over Widi country. The Widi People paid their respect to the many Widi People who have been lost on this very long journey of securing native title for all Widi People into the future.

The Widi People established the Gangali Narra Widi Aboriginal Corporation to manage their native title rights and are working towards their objectives. Widi Applicant and Native Title Holder Mr Graham Sauney stated that “having native title gave the Widi people the opportunity to continue to work as a society on their own country. It will protect our values and give us an opportunity for economic development and employment and training for our people”.

The Widi People still have the bulk of their country to secure and continue to work with the North Queensland Land Council to secure native title recognition over the remainder of their Country.





BAR BARRUM DETERMINATION

THEIR 15 YEAR STRUGGLE IS FINALLY OVER

BY GREG BELL

Deputy Principal Legal Officer, Cairns Office

After a long, drawn out struggle over 15 years, the Bar Barrum People finally had four (4) of their native title claims determined on 10 June 2016 in Dimbulah.

At a hearing of the Federal Court on Bar Barrum Country, Reeves J made the determination that the Bar Barrum People hold native title over nearly 2000 square kilometres of land and waters on the Atherton Tableland in and around the Walsh River, and to the west of the Wild River. His Honour stated that by making the determination, the Court was merely recognising the traditional rights of the Bar Barrum People on their land that had existed since time immemorial and continues to exist today.

His Honour recognised the length of time it had taken for the Bar Barrum People #2, #3, #4 and #6 claims to finally be determined. The claims, along with Bar Barrum People #5, were listed by the Court in December 2012 for a determination to be heard in September 2013. However, a group of respondent parties who collectively became known as the Walsh River Respondents raised issues of

possible extinguishment in relation to areas covered by military orders in World War II. The issues were taken by the State to the High Court.

Fortunately, not only for the Bar Barrum People, but for traditional owners all over Australia, the High Court eventually held, albeit by way of a split decision, that the making of military orders did not entirely extinguish native title. The result of this decision for the Bar Barrum People was that all of their claims were determined on 10 June 2016 without being reduced in size.

The 10 June 2016 determinations were attended by approximately 100 Bar Barrum People on a sunny winter's day at the Dimbulah Town Hall. The determinations not only give the Bar Barrum People recognition as traditional owners of their country, but it also gave them a chance to come together and share stories and reconnect with each other and their country. The Court's willingness to hold determination hearings on Country made this possible.

Reeves J recognised the dedication of the Applicants, many of who had worked on the claims since they were

made in 2001. His Honour also recognised Elders such as Tom Congoo, John Wason and Terri Anning, without whose evidence, a determination would not have been possible.

Terri Anning whose Great Grandmother is Bar Barrum apical ancestor Rosie Congoo, emotionally summarised the importance of native title to her and her family in the following words:

What lies behind us and what lies ahead of us are tiny matters compared to what lies within us.

Most importantly, native title is about bringing our people back home, welcoming with open arms, restoring their connections, mentally, physically, emotionally, and spiritually, this would lay our Elders at peace and rest.

While the determinations of native title do not hand land back as such, they do provide a recognition of traditional ownership and a legal recognition of certain traditional rights that the Bar Barrum People have in the determination areas. However, the Bar Barrum People now have exclusive native title rights recognised over approximately 400 individual parcels of land, which is the nearest thing to freehold title under the Native Title Act.

After an even longer struggle with the Walsh River Respondents, the Federal Court finally determined, with the consent of all parties, the Bar Barrum People #5 claim in Brisbane on 5 December 2016.

I would like to congratulate the Bar Barrum/Mbabaram People on their perseverance and patience throughout this long, arduous native title process. I recognise that many of the Elders involved with your claims in 2001 were unable to be present at the 2016 determinations and I wish to pay my respects to them. I would like to also recognise NQLC lawyers Mrs Karina Martinez (nee Healy) and our PLO Mr Martin Dore, who previously worked with the Bar Barrum People on these claims. I would also like to thank all of the NQLC staff that assisted in the claims process, particularly our Legal Secretaries Jacqui Fitzsimmons and Janelle Levers.

The road ahead will be forged by the Prescribed Body Corporate, which is Mbabaram Aboriginal Corporation RNTBC and which manages the Bar Barrum People's native title on behalf of all Bar Barrum People. Any Bar Barrum People who would like to become a member of the Corporation should contact Michael Congoo care of NQLC on 07 4042 7000 or freecall 1800 814 779, PO Box 679, Cairns North QLD 4870.





A Kuku Yalanji Rose

As the son of a Kuku Yalanji mother, I have been witness to the quiet strength, resilience and determination of our people, particularly our womenfolk in their caring for family, people and country. One such Kuku Yalanji person was Daphne Rose (Aunty Rose) Colless, – my tribal elder - who passed away on the 10th June 2016, 13 days after her 88th birthday.

Aunty Rose spent the best part of the last 20 years, working together with her Western Yalanji people and the North Queensland Land Council, on the Western Yalanji native title claims. This was where I came to know her so well.

Her guidance and strength through these processes was absolutely essential to the cohesion of our group and the achievement of native title outcomes for our people. Her memory will live forever in the hearts and minds of Yalanji people.

Aunty Rose raised five children, sons Brian and Major (Robert) and daughters Betty, Diane and Jasmine who compiled her eulogy which is a wonderful story of service to her family, people and country. It is the story of an exceptional life lived and an inspiration for us all.

I give to you the eulogy of Daphne Rosina Colless nee Oliver.

Danny O'Shane.



Rose Colless

(Daphne Rosina Colless nee Oliver)

1928-2016

A natural authority. A fighter. Animal lover. Loyal to family, no matter how thin the ties that bind. "Aunty" and friend to so many.

She spoke her mind, wouldn't dodge an argument, was supremely confident, and had very high standards.

Like a hurricane, Rose would descend upon a situation or workplace, stir things up, and move on, having forever changed the place and the people. Unlike a hurricane however, the change that occurred came not in the form of damage, but rather an empowerment or realisation that you didn't have to just accept what you were told, that you could determine your own path and that of your family.

Daphne Rosina Oliver was born in Ayr, at the Lower Burdekin District Hospital on 28 May 1928.

Rose's parents were Mala Oliver from Daintree and Janie Maytown from Maytown, descendants of Kuku Yalanji clan. She was sister to James, Pauline, Norma and Gary.

Mala and Janie were children from the Stolen Generation. They were removed from their families at the turn of the century, escorted by police over long distances and finally placed at Yarrabah Mission. They were baptised and expected to conform to a new culture and a new way of life with no hope of ever returning to their homes or family.

However, Rose's parents never gave up on their strive for freedom. They repeatedly ran away from Yarrabah, and after the last attempt, they were caught and sent to Palm Island for punishment. They were eventually successful in obtaining an exception to learn, allowing them to work outside the missions and reserves.

Throughout these hardships Mala and Janie endured, they were both strong and amazing people; they loved their family above all else and didn't give in to bitterness.

Without doubt, Rose's strength, drive, determination to make a difference and intolerance of injustice came from her parents, particularly her mother.

In Rose's own words:

"Only one thing has kept me going and that is my mother. She used to talk to me. She told me that one day I would do something for Aboriginal people and I couldn't understand. She kept telling me about their customs and saying that one day I would be helping them, but it didn't make sense. But she said to me, 'Never let it get you down. But never get bitter, no matter what they have done to us, because if you let bitterness control you, you won't be of any effect to the people whatsoever. No matter how many times they kick you down you must rise above that'. So when all the struggles were going on I nearly gave way. I couldn't eat or sleep sometimes and I nearly went

to pieces. But then out of it all I could hear my mother's voice telling me to keep on going."

Rose started school at Jervis Field, Ayr at the age of 5 and later attended Woree State Primary School in Cairns under a scholarship.

She was offered another scholarship to attend high school in Townsville, however, Rose later said with regret that for the first time in her life, her mother gave in to pressure from other non-Indigenous mothers. These women considered school a waste of time for all Aboriginal children, so Rose never went back to school. Instead, she was sent to do housework for 10 shillings a week.

Over time, Rose had a variety of similar jobs. She worked as a waitress at both Hides Hotel and the Palace Hotel, and as a laundress with her mother at the Moreton's laundry.

As a teenager, Rose met her future husband, Major Norman Colless. They married a few years later in 1947 at St John's Anglican Church, Cairns.

Major and Rose raised five children: Brian, Betty, Dianne, Jasmine and Major. Rose stayed at home to look after her children until the last of them was old enough to attend school.

This family grew to include 16 grandchildren, 35 great grandchildren, and 8 great, great grandchildren as at the time of Rose's passing.

Rose was always a proud woman. She boasted that she only paid three weeks rent in her entire married life. They chose to live in tents and cane barracks with the children to save money for a deposit to buy land. At one time, Rose and Major lived alone in a tent, in an area scooped out of the forest near Black Mountain Road outside Kuranda.

Their savings enabled them to buy land in Little Spence Street, Cairns. Rose always believed she was the first Queensland Indigenous woman to buy land.

Later, they found a house at Bollard Street, and the Colless's became the first Aboriginal residents to move into that street.

At age 33 Rose started work at the meatworks in Queerah where she would work for 13 years. In this time she was a union representative, which taught her a lot. Rose was involved within union strikes due to unfair work practices in which women were constantly required to lift unreasonably heavy boxes of meat.

Employment at the meatworks and cane cutting was seasonal, and so when Rose and Major's work finished in November/December they would travel to Shepparton, Victoria, to pick fruit.

Rose was without a doubt a powerhouse vehicle of change. The career for which Rose would garner the most recognition, working tirelessly for the improvement of Indigenous people, started to take off in her mid-40s. She first worked as a Liaison Officer with the Department of Aboriginal and Islander Affairs (DAIA) and later the Aboriginal and Torres Strait Islander Legal Service.

It was during this time Rose was sent to the small Cape York community of Coen as Manager for a couple of months. She was recognised for her ability to work at community grassroots level, as well as influence change at the state and federal levels.

During the brief period of Rose's tenure in Coen, there were four different tribes living in the area, with a population of about 300 people. Initially, the people were not allowed to handle their own money and had to go through the local police sergeant. That changed after Rose. She arranged bankbooks for community members and taught people how to write their own signatures instead of using an X. Rose also enrolled much of the community on the electoral roll so they could vote for the first time.

Furthermore, the workers in Coen were not paid very well yet would spend much of their pay on grog to blow off steam, often leading to brawls. Rose would take her torch and march down to where the people were brawling to break up the fights. Major was not well and was often worried about Rose going out, but she said she never felt in danger, and the people would always do as asked. Again, Rose's 'natural authority' would shine through.

Another example of Rose's natural authority was evident when helping a young girl who was required to leave her home to start school in Cairns. Rose recognised the girl was clearly not ready to handle it, and advised the authorities of this, but the poor girl was nevertheless sent to Cairns. She cried and cried until they eventually sent the girl back home. Rose asked the local constable why the young girl had been sent away, that it was not fair, that the girl wasn't capable. Their response: "what would they know, they are only Aboriginals". Ever quick-witted, Rose immediately retorted, "well how come you are only a constable and my son is a civil engineer".

Rose continued her community work for many years, visiting communities throughout North Queensland. She worked all over the Cape, including Normanton where she helped prepare legal defences and was very respected by all the Judges.

By late 1970s, Rose was recognised as a natural authority when it came to

Indigenous affairs. As she said,

"I was approached many times by DAIA to apply for a position on the State Government Aboriginal Commission. I applied and was accepted in 1977. My role was to advise the State Government on Indigenous issues."

Unfortunately, Rose realised the Commission was powerless and an advisory body only, so she wrote to the Justice Department in Queensland out of sheer frustration. She contacted the Minister for Aboriginal and Islander Advancement requesting more powers for the Commission, but it was to no avail. Again, an agent for change, Rose took the brave step of speaking out on national television and newspapers against the Queensland Government. She was sacked two weeks later in 1978.

There was no denying the extent of her commitment to the cause.

Rose's experiences in the Legal Service gave her first-hand knowledge of what huge problem drinking was for her people and the damage it was doing to them. It was here that she became determined to push for something to be done to help. She felt what was needed was a rehabilitation centre for alcoholics, and through dedication and determination spearheaded the creation of the Aboriginal & Islander Alcohol Relief Service and thereafter the establishment of Nguna Bayun, otherwise known as Douglas House.

Under Rose's command, non-Indigenous people were also accepted into Douglas House. She insisted the Indigenous people were to treat the white man as equal, saying:

"Regardless of colour, I just want to see the people to be able to manage their own lives and affairs and to decide what their future is going to be."

Rose was Managing Director of Douglas House for 16 years. She recalled this experience by saying,

"One of the happiest moments at Douglas House was when I would see a man completely rehabilitated – he

could work and was really on his feet and could help others. This is when I would feel it was worthwhile."

If Rose saw a need and thought something should be done to help Aboriginal people, she did all she could to make it happen.

She was the driving force behind Dija Meta Aged Hostel, meal services in the parks of Cairns for local alcoholics and homeless people, the Emerald Creek Alcoholic Rehabilitation Facility, Rose Colless Haven in Mareeba and the Yarrabah facility for alcohol rehabilitation. Rose always acknowledged how fortunate she was to have loyal and professional people backing her including those former colleagues from the Legal Service.

Rose was on the Home and Community Care Advisory Committee, the beginnings of today's Gumba Gumba – an organisation caring for Indigenous Elders, including a home care service invaluable to the local Indigenous community of Cairns. She was instrumental in creating Gumba Gumba, and her son, Major, continues his mother's work as the current manager.

The entire span of Rose's career reads like that of a champion for Indigenous issues, working:

- As a Regional Councillor for ATSIC;
- As a Deputy Chairperson of the Aboriginal and Torres Strait Islanders Women's Corporation for Elders;
- As a Chairperson of the first North Queensland Aboriginal Land Council; and
- A foundation member of numerous other organisations and Board positions and task forces in support of Indigenous issues.

For her work, Rose was acknowledged with several accolades by her peers, community and federal bodies.

In 1984 she received the Order of Australia Medal.

And three years later, Rose became the

first ever recipient of the Australian Human Rights Medal for her ongoing fight for improving the lives of Indigenous Australians, particularly her efforts in housing and drug and alcohol rehabilitation.

But her fights weren't limited to the living. Rose even proved a champion for one young man many years after his death. Trooper Harry Doyle, a very close friend of the Olivers, was removed from Fraser Island mission and sent to Yarrabah as a child and was one of the first veterans in Warhaven. Rose noticed headstones on the graves of numerous Light Horsemen, but couldn't find Harry's grave, as headstones were arranged by the fallen's family members, and his grave was unmarked. This wasn't good enough. With the aid of her Legatee, Mick Storr, Mike Fordham, the RSL and family members, Rose raised sufficient funds to properly honour the resting place of Harry Doyle.

Right up until her last days in hospital, Rose continued the push for ensuring natural justice. Many of you here today were often contacted by Rose when you were overseas or down south to carry out Rose's wishes. A recent example being to ensure that a parcel of land on the Tablelands will stay in Aboriginal control.

After a lifetime of fighting for justice, it took an insurmountable foe like stomach cancer to eventually halt her crusading. Rose passed away peacefully on 10 June 2016 at the Cairns Private Hospital, 12 days after her 88th birthday. Truly a life well lived, and a life that made a difference to so many.

It is difficult to imagine Rose not being around and I'm not sure how we will all cope. As we gather here today to remember and commemorate Rose's life, let us bid her farewell as we mourn the loss of Rose. Her legacy will live on forever through her children and anyone else's lives she touched.

I think what a lot of us are feeling is best expressed by long time friend,

Alex Ackfun, who unfortunately could not be here today. He said:

"Aunty has always been one of my favourite mothers whom I have cherished and used as a moral compass over my life. I have known Aunty for forty years and going back to Cairns will be quite empty without being able to visit her in the flesh. Although, we will go and have a quiet chat with her wherever she is resting."

Just as we continue to acknowledge the work of Rose, so too Rose was always insistent her parents be acknowledged. She is concerned the younger generations do not understand the challenges and struggles their ancestors faced to straddle the white mans' world and give future generations a fairer life. This was one of the major drivers of the book *Reaching Back*, created to gather stories of some Aboriginal people of their life at Yarrabah, before their stories were forgotten and lost forever.

And as we all know, Rose would want to have the last word... as she said,

"I've often sat down and thought about what my parents went through. I want my children and grandchildren to know where their roots are. Our children are not being taught enough, of where their grandparents really come from. We want our grandchildren to know they are Aboriginal first, ahead of anything else. We feel that they have got to know where their place is."

Rose, may you be at peace and God bless you.



FAME UNIT WORKSHOP

FAME REFERENCE GROUP

BY RHONDA M JACOBSEN

Manager – Engagement & Support Unit

The FAME Unit held its ILUA Implementation Capacity Development Workshop in Townsville 7-10 June 2016. The Aim of the Workshop was to understand the future act regime and implement best practice models for dealing with external stakeholders and in order to achieve this, the Objectives of the workshop were:

- provide an **overview of future acts**
- explore **current practices of the State** in dealing with future acts, particularly related to mining and/or related infrastructure activities
- scope future act **management models/tools implemented** by native title parties
- examine recent **State legislative/policy developments**
- consider how those developments impact on native title parties and what **internal management practices** need to be modified to accommodate/deal with those developments

To this end, a full day of the Workshop was dedicated to sessions from several government departments.

The overriding message from the Workshop participants was the need to have direct engagement between native title parties and the government and input into government policy and legislative developments. Having considered a range of mechanisms and models for such direct input, it was resolved to establish a FAME Reference Group to work with the FAME Unit to achieve a broader and direct native title voice in advancing native title considerations in operational, policy and legislative areas related to mining/exploration specifically, including:

- i. responding to proposed amendments under the Tenure Reform Framework;
- ii. participate in the review of the Native Title Protection Conditions (NTPCs);

- iii. engage with Department of Environment and Heritage Protection (DEHP) regarding mechanisms to recognise and respect the status of native title holders in departmental operations;
- iv. identify other mining/exploration issues that require further consideration;
- v. assist in the design of the reporting mechanisms to the broader constituency of NQLC, specifically to native title groups affected by mining/exploration; and
- vi. other matters as they may arise.

Further, it was agreed that in order to secure the best representation for the whole of the affected native title groups within NQLC boundary, the Reference Group would be comprised of 4 persons who would be selected through a process of submitting an 'Expression of Interest' which demonstrated knowledge and experience in one or more of the following areas:

- negotiation
- economic-business development/wealth strategies
- policy development
- administrative systems and impacts of policy/legislative changes on administrative practices

We are pleased to advise that the persons selected for the FAME Reference Group are: Janine Gertz; Graeme (Cookie) Sauney; Sharon Prior and Alwyn Lyall.

At its first meeting, the FAME Reference Group agreed to the following 'Meeting Principles':

- we operate with a collective approach for the benefit and interests of the native title groups in the whole of the region
- identify issues deemed to be require broader



ABOVE:
ILUA Implementation
Capacity Development
Workshop #4 participants

RIGHT:
FAME Reference Group [L-R]
Graeme (Cookie) Sauney,
Sharon Prior, Janine Gertz
and Alwyn Lyall



consultation with NQLC constituents and recommend strategies for such consultations

- commitment to communicate internally within the Reference Group, NQLC and NQLC constituents
- in undertaking the work of the Reference Group, the members will frame their activities against the principles and standards established in international instruments including the United Nations Declaration of the Rights of Indigenous Peoples, particularly noting the following principles:
 - self determination
 - participation in decision making supported by the principle of free, prior, informed consent (FPIC)
 - respect and protection of culture
 - equality and non discrimination

The 'Communication Strategy' of the FAME Reference Group includes providing regular updates in the Message Stick, written record of the summary of meetings directly to the affected native title groups and verbal reports to the annual FAME Workshops.

The work of the FAME Reference Group to date has

included the substantive outcomes of meetings held on the following dates:

- i. **1 September** – review of Duty of Care Guidelines and submission to review process lodged 16 September;
- ii. **6 October** – examination of the current Native Title Protection Conditions (NTPCs) in preparation for renegotiating the terms; and
- iii. **1-2 December** – consideration of the following:
 - a. Strong and Sustainable Resource Community Bill, with the view to lodging a submission by 12 December (see: <http://www.parliament.qld.gov.au/work-of-committees/committees/IPNRC/inquiries/current-inquiries/SSRCB2016>); and
 - b. consultation with DNRM in respect of the Queensland Gas Supply and Demand Action Plan, with the view to lodging a submission by 19 December 2016 (see: <https://www.dnrm.qld.gov.au/our-department/corporate-information/policies-initiatives/mining-resources/gas-supply-demand-action-plan>).

The next Reference Group meeting is scheduled for the first week in February.

WYAC COMMUNITY PLAN

BY JASMINE CLUBB

Project Officer, FAME Unit

I was given the opportunity to be a part of a rare project outside of the normal NQLC core business. This opportunity was one where the Western Yalanji People were able to gaze past all of their hard work of progressing towards their native title claim process, and take the next step of focusing on working towards achieving their goals and aspirations.

It is not often that project officers in native title are given the opportunity of being involved in a process where the traditional owners' goals and aspirations become reality. Therefore, I feel very honoured to be a part of such a unique project. Being there from the beginning to end, where the Western Yalanji Community Plan brought the community together, by exploring and understanding each traditional owner's goals and aspirations.

The process involved travelling to various towns with Board members of the Western Yalanji Aboriginal Corporation to meet with the wider community. Listening to each and every traditional owner's aspirations and what they wanted to see on their Country, not only for the present but for future generations to come.

Having the chance to be shown around on Country by the traditional owners, including visiting areas of significance and hearing how important particular areas meant to the Western Yalanji People, was a key highlight for me. The process took some time, but with the dedication and hard work of the Western Yalanji People they were able to achieve their goal.

On the 11th of November 2016 the Western Yalanji People were awarded a Commendation in the Public Engagement and Community Planning category of the 2016 Planning



CLOCKWISE FROM TOP:
WYAC Commendation
featured in official Planning
Awards Winners Book;
Brad Grogan and Alwyn
Lyall accepting their award
on behalf of WYAC; Brad
Grogan, Jim Gleeson,
Jasmine Clubb, Alwyn Lyall
and Rhonda Jacobsen;
Western Yalanji Board, Staff
and Elder, the FAME Unit and
Jim Gleeson; Alwyn Lyall and
Brad Grogan enjoying The
Gabba in Brisbane.

Institute of Australia Awards, held in Brisbane. Witnessing such an astonishing achievement of the Western Yalanji People receive this award, I felt honoured and a sense of pride that shows our People can achieve anything we want to.

Thank you to the Western Yalanji People for the gratitude and respect shown to me throughout this community planning process. It has been an incredible experience not only for my role as Project Officer, but also as a young indigenous woman. It has made me realise that it is now up to us younger generation to step up and carry on what our Elders have worked so hard for, to continue on and make it work.



gratulations

Western Yalanji Aboriginal Corporation



MESSAGE FROM WYAC



Dear North Queensland Land Council

On behalf of the Western Yalanji Aboriginal Corporation and its members, I would like to thank you for all the support and assistance in developing our community development plan.

A special thanks to Jasmine Clubb and Rhonda Jacobsen for their initial and continued support throughout this process, we would never have been able to accomplish this fantastic result without them.

I would also like to thank Jim Gleeson from Plan C for writing such a plan with all its complexities, especially being able to deal with the diverse people and places that we had to travel to and communicate with. Some people were very accepting of the development of this plan and some were not. In the end we came up with an exceptional plan that will assist us to develop the aspirations of the Western Yalanji people for a sustainable and economical employment opportunities for now and into the future.

We would also like to thank the Department of the Prime Minister and Cabinet for the resource support given to the North Queensland Land Council. This support enabled us to reach this milestone and I hope that the Department of the Prime Minister and Cabinet continue to support the North Queensland Land Council to empower other traditional owner groups to do the same.

It took some time to finalise the plan but with continued commitment and dedication we reached our goal. When the Board of Directors and Members of the Western Yalanji Aboriginal Corporation endorsed the plan, Jim asked me if I would like to enter it in the 2016 Planning Institute of Australia Awards. At first I had my doubts about it. I did not think we would get anywhere in the mainstream but Jim reminded me that this plan was as good as any other plan and that we should enter regardless.

On Friday 11th of November, Western Yalanji Aboriginal Corporation won an award in the category of Public Engagement and Community Development at The Gabba in Brisbane in front of 200 other guests. Winning this award has given me a great feeling of accomplishment and belief that Western Yalanji people can become whatever they want to be as long as we work together.

Fine regards,

Alwyn Lyall
Chairman Western Yalanji Aboriginal Corporation

CLOCKWISE FROM TOP: Brad Grogan, Jim Gleeson, Jasmine Clubb, Rhonda Jacobsen and Alwyn Lyall with the award; Rhonda Jacobsen showing off the deadly award over dinner; Brad Grogan, Alwyn Lyall, Kirsty Kelly (CEO Planning Institute of Australia), Jasmine Clubb, Rhonda Jacobsen and Jim Gleeson; Brad Grogan, Rhonda Jacobsen, Alwyn Lyall, Jasmine Clubb and Jim Gleeson; Alwyn Lyall, The Hon. Jacklyn (Jackie) Trad MP, Jasmine Clubb and Brad Grogan.



“To protect, preserve and promote Western Yalanji Country, Culture and Community and pursue opportunities that reflect our people’s aspirations for the future, including effective management of their assets, native title rights and interests, and achievement of sustainable economic benefits.”

PBC SUPPORT UNIT UPDATE

PBC FUNDING

With so much happening within the government (remember that double dissolution!) there was a long delay before we received any confirmation of approvals for funding submissions made before June. The department of Prime Minister and Cabinet eventually confirmed funding in September. Funding approval letters were sent to approved PBCs as soon as this confirmation was received. However, the normal rules still applied which meant that in order to be recommended for funding, each PBC had to submit an acquittal and profit and loss statement for the previous funding period. We're pleased to say that most PBCs met this requirement.

However the delay in approvals did make things difficult. In order to ensure PBCs remained viable, the NQLC provided financial support from its own operational funds. The aim was to keep PBCs going until final approvals were received from the department.

GOVERNANCE WORKSHOP AND SUBMISSION WRITING

The Capacity Building and Compliance Workshop - and the Submission Writing workshop mentioned in our last update were held at the same time in early May at the Novotel Oasis Resort. The two workshops were a great success. Most PBCs sent at least two representatives and we also invited PBCs to nominate youth delegates to attend.

During the submission writing workshop, PBC representatives had an opportunity to work on an actual submission. Our aim was to help with the development of the basic proposal and parts of the actual submission. PBCs would then be in a better position to complete their submissions in their own time after the workshop.

The feedback from both forums was very positive and we received especially good feedback about the attendance of youth representatives. There will be similar workshops in 2017 and the same format will be retained.

FYI

Funding Cycle:



Welcome to the PBC Support Unit update. It's been a while since the last update so this edition is longer than the usual. A lot has happened in the meantime and a lot has been planned for the next few months. We're excited about planned training and capacity developing initiatives so read on and be sure to contact us if you need more information or have any questions.

WHICH WAY.... WHAT'S BEEN HAPPENING?

Well ... actually, a lot! Too much to include in one Message Stick. So we've included just a few of the most significant happenings from June this year to present.

ECONOMIC DEVELOPMENT PRE- FEASIBILITY STUDIES

This project was the result of a previous PBC workshop. One of the action items arising out of the workshop was the task of engaging a consultant to work with a small number of PBCs to help them identify some commercial enterprise aspirations. They consulted with the PBCs to help guide their research across a range of industries and commercial activities. Price Waterhouse Coopers Indigenous Consulting section were engaged to complete the work. That work was completed and the final pre-feasibility studies were presented to PBCs in October 2016.

Our plan is to now work with the participating PBCs to help them to develop and plan their next steps so as to make the most of the pre-feasibility studies. This might involve more comprehensive business planning, or it might include using the study as the basis of a submission for funds.

We need to review this project and its outcomes. This will inform decisions about the future of this project, including decisions about the process and approach used to investigate economic development opportunities.

This will help us to decide whether to run a follow up round of studies with more PBCs.

FAME & PBC UNITS WORKING TOGETHER

The FAME and PBC Units have been working together very closely for the past few months. This has allowed us to increase our capacity. Both units work with PBCs helping them to respond to the challenges of the native title system, and to also develop and establish the future direction of the PBC. We're currently still developing our joint team approach to servicing our clients but we will definitely be ready to roll out the result in early 2017.

CAPACITY DEVELOPMENT ACTIVITIES

PBC TOOLKIT & LAUNCH

The PBC Toolkit is a fantastic resource that PBCs will be able to use over and over again. It will be a source of information and guidance to help PBCs fulfil the daily responsibilities that come with running a PBC. The toolkit is very near completion and will be launched in late 2017. There may be an electronic launch in addition to the launch of a hard copy version. Keep an eye out for more updates on this initiative in the very near future.

GOVERNANCE WORKSHOP

Our governance workshops continue to be popular. They are very effective as a way of providing large numbers of PBC directors with the 'basics' of PBC management. The next workshop is planned for early in the new-year, and invitations to PBCs will be sent out in due course if they haven't already been received by PBCs. There will be a slightly different focus for the 2017 workshop. This reflects the fact that the PBC Unit has identified what appear to be the most common issues of concern for PBCs. The workshop program will therefore be developed around providing as much opportunity to workshop participants as possible, to address those common concerns.

SUBMISSION WRITING WORKSHOP

The submission writing workshop held earlier this year was also a great success. There are plans to do this again in 2017 but details are still to be finalised. This workshop was great because it didn't only deal with writing submissions. The workshop facilitator took participants through an entire strategic planning model and also provided groups with a chance to develop a draft plan and submission. There will be more advice coming about this workshop in early 2017.

CURRENT & EMERGING ISSUES

New PBCs

The Unit has been working with a small number of new and emerging PBCs. New PBCs often experience difficulties in transitioning from a pre-native title determination role, to a post-native title context. The post-determination context requires a different focus for PBCs and their interim boards. It's important that everyone is aware of, and fully

understands all of the responsibilities that come with being a director on a PBC board. This is the best way to ensure that the most capable people are nominated to be directors. It's also very important to ensure that those nominated are fully aware of the requirements of the role before they accept a nomination for the board. Many new PBC directors are often taken by surprise when they discover how extensive and significant their new responsibilities are.

PBC AS AN EMPLOYER

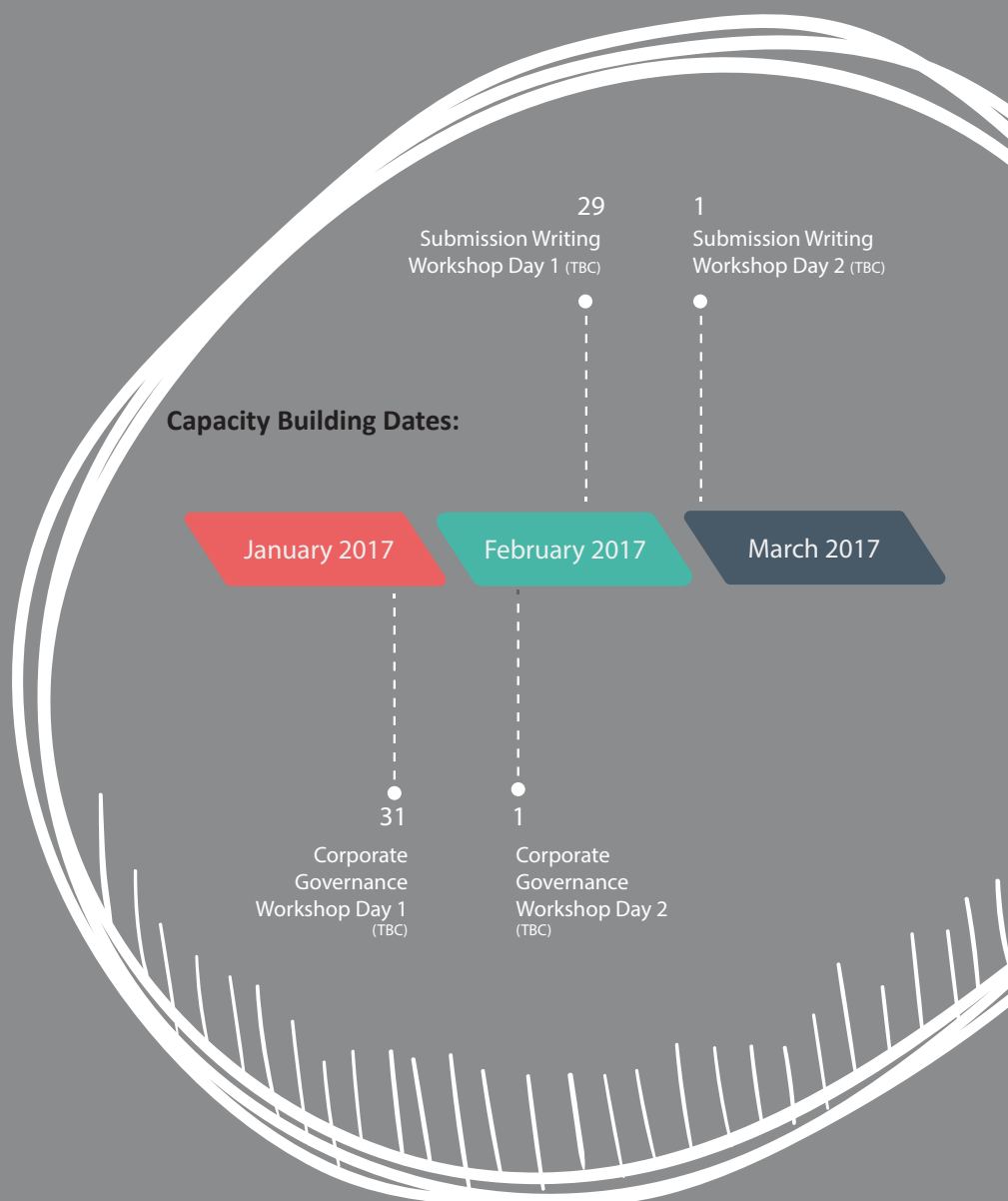
We provided advice and assistance to PBCs looking at becoming employers for the first time. The most common reason for employing someone is to provide some administrative support to the Board, and to help run the corporation from day to day. This might include collecting mail, staffing an office, paying the bills of the PBC, and in many cases acting as the contact person. Common issues and areas of need included;

- Understanding the difference between casual employees and part-time employees and then deciding what arrangement works best for the PBC.
- Knowing the correct award rate
- Knowing what an employment contract is and where to get help with templates and guides
- Development of duty statements
- Employee supervision and management

LOOKING FORWARD

Take a look at our Funding Cycle and Capacity Building timelines for some key dates to remember. The full year of funding dates has been included to provide a fuller picture of the funding and reporting cycle. Feel free to use this timeline as a ready reckoner or indicator of key dates. You will notice that 'TBC' has been added to some of the events or activities listed. This means that some of the details are To Be Confirmed. So keep any eye out for more updates in this regard.

Beyond the current timeline, we're hoping that 2017 will be the year that a couple of our ongoing projects will be concluded and will be rolled out for PBCs. We're planning on finalising things in the near future so grab a copy of the first Message Stick edition of 2017 for an update.





For our December edition of Message Stick, we are interviewing the deadly Djiru mob. The Djiru Warrangburra Aboriginal Corporation (Djiru WAC) was established as a result of the two native title consent determinations of the Djiru People. The Djiru People are the recognised Traditional Owners of approximately 9,440 hectares of land and waters in the area of Mission beach. The determination area is located approximately 133 km south of Cairns and includes parts of the Tully Gorge National Park, Clump Mountain National Park, Djiru National Park, Hull River National, Walter Hill Ranges Conservation Park, unallocated state land and reserve land.

Djiru WAC is made up of the following directors: Rona Hart (Secretary), Dawn Hart, Alan Andy, Christine Hart, Jason Savo, Lana Kyle, Leonard Andy, Natalie Ah Kee and Whitney Rassip who administer the determined land on behalf of the Djiru People. Due to successful negotiations of Indigenous Land Use Agreements, Djiru WAC are able to develop some of their land that has led to their successful hosting of many events at their NQ Clump Mountain property venue.

How has the recognition of your native title changed the lives of the Djiru People? Native title for Djiru has been acknowledged and recognised more prominently now in the wider Mission Beach/El Arish area, particularly with local and state governments, regional bodies, community groups, schools, small businesses and private landholders. More employment and training opportunities have also arisen through small to medium grants for Working on Country, encouraging conservation and land management, cultural heritage management and monitoring, as well as cultural awareness training.

What is the connection of the Clump Mountain (property) to the Djiru People? NQ Clump Mountain Project Society Pty Ltd was established in the late 1970s by a strong Aboriginal and Islander community group, who began a journey to fulfil the last will and testament of one Rupert Fenby. Rupert Fenby dedicated the Clump Mountain property to Aboriginal people for education and tourism opportunities for all aspects of Aboriginal culture and traditional knowledge. Descendants of Djiru have been members of that organisation since its inception and until the native title process began, an understanding to have Djiru involved culturally was observed. Major projects in the 1990s with dedicated staff and volunteers made it what it is today, including ongoing maintenance and repairs by Djiru, community volunteers and the Girringun IPA Rangers after Cyclones Larry and Yasi.

Djiru has hosted a number of events at Clump Mountain and we base our PBC here for meetings, workshops, conferences, working bees, employment and training, cultural activities, community camping and family gatherings. Major events held here over the years include the WTMA/ARC Interim Negotiating Forum, a Mission Beach community festival involving South African full moon drumming, the Djiru native title authorisation meeting and consent determination in 2011, NQLC's 2014 Land Summit and AGM, Girringun Aboriginal Corporation's 2016 TUMRA Sea Conference and IPA Rangers Indigenous workshop.



Djiru Traditional Owners working on Country.



Djiru WAC reps with other PBCs at an NQLC Economic Development Workshop.



Kup Murri being cooked at Clump Mountain.



Djiru WAC reps with other PBCs at an NQLC Economic Development Workshop.



Djiru dancers at the NQLC Land Summit held on the Clump Mountain property



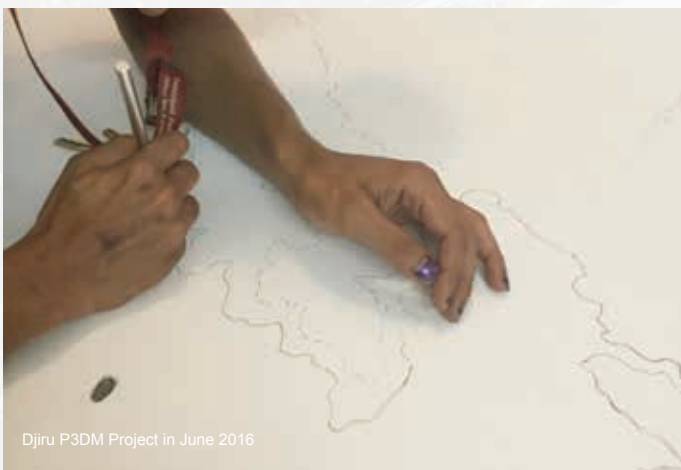
Djiru Traditional Owners working with the NQLC FAME Unit.



Djiru Traditional Owners at their native title determination in 2011.



Djiru Traditional Owners at their native title determination in 2011.



Djiru P3DM Project in June 2016



Giringun Sea Country held on the Clump Mountain Property, May 2016



Djiru P3DM Project in June 2016



Indigenous Ranger Workshop held on the Clump Mountain Property, November 2016



Djiru Traditional Owners on their country



Signage at Clump Mountain Point



Launch of Mission Beach Naturally, which Djiru was involved in.

What does Djiru WAC hope to achieve over the next five years?

Djiru WAC opportunities would be to start working towards simplifying a strategic/action plan as soon as possible and with the recent Economic Development Feasibility Study provided through NQLC by PricewaterhouseCoopers, realistically looking at developing a business/project plan as soon as possible targeting one block of suitable land in the Mission Beach area. Reviewing Management Plan Draft for other blocks of land already targeted and undergoing land management practices through successful Traditional Owner WTMA Small Grant and Terrain NRM Water Quality Projects that need to be maintained voluntarily in conjunction with Girringun Biodiversity Rangers and Green Army in Wongaling Beach and South Mission Beach. Future funding is required for ongoing employment and training opportunities and/or co-management projects with community organisations for these targeted sites. Other opportunities for Djiru people and its RNTBC members is to become more involved in succession planning for future generations and ideally get together more often for cultural workshops like art and craft, traditional language, land surveying (walkabout), cultural site visits, recording IEK, yarning and story telling.

Djiru WAC has been incorporated going on seven years, is there any advice you'd like to give other mobs who are just starting out? Acknowledge the

journey and hard work of past and present members, appreciate and value those who have carried the organisation forward.

Set the priorities of the PBC and focus on how you can achieve them, such as building relationships with external community groups or government departments.

Have an understanding of the projects and developments available on country, such as conservation and land management.

Seek opportunities for strengthening internal relationships and communication through PBC funding by undertaking any training available within your group, particular governance training.

Communicate more with your NQLC ward representative if that person represents more than one group.

Have an induction process for the corporation covering the roles and responsibilities of each director and member, and the commitment required.

Succession plan and create pathways for the next generation to become involved and to step up when they feel the time is right. Encourage youth, language and culture; respect elders and always remember your manners.



ABOVE: Warrgamay man, Troy Whelan Wyles showing his artwork - an installation at Tyto, in Ingham.
TOP RIGHT: Alicia Jamieson, Records Manager/Administration Officer. BOTTOM RIGHT: Luis Lopez, Staff Anthropologist

RESEARCH UNIT UPDATE

By Di O'Rorke, Coordinating Anthropologist

We have had some changes in the Research Unit in recent months, with some old staff leaving us, and some new folk joining our busy team. We are pushing ahead with research on claims around Cairns, while making sure the claims down Townsville way are also moving ahead at a fair pace.

Cairns: These new (and not so new) faces in the Research Unit bring fresh ideas and original ways of looking at things. It is enriching, can sometimes be challenging, but in all instances, drives us to look at

things from new perspectives. And it is that willingness to look at evidence in different ways that helps us keep a clear vision of our role in the native title claim process.

I'll take this opportunity to briefly introduce the new members of my Research team. You, the members, rarely get to work with our Research Records Manager/ Anthropology Administration Officer, but this is a central role in our unit, one we depend on to keep us running smoothly as we work on each matter.

As you can imagine, we handle an enormous amount of documents, which we have to keep in an orderly and accessible way, and it is the Research Records Manager/Anthropology Administration Officer, who does all this. They are the grease that keeps everything working smoothly. Over the last year we've had the wonderful assistance of Suzanne Lane on a part time basis, but it's a huge job, and we've been looking for the right person to fill it, someone who can help us move into the future.

We now have a new (well, kind of) Research Records Manager/Anthropology Administration Officer, herself an anthropologist, in the chair in Cairns, and she is busy learning all about how we operate here. Alicia Jamieson is a Cairns local who is familiar with the region and the indigenous landscape in northern Queensland, having worked for the old Central Queensland Land Council and Carpentaria Land Council over the years. She brings with her a rich knowledge of the history of our claims, and calm softness to our working team.

We have a new anthropology graduate from Perth, Luis Lopez, taking up a Staff Anthropologist position in the Cairns office, replacing Ashley Greenwood. I'm not quite sure what he makes of us just yet, but we're very happy to have him join our team. Luis is originally from Mexico, so he brings yet another perspective to our collective, and makes our department just that little more international. Luis will be working initially on the Wakaman claim, assisting the Consultant Anthropologist as he begins his research fieldwork in the weeks to come.

Helping to keep the department running smoothly, Kara is back at her desk in Cairns on a full time basis again. She left us for a while (Tamara Bulcock got to assist us while Kara was on leave) to expand her family, but is right back into the rhythm of work again. She's been very busy as usual, particularly on the Cairns Regional Claims, and the Girramay and Gulngay claims to name just a few, assisting with some Federal case management mediations, working with claimants and Traditional Owners on their family information and genealogies, as well as helping to train our new staff. Kara will be working on some new claims this coming year, most significantly she will be assisting a Consultant Anthropologist to do some research in the Silver Valley region.

Townsville: Sarah Thomson is settled in

to her temporary home in Sydney, doing well at her studies at the University there and still working for us two days a week. Sarah is on study leave in order to finish her Master's degree in June next year. Sarah came to us three years ago having half completed her Masters in Community Development, and felt it was time to go back to school and complete it. We are lucky to still have her available to us, given her in-depth knowledge of the evidence, the people and the issues important to the regional claims. Sarah is also spending this time helping me develop some in-house procedures and policies, as well as assisting Dr Dawn Glass, who has accepted our offer to sit in Sarah's seat until next June.

Dawn has been working in the native title field in Queensland and beyond since the early days. She has lived in Cairns for over twenty years, and completed her studies in Anthropology, including her doctorate, at JCU. She has worked for the NQLC as both a Staff Anthropologist and a consultant over the years, and until recently was the Senior Anthropologist at the Cape York Land Council. All this means that Dawn is familiar with the region, many of the people, its indigenous history, traditions, laws, customs and native title background. Dawn is well known to many claimants, not least for her most recent fieldwork on the Sea Claim Research Project, and it is a pleasure to have the benefit of her experience and knowledge. Dawn has spent the last few weeks, (her first with us) here in Cairns as she begins to learn her way around our filing system, but by the time this is published, should be settled into her new Townsville office, and is well involved in her claims down there. She will be on the ground to assist with the Wulgurukaba, Bindal, Warrgamay, and Nywaigi claims, to name just a few in the Townsville area, and together with Sarah, will continue to respond to queries from you all.

As for me, managing an ever evolving team of professionals has its joys and its

challenges, but it is always interesting! I recently spent a couple of days in Cardwell and Ingham, in order to meet with the Warrgamay Applicant and Working Group, as they move ahead with their claim. It was great to catch up with everyone, and after a day talking business we had the privilege of having one of the art installations explained to us by the artist himself.

I'm also busy meeting with many of you, claimants and traditional owners, who come by to talk about your concerns and interests. Our doors are always open, in both Townsville and Cairns, so give us a call, we'd love to see you.

Something to keep in mind when a consultant anthropologist is doing research.....

They will talk to anyone who wants to talk

They talk to people who identify as part of the group

And to people who are not part of it.

They will talk to strangers, acquaintances and kin.

They can only consider information they know about.

They look into old archives, books, reports, they listen to old stories recorded years ago,

But they will only know what **you** know if **you** tell them.



CHAIN OF RESPONSIBILITY BILL

BY SHANTI FATCHEN

Earlier this year, the NQLC FAME Unit was invited to provide a submission in response to the *Environmental Protection (Chain of Responsibility) Amendment Bill 2016* ('the Bill').

The main purpose of the Bill was to provide a mechanism for the government to pursue parties 'related' to a mining or resource company to hold them responsible for any un-remediated environmental damage caused by the company (in the event that the company was facing financial difficulties and would not remedy the damage itself). The Bill had been drafted quickly with the Department of Environmental Protection and Heritage stating that only internal departmental consultation had taken place.

The Bill

Whilst the NQLC supported the rationale motivating the Bill's introduction, in its initial form, the Bill had catastrophic implications for native title parties.

As well as seeking to hold parent/subsidiary companies, and the like, responsible for the actions of their related companies, the Bill also held the following responsible to:

- owners of Aboriginal land under the *Aboriginal Land Act 1991 (Qld)*; and

- registered native title parties *Native Title Act 1993 (Cth)*.

Furthermore, persons who were deemed to have 'benefitted financially' from such a mining or resource company, would also be held responsible. This would include native title parties who successfully negotiated agreements such as Indigenous Land Use Agreements or Ancillary Agreements pursuant to the right to negotiate provisions contained in the *Native Title Act*.

NQLC's Submissions

In our submission of 31 March 2016, the NQLC wrote that native title holders and registered native title bodies corporates (PBCs) should be expressly excluded from those capable of being held responsible for the un-remediated environmental damage on the following grounds:

- the *Native Title Act* does not give native title parties the right to veto the granting of mining and resource activities, they have limited ability to 'negotiate in good faith'; and
- native title parties ought not to be held responsible for simply because they've sought to activate their statutory entitlement (right to negotiate) to compensation.



Queensland

Environmental Protection (Chain of Responsibility) Amendment Act 2016

Act No. 14 of 2016

An Act to amend the Environmental Protection Act 1994 for particular purposes

[Assented to 27 April 2016]

The NQLC was the only Native Title Representative Body in Queensland to provide a submission in relation to the Bill and was the only one (out of a total of 89 submissions) which detailed the impacts the Bill would have on native title parties.

As such, the FAME Unit was invited to participate in a public hearing on the Bill convened by the Agriculture and Environmental Parliamentary Committee on 5 April 2016. During the hearing, Rhonda ‘Jake’ Jacobsen, Senior Legal Officer - FAME Manager, reiterated NQLC’s concerns and answered several questions surrounding native title parties’ ability to control the operations of a company in complying with environmental regulations.

The Outcome

The Agriculture and Environment Committee provided their Report to the State government and the Bill was then tabled in Parliament. The Bill was passed on 21 April 2016.

The NQLC is thrilled to advise that our submission was successful and the *Environmental Protection (Chain of Responsibility) Amendment Act 2016* expressly excludes the following from being captured by the provisions:

- for Aboriginal land under the *Aboriginal Land Act 1991*—the persons to whom the land has been transferred or granted; or
- for Torres Strait Islander land under the *Torres Strait Islander Land Act 1991*—the persons to whom the land has been transferred or granted; or
- for land for which there is a native title holder under the *Native Title Act 1993 (Cth)*—each registered native title party in relation to the land.

For further information, see: <http://www.parliament.qld.gov.au/work-of-committees/committees/AEC/inquiries/past-inquiries/10-EnviroProtCoRAB2016>.

NB: Shanti Fatchen, previous NQLC Legal Officer, is now working for a Western Australian NTRB. We thank her for her work on this Bill.



Image: (L-R) Angelina Akee (KMYAC Chairlady), Andrew Willcox (Whitsunday Mayor) and Lyn McLaughlin (Burdekin Shire Mayor)

HISTORIC MEETING BETWEEN COUNCILS AND PBC

Positive talks were held in an historic meeting on Friday 14 October 2016 between Whitsunday Regional Council, Burdekin Regional Council and two board members of Juru's Prescribed Body Corporate - Kyburra Munda Yalga Aboriginal Corporation RNTBC (KMYAC).

This is the first time the two neighbouring Councils have sat down together with KMYAC to discuss managing the Native Title determinations. KMYAC holds three determinations of Native title on trust on behalf of the Juru People, all of which are contained within the two local government regions.

Attending the meeting were respective Mayors Andrew Willcox (Whitsunday) and Lyn McLaughlin (Burdekin) and Councillors and officers from both Councils along with senior State Government officials from Department of Natural Resources and Mines.

Whitsunday Regional Council Mayor Andrew Willcox said the aim of the meeting was to have open discussion to build better relationships. "We also had positive talks about how to collaboratively work on issues of common interest."

Burdekin Shire Council Mayor Lyn McLaughlin said the meeting was very informative and allowed everyone to understand all the relevant issues. "It was great that all parties were on hand to listen to the information firsthand and grasp an understanding of what is involved with Native Title determinations in our region," she said.

KMYAC chairlady said, "this is the beginning of a working relationship between KMYAC and the two Councils, we hope to build a better working relationship into the future".

BY RICARDO MARTINEZ

Deputy Principal Legal Officer - Townsville Office



Image: Gurambilbarra Wulgurukaba applicants, NQLC staff and State representatives at a site visit of the Project Area. (L-R) Solange Williams (NQLC), Brenton Creed, Florence Watson, Sharon Charger (NQLC), Ricardo Martinez (NQLC), Virginia Wyles, Pam Hegarty, Esalyn Ambrym, Lynette Forbes-Beitsch, Christina George, Gail Ambrym, Monique Howard (State), Kristen Hodge (State).



Gurambilbarra Wulgurukaba - North Queensland Stadium Project

The North Queensland Stadium Project, an integrated stadium and entertainment centre, is a \$250 million project set to hit Townsville in 2020 - just in time for NRL season.

The Project, expected to generate 750 jobs throughout the design and construction stages, is funded by both the Queensland (\$140M) and Commonwealth (\$100M) Governments, along with the National Rugby League and the North Queensland Toyota Cowboys (\$10M).

NQLC is currently assisting the Gurambilbarra Wulgurukaba applicant to negotiate the following with the State of Queensland:

- a Cultural Heritage Management Agreement for the protection and management of cultural heritage over the Project Area;
- employment and training opportunities; and
- other opportunities.

Once completed, the Stadium will seat 25,000 people and replaces the current 1300SMILES Stadium which does not meet national standards.

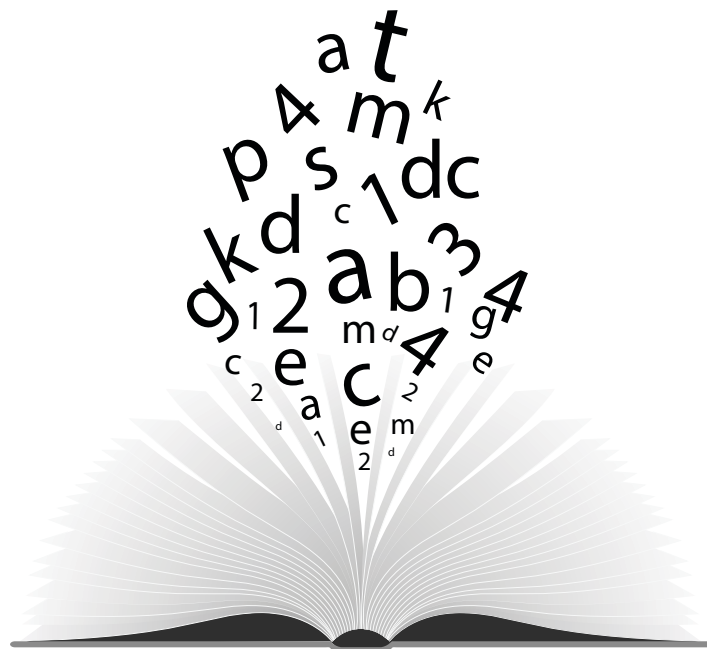
If negotiations are successful it could be a really positive outcome for the Gurambilbarra Wulgurukaba People.

Watch this space.



To support the project go to www.morethanastadium.com.au and click 'Show your Support'.

BY RICARDO MARTINEZ
Deputy Principal Legal Officer - Townsville Office



Thinking of Studying in 2017?

Here is some of what is available to Aboriginal and Torres Strait Islander students at TAFE North.



INDIGENOUS STUDENT SUPPORT OFFICERS

- Enrolment processes
- Centrelink ABSTUDY enquiries
- Tutor support
- Referrals to other community service providers
- Enrolment into 'Away from Base' courses

AWAY FROM BASE FINANCIAL SUPPORT

If students don't live near a campus, they may still be able to enroll by accessing Away from Base (AFB) financial assistance, which may help pay travel, accommodation and meal costs when students attend residential study blocks away from their home community.

TUTORIAL ASSISTANCE

There is an Indigenous Tutorial Assistance Scheme (ITAS) which is an academic support initiative that may provide funding to cover the costs associated with additional tutoring at no charge.

FEE & PAYMENT OPTIONS

VET FEE-HELP/VET STUDENT LOANS: Subject to the passage of legislation, VET Student Loans will commence on 1 January 2017, replacing the current VET FEE-HELP scheme, which will cease on 31 December 2016. Information about the new program is outlined on the Australian Government's VET Student Loans website at www.education.gov.au/vet-student-loans

PAYMENT PLANS: TAFE Queensland North offers an interest free payment plan option to approved students allowing them to pay their fees in instalments over the duration of their study. Payment plans are available for both full fee paying students and students paying a subsidised tuition fee. Terms and conditions apply and payment plans are only offered through Direct Bank Debit contracts.

FEE CONCESSION: Eligible students are entitled to a fee concession on most Queensland Government funded programs. For more information or to find out if you meet the criteria, visit: www.tafenorth.edu.au

SUBSIDISED COURSES

PAYMENT SUBSIDIES: The Queensland Government will offset the cost of study for eligible students who meet certain criteria.

CERTIFICATE 3 GUARANTEE: The Certificate 3 Guarantee funding is a Queensland Government initiative to ensure ongoing training is available to eligible students to increase employment opportunities. If eligible, you will receive subsidised training for your first post-school Certificate III level qualification in a priority training area. For more information, visit or call your nearest campus and our Customer Service Team will be able to assist.

FEE-FREE TRAINING FOR YEAR 12 GRADUATES: If you're a Queensland resident, have just finished Year 12 and are keen to start your studies, you might be eligible for fee-free training. The Queensland Government will pay the full cost of a number of Certificate III qualifications in high priority study areas, under the Certificate 3 Guarantee and User Choice programs.

HIGHER LEVEL SKILLS SUBSIDY: The Higher Level Skills Subsidy is a key Queensland Government initiative to assist individuals to gain the higher-level skills required to secure employment, or career advancement in a priority industry, or transition to university. The program provides a government subsidy to support eligible individuals to access one subsidised training place in selected Certificate IV level and above qualifications or priority skill sets. Various funding is available to assist you with your tuition fees. Conditions apply.

TRAINING DELIVERY METHODS

FULL TIME: The quickest and most immersive way to get a qualification.

PART TIME: If you're busy working, juggling family or anything else just as exciting, we don't mind if you only want to hang with us part time. Still learn everything you need to get qualified but still juggle family and work responsibilities.

RESIDENTIAL BLOCKS: Some courses are delivered in intensive blocks of training on campus. You may be required to travel away from home to complete this type of study. Funding support for travel, accommodation and meals may be available.

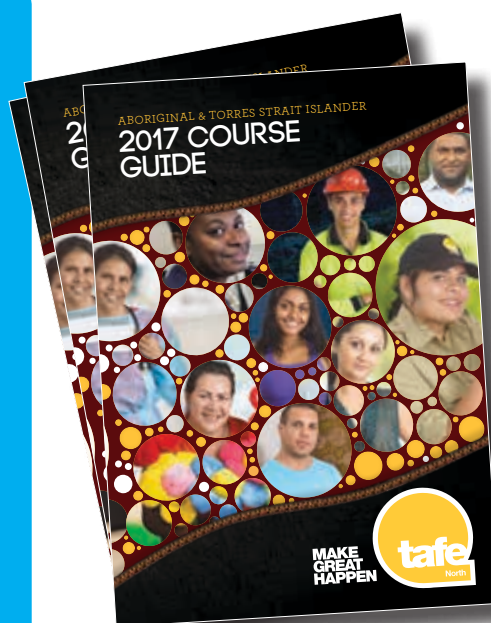
EXTERNAL: External study allows students to complete their studies on an individual basis. This could be online, electronic or print-based distance learning with as required contact with teachers.

WORKPLACE: TAFE can work with students in their workplace to help them upskill by assessing current skills and developing a flexible, competency based training program to be delivered in the workplace.

ONLINE: Learning anywhere, anytime, as long you have an internet connection. Their e-learning environment can be accessed 24/7 and allows students to easily connect with teachers and classmates, using their e-learning tools.

APPRENTICESHIPS/TRAINEESHIPS: Study while you work and get paid for it. Flexible study options are available full time and part time, or you can even start early while you're still at high school.

FLEXIBLE: Flexible study combines online forums, video conferences, interactive face-to-face learning and workplace training, at a pace that suits you.



For more information on what TAFE QLD has on offer, including course available, download their 2017 Course Guide from www.tafenorth.edu.au/study-with-us/aboriginal-torres-strait or call 1300 656 959.

Our PBC Support Unit is working closely with TAFE around a few training opportunities for the near future so watch this space.

NEW STAFF



Alicia Jamieson

Research Records Manager/Anthropology Administration Officer
Cairns

I started work with NQLC in August this year, as Records Manager looking after all the documents held in the anthropology research unit. This includes some 20 years of native title research in this region.

While new to NQLC, I previously worked as an anthropologist (consultant / staff) with Central Qld Land Council between 1999 and 2001. So, I have some background both in native title research and familiarity with claims in NQLC's region. My past experience with native title representative bodies also includes as anthropologist for Carpentaria Land Council, living in Burketown from 1995 to 1997, and research for Cape York Land Council and Northern Land Council in the Northern Territory.

I moved to Cairns with my family 10 years ago and have since become involved with local community theatre group, Tropical Arts, as secretary, actor, volunteer coordinator, designer etc. putting on annual Shakespeare at the Tanks productions.

As Record Manager, I can see a great opportunity to make a difference and add value to research done in the NQLC region over the years.



Luis Lopez

Staff Anthropologist
Cairns

I was born in Queretaro, a small city located in the central part of Mexico. I moved to Australia in 2010 to work and travel. I spent the following year working in hospitality in Perth, and travelling around Australia and to other parts of the world every time I had a break.

I had always been interested in studying culture and society, so in 2012 I started my Bachelor of Arts at the University of Western Australia. While at uni, I was working as manager in a Mexican restaurant. This was good fun and a really good experience.

I graduated by the end of 2015 with a BA (Hons) in anthropology and sociology. After finishing my degree, I did two native title anthropology internships through the Aurora Internship Program; one at the Goldfields Land and Sea Council in Kalgoorlie and another one at the Northern Land Council in Darwin. In my time at these land councils, I learned a lot about Aboriginal people and native title and decided that I wanted to continue working in the area.

After living in Perth for more than six years, I moved to Cairns in October this year to start working as a staff anthropologist at the North Queensland Land Council. I am very excited about this opportunity, and I am looking forward to work side by side with Aboriginal people to achieve positive native title outcomes.

About my hobbies, I am a sports person; I practice rock climbing, and I am currently looking to join a soccer club here in Cairns. I also enjoy travelling; every time I can, I try to go out to a place I have never been before. As I am new to Cairns, I am very eager to get to know the region.

PROFILES



JUDITH Lakson
Anthropology Intern
Cairns

As an Anthropology student at JCU I applied through the Aurora Project for the opportunity to work as an intern with the NQLC, my first choice for placement, and I was pleased to start my five (5) week internship in November 2016.

I have a visual arts and ceramics background after studying at Cairns Tafe and going on to complete a Bachelor of Creative Industries at JCU. I have volunteered at the Yarrabah Arts and Cultural Precinct as an arts worker since 2011 and have participated with the art centre artist at the Cairns Indigenous Art Fair in 2012, which was the first time Yarrabah attended, 2015 and 2016. I take immense pleasure in supporting and working with the artists to reach their full potential as professional visual artists and ambassadors for their community.

Through researching my own Indigenous heritage I have studied the history of Aboriginal Australians and come face to face with the truth of colonisation, its methods and outcomes. This history has impacted on my own family as I am a member of the Iman Aboriginal Nation of Central South East Queensland and as such a member of the Wardingarri Aboriginal Corporation. As a member of this corporation I am interested in Native title anthropology and governance.

With knowledge of Indigenous Australian history past and present I endeavour to offer my services to the empowerment of Aboriginal Australian people into the future.

Dawn Glass
Staff Anthropologist
Townsville

I was raised in Western Australia, and am the youngest of 12 children. I studied anthropology as a mature age student at JCU Cairns campus and have an Honours degree in Anthropology, as well as a Masters of Heritage Studies and a PhD in Anthropology. I undertook PhD studies with the North Fore people in the Okapa District of the Eastern Highlands Province in Papua New Guinea, where I studied the cultural significance of blood. Over the years, I have undertaken research on many claims in the NQLC region, including: Goldsborough Valley Yidinji, Western Yalanji, Kutjula, Yirandali, Djiru, Jirrbal, and Mamu. In 2015 I began researching a regional sea claim. I have recently relocated from Cairns to Townsville and am enjoying the ambience of Townsville and working with the NQLC staff here and in Cairns.

As everyone working in native title is aware, this is extremely rewarding work.

HAVE A MERRY HAPPY

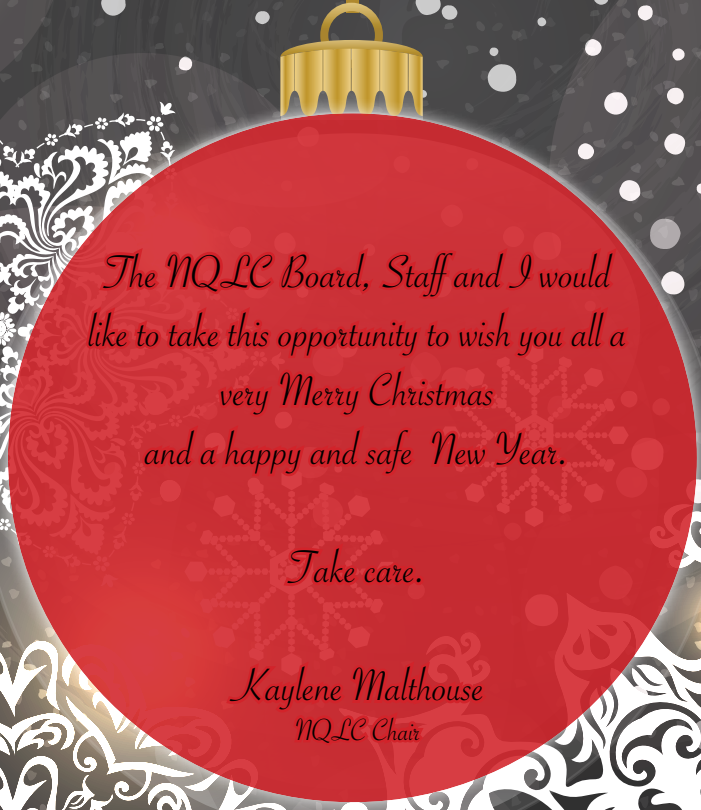


Christmas

HAPPY HOLIDAYS



HAPPY NEW YEAR!



*The NQLC Board, Staff and I would
like to take this opportunity to wish you all a
very Merry Christmas
and a happy and safe New Year.*

Take care.

*Kaylene Malthouse
NQLC Chair*

Cairns – Head Office

61 Anderson Street Cairns Qld 4870
PO Box 679 Cairns North Qld 4870
Tel: 07 4042 7000 / Fax: 07 4042 7070

Branch Office – Townsville

Suncorp Tower, 61-73 Sturt St Townsville Qld 4810
PO Box 5296 Townsville Qld 4810
Tel: 07 4421 5700 / Fax: 07 4421 5717

Branch Office – Mackay

Suite 2 Level 1, 38 Macalister Street
Mackay Qld 4740
Tel: 07 4898 6700 / Fax: 07 4898 6777