



YOUR WAY FORWARD FOR NATIVE TITLE

MESSAGE STICK

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North Queensland Land Council.

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7



Gudjula Native Title Determination

14



PBC Corporate Governance and
Compliance Workshop

18



Yellow Gin Creek Bridge renamed to
'Youngoorah'



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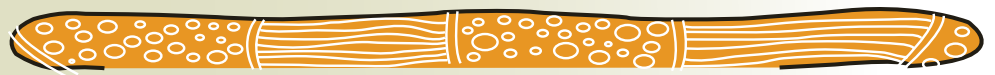
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CONTENTS

03	A MESSAGE FROM THE CHAIR
05	UPDATE FROM THE CEO
07	GUDJULA PEOPLE NATIVE TITLE DETERMINATION
08	BYE BYE BYGRAVE - MCGLADE v NATIVE TITLE REGISTRAR [2017]
11	NQLC ENGAGEMENT & DEVELOPMENT SUPPORT TEAM
12	QUEENSLAND GLOBE
14	PBC UNIT UPDATE
18	YELLOW GIN CREEK BRIDGE RENAMED TO 'YOUNGOORAH'
19	NEW STAFF PROFILES
20	STAY IN THE LOOP



MESSAGE FROM THE

Chair

Welcome to the first edition of Message Stick for 2017. I would like to start by acknowledging and paying my respects to the custodians of the land within the NQLC footprint, both past, present and future. I also give my condolences to the families of people who have recently passed on.

I would like to extend my congratulations to the Gudjula People, whom in December of last year had the second parts of their native title claims determined at the Federal Court in Brisbane. Their perseverance and determination throughout their 12 year native title process is admirable. Thank you also to the hard work of the NQLC staff who assisted with the claim. To read more on the Gudjula determination, go to page 7 for Cheryl Thomson's article.

2017 is shaping up to be a busy year in our NQLC Footprint. We kicked off February with the PBC Unit's annual Corporate Governance and Compliance Workshop held in Cairns. I would like to thank all of the PBCs for their attendance and input at the workshop, and also to Shane Carroll for presenting.

In March, NQLC will be working with the Referendum Council to co-host the Constitutional Reform Regional Dialogues in Cairns. The Dialogues are a series of meetings being held around the country over the next few months with a purpose to reach broad agreement on whether and, if so, how, to 'recognise' Indigenous Australians in the Australian Constitution. Invitations to the Dialogues will be sent out to community members by the Referendum Council.

In June, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has invited NQLC to co-host the 2017 National Native Title Conference. The conference will be held in Townsville with the permission of the Traditional Owners of Gurumlibara Wulgurukaba Country. With 2017 being the 25 year anniversary of Mabo, the Conference theme is '*Our land is our birth right: MABO25 & Beyond*'. This conference creates a time of reflection throughout native title. Looking back over the mechanisms of the native title process; what worked, what didn't work, and

where to from here.

Continuing the celebrations of the 25 year anniversary of Mabo, the National Native Title Tribunal have invited all Native Title Representative Bodies and other organisations to work with them to establish a commemorative website. The website, due to go live any time now, will be structured around a different theme each month covering the past, present and future of native title. NQLC has been very involved in providing content for the website so if you have managed to be featured in our Message Stick before, there's a good chance you will be featured in the NNTT's website to celebrate the historic





Kaylene Malthouse during filming of the video interview for NNTT's 25 Years of Native Title commemorative website.



NATIONAL NATIVE TITLE CONFERENCE

2017

*Our land is our birth right:
MABO25 & Beyond*



2016 NAIDOC Awards Ceremony - Cairns to host 2017.



Gudjala People at the Brisbane Federal Court for their Native Title Determination.



PBC Unit's 2017 Corporate Governance and Compliance Workshop held in Cairns.

event. I also took part in a video interview which will be featured on the site, as well as our NQLC website: www.nqlc.com.au. We will let you know as soon as their site has gone live.

2017 really is an exciting time with Cairns hosting this year's National NAIDOC Awards Ceremony. The National NAIDOC Awards are an opportunity to recognise the outstanding contributions that Aboriginal and Torres Strait Islander People make to improve the lives of Indigenous people, promote issues in the wider community, or the excellence they have shown in their chosen field. The Ceremony kicks off NAIDOC Week around the country on Saturday 1 July 2017. Award

nomination forms and to purchase tickets to the event, visit their website: www.aidoc.org.au.

The last big event to cap off the first half of 2017 is the Laura Dance Festival, held from 30 June – 2 July 2017. Laura Aboriginal Dance Festival is held every second year in the Cape York Peninsula highlighting the many diverse Communities, language, song, dance and stories. Over 20 Communities participate in the Festival, with up to 500 performers and over 5000 festivalgoers. To purchase your tickets to the festival visit: www.lauradancefestival.com.

As you can see, we have a very big first half of 2017 to tackle. Myself, the Board and staff of NQLC are all

looking forward to working with you and helping you achieve your native title aspirations. As always, if you want to have a yarn with me give our office a call on 1800 814 779.

Kaylene Malthouse
NQLC Chair

UPDATE FROM THE CEO



Welcome back to the Message Stick. I trust you all had a wonderful festive season and got some time to relax with family and friends. I also hope that it doesn't seem like too much of a distant memory just yet.

You will recall that in the December edition I reported on the establishment of the Engagement and Development Support (EDS) Team which brings the NQLC's Future Act Mining and Exploration (FAME) Unit and PBC Support Unit under the one umbrella, managed by Rhonda (Jake) Jacobsen. The article on page 11 sets out that structure in more detail.

You will see in the structure that there have been some staffing changes to the FAME Unit in particular, with the commencement of Terry Basic in the Administrative Officer position and Julia (Jules) Taylor as the Senior Legal Officer-Coordinator. We are very pleased to welcome them both. Jules will be taking over the legal practice previously undertaken by Jake and is progressively working her way through meeting her clients.

Some of you may be familiar with the Queensland Globe program

which allows you to access satellite imagery and overlay certain features that you may wish to examine on your country. FAME Senior Legal Officer (and mapping expert) Chris Harriss provides an overview of how that program operates at page 12.

The PBC Support Unit convened its annual Corporate Governance and Compliance Workshop in Cairns over 7-9 February 2017. Shane Carroll is a regular presenter at the Workshop and his Corporate Governance training proved to be as successful this year as in previous years. Shane provided me with the feedback assessments from the course and it is obvious that the participants saw it as relevant, useful and what's more, highly enjoyable.

The PBC Unit will also be holding its next Submission Writing Workshop on 21 & 22 March in Cairns. The primary purpose of the Workshop is to draft the annual application for PM&C's PBC Funding Support Programme, but there will also be a focus on applying for funds under the Indigenous Advancement Strategy's PBC Capacity Development Programme. It would appear that this Programme is drastically underutilised at the moment, so it is

critical that our PBCs are assisted to frame successful funding applications for this Programme – being as it is specific to PBCs. More information about the PBC Workshops is on page 14.

The Legal Unit has also welcomed several new staff since the last Message Stick. Peter Krebs has joined us as a Senior Legal Officer. Peter is a highly experienced native title solicitor who formerly worked as the Principal Legal Officer at the Torres Strait Regional Authority. Prior to that Peter had worked as a native title solicitor at Cape York Land Council and Gurang Land Council. We are very fortunate to have secured Peter's services. Peter has been allocated a hefty caseload in the claims section and is currently very busy studying the cases we have assigned to him.

Cherona Williams has been recruited to fill the gap left by Janelle Levers' departure and is being trained up by Jacqui before Jacqui goes on maternity leave for her second bub. Madeleine Smith will be backfilling for Jacqui from mid-March.

The Legal Unit is co-operating with the State on a new system of tenure analysis delivery. Based on the



NNTT's Native Title Vision mapping system and with the assistance of the NNTT, data is to be loaded into the program to enable a clickable digital map to be displayed on screen which displays the tenure analysis for each non freehold lot. Essentially it is the digital form of a paper map but has the capacity to considerably speed up the process and be less costly

Meetings are gearing up, anthropology reports are coming through and life in the legal department is getting busier.

The NQLC's Research Unit has also hit the ground running this year. Several claims are in a very active phase, which means our researchers are planning ahead for meetings, field trips, consultant visits and interviews, and of course, responding to your queries and questions.

The new Silver Valley/Mt Garnet area research has been kicked off with a community meeting in early February to introduce the Consultant Anthropologist and at the time of writing we are busy organising and preparing for field work and interviews for both this project and the Wakaman research project. We

have also met with the Gia & Ngara Peoples to present the Consultant Researcher's findings to them with a view to filing a claim over the Whitsunday's area. Research will begin in the next few months for Southern Warra, in the north of our region.

The Research Unit has recently completed a thorough audit of our range of multimedia records and our Tindale collection, and will be focusing now on preparing the hundreds of documents to be moved. The Unit continues to build its collection of research materials and has been gathering records from the JCU library and AIATSIS to expand the collection.

The Cairns Research staff were able to take the opportunity in early February to attend a workshop in Perth held by the Centre for Native Title Anthropology (CNTA) which focused on Emerging Trends in Native Title Anthropology and where our researchers were able to contribute to national discussions, representing the issues of concern in the NQLC region.

The Cairns office refurbishment is continuing on track from completion in early April. Stage 2 of the works

was recently completed and the Engagement & Development Support Unit is now comfortably ensconced in its shiny new digs. Work is underway on the upstairs area which will house our Legal & Research Units.

It already looks like 2017 is going to be another big year at the NQLC and I am excited at the prospect of the achievements we will gain for North Queensland's Traditional Owners.

Steve Ducksbury
NQLC Chief Executive Officer



Gudjala People #1 & #2 Part B Native Title Consent Determination

After 12 long years, the Gudjala People have had their native title claims determined. Back on the 18th of March 2014, Justice Logan made the Gudjala People #1 Part A and #2 Part A consent determinations at Charters Towers, holding off Part B of the applications to a date to be fixed, dependent, on the outcome of an application by a group of respondent parties. These respondent parties are collectively known as the Walsh River Respondents, who raised issues of possible extinguishment of native title in relation to areas covered by military orders in World War II. The issues were taken by the State of Queensland to the High Court.

Ultimately, it was found the making of the military orders did not extinguish native title (*see Martin Dore's article on this in our May 2015 edition*).

On the 13th of December 2016, at the Federal Court in Brisbane, His Honour Justice Reeves finally

determined, with the consent of all parties, Gudjala People #1 Part B and Gudjala People #2 Part B. The Applicants, Christine Hero, Smokey Anderson, Gloria Santo and Priscilla Huen attended the hearing.

The determined area of both claims cover approximately 19,000 square kilometres.

This brought to an end a journey the Gudjala People had originally commenced in 1998. The Gudjala People #1 and #2 claims were filed with the Federal Court in 2005 and 2006 respectively.

I am grateful for the assistance of the applicants, Elizabeth Dodd, Smokey Anderson, Gloria Santo, Christine Hero and Priscilla Huen and their tireless commitment to progressing the claims to conclusion.

I would like to congratulate the Gudjala People for their patience and tenacity throughout this process, and acknowledge that there are Gudjala

Elders who commenced this journey, but were not present to see the final outcome. I would also like to thank Chris Harriss who previously worked on the claims with the Gudjala People, Sharon Charger who has been the Project Officer on all of their claims, as well as NQLC Legal Secretaries Solange Williams, Jasmin Phillips and Laura Burton.

The Ngragoonda Aboriginal Corporation RNTBC now manages native title on behalf of the Gudjala People. (*Check out their PBC Profile, which was featured in our December 2015 edition*).

Written by Cheryl Thomson
NQLC Legal Officer

BYE BYE BYGRAVE

MCGLADE v NATIVE TITLE REGISTRAR [2017] FCAFC 10

In Bygrave #2¹, the Court had ruled that you do not need the signatures of all of the Applicants on an Indigenous Land Use Agreement (ILUA). Indeed, the Court in that case said that you did not need any signatures of the Applicants as long as there was clear evidence that the Native Title claim group had authorised the ILUA.

The *McGlade* case involved the comprehensive settlement package that had been negotiated over a number of years by the Noongar People and the Western Australian government.

The package involved six indigenous land use agreements and four (4) different native title applications by the Noongar People.

Four (4) of the ILUAs were the subject of this action. The claim revolved around whether the ILUAs could be registered in circumstances where in respect of each of the ILUAs, there was at least one signature missing.

With respect to one of the ILUAs, one of the applicants had become deceased before signing the ILUA and also another applicant had not signed the ILUA at the time it was presented for registration but subsequently did so, before the native title registrar considered the ILUA for registration.

In each case, part of the authorisation resolutions of the group was phrased in terms that said “the group

authorised and directed” the applicants to sign the ILUA.

The argument by those in the minority who were opposed to the ILUA, and therefore did not sign the ILUA, was that the document put up for registration was not in fact an ILUA. They said that unless it complied with all of the conditions in the Native Title Act 1993 (NTA), one condition of which was to have the signatures of the registered native title claimants, it was not an ILUA and therefore could not be registered.

The decision of the Court was delivered in two judgments; the first was a jointly written judgment by Justice North and Justice Barker with Justice Mortimer delivering his own separate judgment, but arriving at the same conclusion as the other Judges.

The Judges each canvassed a number of issues, although ultimately it was not necessary for the Court to actually rule on a number of issues that had been put to the Court in argument. For example, the Judges went into discussion as to whether the applicants constituted a statutory appointed body corporate or whether they might be regarded as a legal entity unto themselves in some other form, or were to be seen as some other form of entity. Ultimately, it was not necessary for this to be decided.

BACK TO BASICS

Essentially each of the judgements approached the matter as an issue of statutory interpretation.

The Court looked at the strict provisions of the NTA

1 QGC Pty Ltd v Bygrave and Others (No 2) (2010) 189 FCR 412; [2010] FCA 1019

noting that in the definitions of section 253 of the NTA, “registered native title claimants” were the persons whose names appear on the entry on the register of native title claims in respect of a native title application. This definition links back to the definition of “applicant in section 61(2)” **which contemplates a singular entity, which may in some circumstances, be comprised of multiple “persons”**. The Court also pointed to section 24CD(2)(a) and said that in applying that section, **it must be taken to refer to each of the persons who comprised the applicant if there was more than one.**

The Court pointed to section 24CD(1) and (2) Which defines who must be a party and noted that where there was a registered claim, it included the Registered Native Title Claimants. The Registered Native Title Claimants are those whose names appear in the Register held by the NNTT².

They also indicated that in order to be registered, the agreement would have to be in writing. If followed, it said that if one of the persons who jointly with others had been authorised by the claim group to be the applicant who refuses, fails, neglects or is unable to sign a negotiated proposed written ILUA for whatever reason, then the document will lack the quality of being an agreement recognised for the purposes of the NTA.

Should the claimant group be unhappy with such failure, neglect etc then the proper course of action would be for the group to remove or replace the person/s who has not signed using the provisions of section 66B.

The court said this conclusion was supported by section 24EA which should be construed as contemplating that the “parties” to an agreement are not fictional parties, but parties in their own, individual right. The expectation is that each of those parties will indicate ascent to the agreement by signing it. The majority judgment also noted it did not matter whether the ILUA was to be made as a deed or not. **Either way, every party [including each individual that makes up the Applicant] to agreement must sign it for it to qualify for registration.**

As to the wording in the motions passed by the authorisation meeting, purporting to **direct** the applicants to do things, the majority said that **the claim group outside of the operation of section 66B does not exercise any power of direction and that the only power came from section 66B**. The majority noted that whilst



The four Noongar named claimants who did not sign an ILUA celebrate the McGlade decision. (ABC News: Charlotte Hamlyn)

their conclusion might be considered inconvenient by some, especially in the case where a large number of persons jointly comprised the registered native title claimants and where some signatures may have been difficult to obtain, the question of providing some mechanism, apart from section 66B for dealing with these types of issues, **was a matter for parliament to consider***. With respect to the fact that on one of the ILUAs an applicant had become deceased before signing, the Court said that the way to correct that was again, to bring an application under section 66B to remove that person as an applicant. In regards to the situation where one of the applicants only signed after the ILUA had been presented for registration, the fact that he signed before registration removed the difficulty of the lack of the signature. In other words, they rejected the argument that all of the signatures had to be present at the time of lodgment, preferring the view that as long as all of the signatures were present at the time when registration was being considered, that was sufficient.

Mortimer J delivered his own separate judgment but arrived at the same conclusions. One of the matters that Mortimer J discussed, which it was ultimately unnecessary for him to answer, was whether as an alternative to section 66B proceedings, the Federal Court Rules empowered the Court to make an Order that a person ceased to be a party. It was noted that this had been done in some cases³, Mortimer pointed to the fact

2 These will be same persons as comprise the Applicant

3 Under the previous Federal Court Rules

that when Orders were made under section 66B, the register of native title claims had to be altered in accordance with 66B(4). Whilst there was no specific similar provision under the Federal Court Rules directing the register to be amended, and accordingly, without making any final decision, he leaned in favour of the provisions of section 66B.

One area where Mortimer J appeared to partly disagree with the majority judgment was that the majority said that there was “nothing in the text context or purpose” of section 61 that would suggest that the claim group could direct that decisions could be made by a majority of the applicants.

Whilst Mortimer J tended towards agreeing with majority judgment that you **could not direct that decisions be made by a majority** of the applicants, he did point out that there must be some circumstances in which some limits and terms could be placed, otherwise there would be no situations in which 66B(1)(a)(iv) could operate. That provision refers to a ground of bringing a section 66B application is that the **applicant has exceeding its authority**. Ultimately this was not an issue which needed to be resolved for the purpose of this action.

CONCLUSION

- All three judges held that Bygrave #2 was wrongly decided that in order for an agreement to be registered as an ILUA the signature of every party to the agreement had to be included and that included each and every member of the Applicant (registered native title claimant).
- In addition, the agreement had to be in writing and on paper.
- Deceased members of the applicant should first be removed by a section 66B process so their names will not be on the register of Native Title Claimants.
- The appropriate time to assess if all the necessary signatures are on the document is not when the ILUA is lodged for registration but at the time when the Registrar is about to consider the application for registration.

THE UNKNOWN RESPONSE OF THE NNTT

**It is unknown if the NNTT will now set about removing ILUAs from registration if that Registration was obtained using the Bygrave Principle

The situations in which the Registrar can remove an ILUA from the Register are set out in section 199C. They do not seem to cover the situation here except for obtaining a Court Order.

Updates since the writing of this article:

** The Federal Government has rushed amending legislation into parliament to reverse the effect of McCabe and restore the Bygrave position*

The Draft Bill has reached its third reading and been referred to a Senate Committee.

The Bill provides that at the time of authorisation the Group can nominate a person or persons to be the signatories for the group. Such persons or persons need not be applicants but must be one of the mob.

If no such nominations are made a majority of applicants will be sufficient.

More details in next edition of Message Stick

*** The NNTT has identified the various ILUAs in each State and Territory that relied on the Bygrave principal to achieve registration.*

Given that the proposed amendments to the Native Title Act are to be retrospective, it is our understanding that the NNTT is taking no action pending the passage of, and coming into effect of the amendments.

Written by Martin Dore
NQLC Principal Legal Officer



NQLC Engagement & Development Support Team

Background

The North Queensland Land Council (NQLC) has a very proud reputation for securing native title determinations for 23 of our client groups. In the course of securing these determinations the NQLC also establishes the Prescribed Bodies Corporate (PBC) to hold and manage the native title of the group. Upon determination, those PBCs then become Registered Native Title Body Corporate (RNTBC). Although the terminology of RNTBC is correct, the use of the term PBC is most common.

In total, there are 24 PBCs in the NQLC region. The Department of Prime Minister and Cabinet (PM&C) administers the PBC Support Funding Program under which PBCs may receive up to \$50,000.00 per year, subject to meeting eligibility criteria.

In the case of PM&C approval for the PBC Support Funding, the NQLC then administers those funds in accordance with the NQLC Process Agreement. Additionally, NQLC offers various capacity development activities to PBCs to support, strengthen and consolidate their operations. These services are provided through the PBC Support Unit.

The NQLC also provides services in respect of future acts

throughout the claim process (registration of a claim secures certain 'procedural rights' that the native title claimant group can exercise) and post determination. These services are provided through the Future Act Mining and Exploration (FAME) Unit.

In addition to issuing future act notices and representing native title groups in their dealings with future act proponents, the FAME Unit also provided capacity development activities to support, strengthen and consolidate their administrative and management practices especially in the context of dealing with third parties.

The FAME and PBC Units are the only Units of NQLC that regularly and consistently provide services to native title holders post determination and both Units provide similar capacity development support. We reviewed the type and delivery of services of the FAME and PBC Units and decided that particularly in respect of the capacity development activities, it would be most efficient if the two units worked closer together.

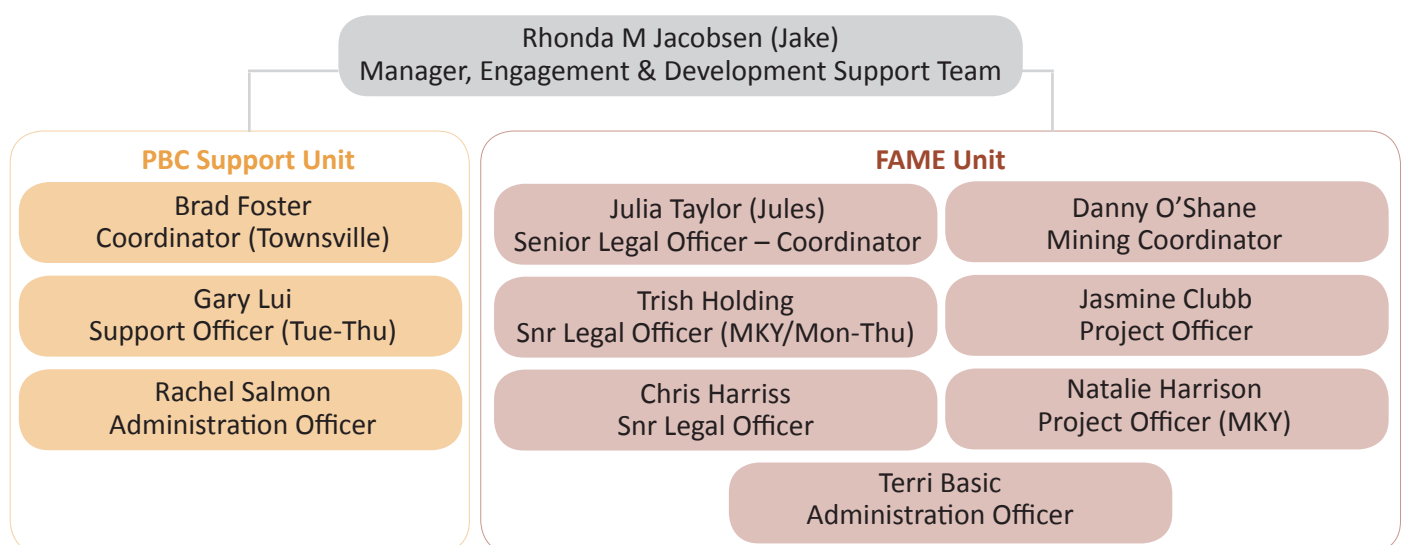
In these circumstances NQLC established the Engagement and Development Support Team (EDST).

Structure

Whilst the FAME and PBC Units do provide similar services in respect of capacity development, the other services that each Unit offers is very specific and requires different expertise. For this reason, the two units retain their unique identities and services specific to their operations but will

work cooperatively on those capacity development services where there has been some degrees of overlap.

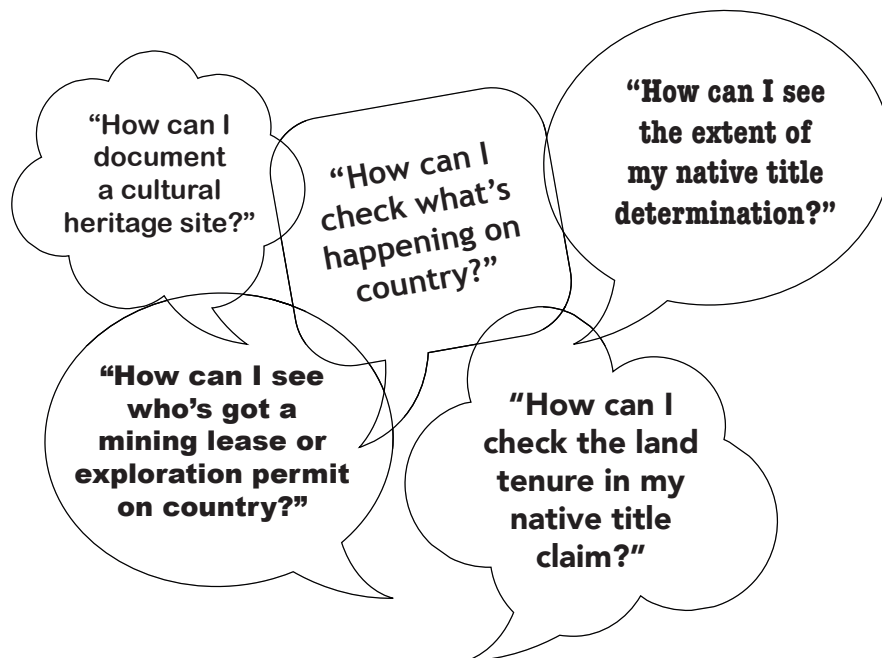
To achieve this, the structure of the Engagement and Development Support Team is:



Services

The essential services of each Unit that you are familiar with, remain the same. Please continue to contact the person you normally contact.

- FAME Mining Coordinator or Project Officers for future act specific matters
- PBC staff for PBC specific matters.



Queensland Globe

Queensland Globe (QG) will let you do all without leaving home. QG is a free software component (plug in) by the Queensland Government. It is accessed online and runs through Google Earth.

QG allows you to access satellite imagery and overlay or highlight current mines, abandoned mines, exploration permits, land parcels, land values and tenure, native title claims and determinations, Indigenous Land Use Agreements and much more.

Once installed, you will generally find that the satellite imagery is more up to date and a higher resolution than Google Earth. Generally, this allows you to get zoom right in on country and see what’s going on. You can also access historic imagery and create and save overlays and place marks.

A practical example of how QG can benefit is that it

can facilitate a desk top cultural heritage survey. You can zoom in on country and use the imagery to locate special sites and areas. You can then mark and define those sites and areas accurately. Should you wish, you can then use those marks to have the sites placed on the Cultural Heritage Database at Department of Aboriginal and Torres Strait Islander Partnerships.

By comparing historical to more recent imagery you can check on tree clearing and mining and infrastructure expansions. You can use the overlay and polygon functions to check on country and mark and document cultural heritage sites.

QG allows you to create your own place marks and save them to computer. These Google Earth

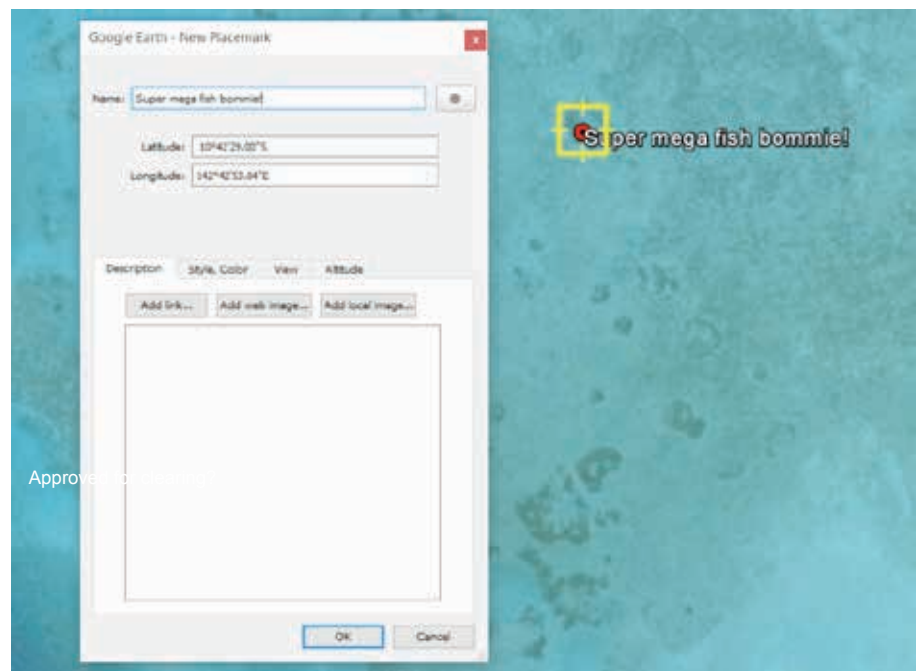




(KMZ) files can then be emailed. So someone in Chillagoe can locate a special place, mark it on Google Earth and email the exact location to an elder in Perth to check.

There are a series of online tutorial videos that instruct in the use of QG. Just Google "Queensland Globe" to access and install and view the series of tutorial videos.

QC will also let you pinpoint the bommies on the reef so you can navigate there and improve your fishing, but that's another story!



The Future Act Mining and Exploration (FAME) Unit offers PBCs capacity development forums which explain how to examine and respond to future act notices (FANs), and includes accessing QG to locate the activity on your country. If your PBC has not had a FAN Capacity Development Forum and you would like one, please contact Danny O'Shane,

Mining Coordinator, FAME Unit in our Cairns office.

Written by Chris Harriss

Senior Legal Officer
Future Act Mining & Exploration Unit





PBC

SUPPORT
UNIT

WELCOME TO THE PBC SUPPORT UNIT UPDATE. WELL ... WE KNEW THAT WE WERE IN FOR A FLYING START TO 2017 BUT WE HAD NO IDEA IT WOULD BE THIS FULL-ON! SO RIGHT NOW IS A GOOD TIME TO PROVIDE AN UPDATE.

OUR MOST IMPORTANT EVENT SO FAR THIS YEAR WOULD HAVE TO BE THE PBC GOVERNANCE AND COMPLIANCE WORKSHOP, HELD IN CAIRNS OVER TWO AND HALF DAYS FROM FEBRUARY THE 7TH TO THE 9TH IN CAIRNS. THE VENUE FOR THE WORKSHOP WAS THE RYDGES ESPLANADE RESORT.

READ ON TO FIND OUT ABOUT HOW WE MADE THE MOST OF THOSE TWO AND A HALF DAYS!

PBC GOVERNANCE AND COMPLIANCE WORKSHOP - WHAT WAS IT ALL ABOUT?

The Corporate Governance and Compliance Workshop 2017 is a capacity development and learning opportunity for PBC directors. We encourage directors from all PBCs in our region to attend. It doesn't matter if directors have attended previous workshops, or if the PBC is not currently being assisted by the PBC Support Unit. We strive to provide a workshop program that shifts the focus to different areas of PBC governance and management every time that this event is offered. This way directors will always experience something new no-matter how many previous workshops they might have attended.

This year the workshop was extremely well attended by directors and representatives from 14 PBCs:

- Birriah AC RNTBC
- Djabugay AC RNTBC
- Djiru Warrangburra AC RNTBC
- Dulabed Malanbarra & Yidinji AC RNTBC
- Girramay AC RNTBC
- Goondaloo AC RNTBC
- Gugu Badhun AC RNTBC
- Gunggandji AC RNTBC
- Gunggandji Mandingalby AC RNTBC
- Mamu AC RNTBC
- Mandingalby Yidinji AC RNTBC
- Ngrragoonda AC RNTBC
- Wabubadda AC RNTBC
- Wadjanbarra Tableland Yidinji AC RNTBC

Up to 35 PBC directors and representatives attended over the duration of the workshop. The NQLC made provision for the attendance of two directors and two youth delegates from each PBC. Specific workshop places were made available to youth delegates as a way of addressing one of the ongoing concerns we have heard from many directors. This is about succession planning and providing opportunities to younger community members to learn about PBC business so that they might be encouraged to take on more responsibility within the management of PBCs in the future. Youth delegates proved themselves to be more than up to the task at this most recent workshop.

WORKSHOP AIMS AND HOW WE ACHIEVED THEM

Our aims were threefold.

1. To help PBC Directors strengthen their understanding of corporate governance and legal requirements.

Shane Carroll is a barrister who is a regular at our workshops and presented to participants on Day 1. He is a very experienced corporate governance training provider and is very good at making complex subject matter much easier to understand. He also has a detailed knowledge of the PBC Support Funding Program, the Indigenous Advancement Strategy, and the PBC Capacity Building Fund. Feedback from those who attended his sessions was glowing across the board! He opened our eyes to the realities of best practice approaches to governance and provided real-life examples of how things can go wrong, and the potential consequences.

On Day 2 our own PBC Support Unit brought everyone up to speed with regard to our PBC Support Program. We looked at the NQLC Internal Guidelines which set out the procedures and processes used to manage the funding of PBCs under the PBC Support Program.

2. To help PBC Directors find ways of reviewing the tools they use for corporate governance and the strategies they have (or may not have) in place to help meet legal requirements.

Rhonda Jacobsen (Jake), Manager of the Engagement and Development Support Team, along with other members of the FAME Unit delved into future act issues in more





detail on Day 3. Jake also focussed on risk management and decision making responsibilities. There were many questions and participants were totally absorbed by the discussion because they were asked to look at their own approaches to decision making - with particular regard to very important responsibilities directors have under the PBC Regulations.

Whilst some PBC directors and representatives may have realised there was a lot of work required of them in this area ... they were also able to hear about ways that they could meet these very important requirements. This set the scene for a later discussion about policies and procedures.

Gary Lui provided information and helped the participants to workshop their needs with regard to the development of policies and procedures. The need for policies and procedures has been a long standing concern for many PBCs. The workshop was an opportunity to get started on the task of pulling together a set of policies and procedures that all PBCs in the NQLC area can access and use to help them get on with business.

The workshop participants heard about how this very important work will progress over the coming months. We will be following up with PBCs in the near future as this initiative develops into a project. We may be asking PBCs to participate in different ways at different stages.

3. To provide PBC Directors with ways, methods or approaches (governance structures) for engaging with external agencies.

On Day 2 we heard from representatives of the Department of Prime Minister and Cabinet (PM&C), the Wet

Tropics Management Authority (WTMA), and Regional Development Australia (RDA). Workshop participants heard about how the process for seeking funding under the PM&C managed Indigenous Advancement Strategy (IAS) has changed. This was described as a more supportive process where applicants are encouraged to submit an expression of interest to commence the process ... as opposed to a full blown submission for funding. WTMA and RDA representatives spoke about their consultative frameworks and their proposals for engaging with Traditional Owners. Whilst the content of these presentations differed, there was a common theme of effective engagement with Traditional Owners. There was discussion about how effective engagement might be achieved – as individual PBCs on issues that specifically affect them (or ‘regional’ areas/topics) and as a PBC ‘collective voice’ for issues that affect all PBCs. On the individual basis, a common response was about the need for PBCs to have ‘the basics’ bedded down. In this case ‘the basics’ means good governance and best practice approaches to all other aspects of PBC business, including decision making and risk management.

As to the question of broader representation of the PBCs in the NQLC boundary, it was decided to be too large a topic to settle at the Workshop and one that required each PBC to think about more fully. It was agreed that further time should be given to considering different models that could be used and we agreed to draft up some models for consideration. It is expected that this will be developed more fully over the next month or so – PBCs will be updated on progress.

SO WHAT'S NEXT PBC SUPPORT UNIT?

Quite a lot actually. We started work on the next phase well before this latest workshop. It's safe to say that along with the continuation of our support and assistance to PBCs generally ... we have a couple of priorities.

PBC SUBMISSION WRITING WORKSHOP 21 – 22 MARCH 2017

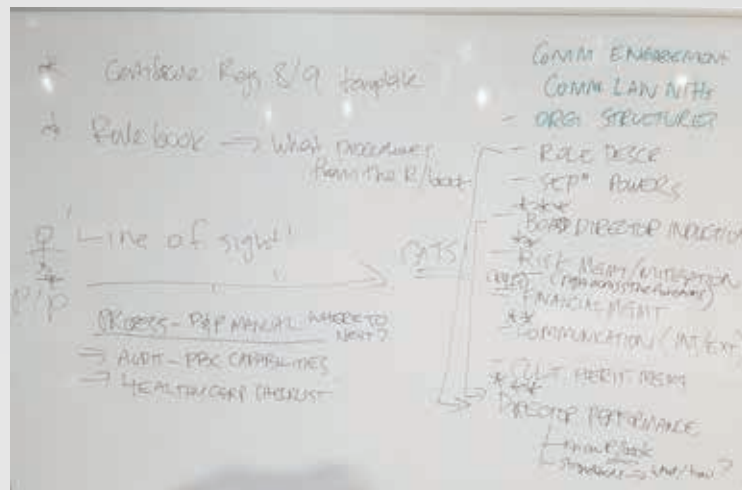
A date claimer and formal invitation has already been sent to PBCs via email and post. We would like your response to that invitation and registration form as soon as possible – but the Registration Deadline is Friday 3 March 2017. The main purpose of the next workshop is to assist PBCs to develop their submissions to the PBC Funding Support Program. At the same time we will look at alternative funding sources and the skills needed to take advantage of funding sources outside of the PM&C funding scheme. The workshop will be led by Melissa Roberston. Many of our PBC directors will remember her fantastic Submission Writing Workshop from 2016.

Those who attended the Corporate Governance and Compliance Workshop, who intend to come to the submission writing workshop will note that there will be some continuity and/or links between the outcomes of the previous workshop and the program for the submission writing workshop. One other thing ... we want to make this workshop as productive as possible and so attendance will not be based on the same approach that was taken with regard to the Corporate Compliance and Governance workshop. PBCs can nominate two people for the workshop. One representative needs to be the PBC Chair. The other should be someone who has or will have ongoing responsibility for develop funding submissions.

POLICIES AND PROCEDURES

The last session on the last day of the workshop in February was devoted to workshopping the development of universal PBC policies and procedures. February workshop participants were told about the plans for the further development of these (sometimes urgently needed) policies and procedures. The hard work, which was the result of workshopping by PBC representatives on the 9th of February, has been saved and will contribute to the development of policies and procedures and terms of reference for future work. As this project develops we will progressively work with those individual PBCs who do not currently have policies and procedures. If you'd like to register your interest in developing up policies and procedures, don't hesitate to contact the PBC Unit.

Written by Gary Lui
NQLC PBC Support Officer





Yellow Gin Creek Bridge renamed to

Youngoorah Bridge

During 2014 and 2015 the Juru People worked closely with the Department of Transport and Main Roads (DTMR, Northern Region) to manage the cultural heritage aspects for the Bruce Highway Yellow Gin Creek Bridge Project located between Ayr and Bowen. The Juru People and DTMR developed a Cultural Heritage Management Agreement (CHMA) to protect the important cultural values of the project area. A team of Traditional Owners walked country to carry out a cultural survey and impact assessment study before the construction of the new bridge took place.

Yellow Gin Creek has important and enduring cultural significance to the Juru People. The creek and adjacent coastline and wetlands formed a focal living and foraging place for the Juru People in prehistoric times. The surrounding landscape contains many archaeological sites, especially old camping places, fireplaces, stone artefact scatters and burials. The local Aboriginal oral history for this place provides evidence that in historic times (after European settlement), Yellow Gin Creek became a central living place for some local 'light-skinned' women who worked at Inkerman Station. In particular, one of the Juru People's apical ancestors was reported to have lived in this area.

In 2016 DTMR called for public submissions to name the newly constructed Yellow Gin Creek Bridge. The Juru People felt that the bridge should

have an Aboriginal language name to reflect the ongoing cultural significance and values of this creek and surrounding area. The Juru Aboriginal language name for woman/women is 'Youngoorah' and this name was submitted to DTMR by Kyburra Munda Yalga Aboriginal Corporation as part of the public consultation process. On 9 December 2016, DTMR announced that the submission by Kyburra Munda Yalga Corporation was successful and they held a commissioning ceremony at the Yellow Gin Creek Bridge to unveil the new bridge name as 'Youngoorah'.

Everyone who now passes over Yellow Gin Creek Bridge on the Bruce Highway can reflect on the Aboriginal cultural significance of this place as part of the Juru People's homelands, but also the very important role that Yellow Gin Creek has played in the lives of local Aboriginal women throughout the history of the Lower Burdekin district.

Written by Ricardo Martinez
 NQLC Deputy Principal Legal Officer (Townsville Office)



Introducing Our Newest Recruits...



Julia 'Jules' Taylor

Senior Legal Officer - Coordinator
Future Acts, Mining & Exploration (FAME) Unit (Cairns Office)

I have just relocated to Cairns from Broome in the far north west where I have been working with the Kimberley Land Council for the past 7 and a half years as their Senior Legal Officer for future acts, mining and exploration agreements and ILUAs. I'm excited to now be part of the FAME Unit and am looking forward to doing the work I have grown to love in a new jurisdiction with the new team.

Personally I relocated to be not so remote and closer to family on the East Coast. I'm looking forward to exploring Cairns and its surrounds and getting out fishing as often as I can which is my all-time favourite activity – anyone willing to share their secret spots let me know.



Cherona Williams

Legal Administration Officer
Legal Unit (Cairns Office)

I have recently joined the NQLC as a Legal Administration Officer and I am very excited to take on my new role. I have over 17 years administration background – everything from legal secretary work, working at the Department of Human Services (Centrelink) in the Indigenous queue, to Operations/Finance and Customer service in the Waste Management Industry.

I was born and raised in Cairns, my mum is from Cairns and dad was from Stephen Island in the Torres Straits. My son, partner and I love to go camping, fishing and 4wd driving. We head out as often as we can to either the Cape near Bathurst Bay/Cape Melville or out near Chillagoe.

The team at NQLC are all very welcoming and supportive. I am looking forward to developing my skills in the Native Title area and look forward to meeting the Traditional Owners of Far North Queensland.



Laura Burton

Legal Administration Officer
Legal Unit (Townsville Office)

I was born and raised in Townsville and have worked in the legal industry for the last 5 years. I have a background in litigious matters including insolvency, dispute resolution and employment law.

I have been with the NQLC since returning from Sydney in September 2016 and am enjoying developing new skills and working with North Queensland's Traditional Owners.

Outside of work, I enjoy spending time with my partner, friends and family; golfing and little things like taking my two puppies to the beach. I am currently completing a Bachelor of Laws and looking forward to graduation and admission as a lawyer over the next year and a half.

STAY IN THE LOOP

27 May

Anniversary of the 1967
Referendum

In 1967 over 90% of Australians voted in a Referendum to remove clauses from the Australian Constitution which discriminated against Aboriginal and Torres Strait Islander Peoples.

1 July

National
NAIDOC
Awards
Ceremony



5-7 June

National Native Title Conference

And this year.... we're co-hosting!!



The 2017 National Native Title Conference will be convened by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the North Queensland Land Council (NQLC) on the traditional lands of the Gurumbilbara Wulgurukaba people, Townsville Queensland. The conference will be held at the Townsville Entertainment and Convention Centre from Monday 5 - Wednesday 7 June 2017.



Our Languages Matter

2-9 JULY 2017

03 June

Mabo Day

25 year anniversary

Keep a look out for the NNTT's commemorative website, celebrating 25 years of native title. Once the site is live we will add the link on our NQLC homepage.

24-26 March

Constitutional Reform Regional
Dialogues, Cairns

21-22 March

NQLC Submission Writing
Workshop

30 June-2 July

Laura Dance Festival

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