



North Queensland Land Council  
**Annual Report** 2012-2013



North Queensland Land Council  
Native Title Representative Body  
Aboriginal Corporation

## Annual Report 2012-2013

**Warning:** While the North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC) has made every effort to ensure this Annual Report does not contain material of a culturally sensitive nature, Aboriginal people should be aware that there could be images of deceased people.

*Preparation of this report is funded by the Federal Government under the Native Title Funding Program.*



# North Queensland Land Council

Native Title Representative Body Aboriginal Corporation

61 Anderson Street Manunda Qld 4870  
PO Box 679N Cairns North Qld 4870  
Tel: 07 4042 7000 | Fax: 07 4031 7414  
ICN 1996

15 October 2013

The Hon Nigel Scullion, Senator  
Minister for Indigenous Affairs  
Parliament House  
**CANBERRA ACT 2600**

Dear Minister

**Re: North Queensland Land Council  
Native Title Representative Body Aboriginal Corporation  
Annual Report 2012-13**

In accordance with the "General Terms and Conditions Relating to Native Title Program Funding Agreements" I am pleased to present the North Queensland Land Council Native Title Representative Body Aboriginal Corporation Annual Report for the period of 1 July 2012 to 30 June 2013.

This document includes the organisation's report of operations and performance of functions, with the audited financial statements for the reporting period.

Yours faithfully

Ian Kuch  
Chief Executive Officer

**Cairns – Head Office**

61 Anderson Street Cairns Qld 4870  
PO Box 679N Cairns North Qld 4870  
Tel: 07 4042 7000 / Fax: 07 4031 7414  
DX 41271 Cairns Qld 4870

**Branch Office - Mackay**

Suite 2 Level 1, 38 Macalister Street Mackay Qld 4740  
Tel: 07 4898 6700 / Fax: 07 4898 6777  
DX 41357 Mackay Qld 4740

**Branch Office - Townsville**

12 Wills Street Townsville City Qld 4810  
PO Box 5296 Townsville City Qld 4810  
Tel: 07 4421 5700 / Fax: 07 4728 1329  
DX 42727 Townsville Qld 4810

# Contact Officer

Ian Kuch  
Chief Executive Officer

PO Box 679N  
CAIRNS NORTH QLD 4870

Telephone: (07) 4042 7000  
Facsimile: (07) 4031 9489

Website: [www.nqlc.com.au](http://www.nqlc.com.au)

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Photographs within this report are courtesy of Christine Howes, the National Native Title Tribunal (NNTT), The Cairns Post/News Corp Australia and the NQLC staff.

*Front cover images from various determinations held throughout the NQLC region in 2012-13.*

*The map within this report is courtesy of NNTT.*



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# Glossary and Acronyms

ACHA	Aboriginal Cultural Heritage Act 2003 (Qld)
AgForce	AgForce Queensland
AGI	Activity Generated Income
AGM	Annual General Meeting
AIATSIS	Aboriginal Institute of Aboriginal and Torres Strait Islander Studies
Aurora	The Aurora Project is a collective term for a number of programs that seek to mutually engage the Indigenous communities of Australia and various organisations to facilitate Indigenous prosperity via capacity- building. The Aurora Project was established in 2006 following publication of the Report into Professional Development Needs of Native Title Representative Body Lawyers in April 2005.
AWAs	Australian Workplace Agreements
CEO	Chief Executive Officer (of NQLC)
Chairperson	Chairperson (of NQLC)
CQLCAC	Central Queensland Land Council Aboriginal Corporation
Cth	The Commonwealth of Australia
DERM	Department of Environment and Resource Management
DOGIT	Deed of Grant in Trust
Ergon Energy	Ergon Energy Corporation Limited
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FAME Unit	Future Act, Mining and Exploration (FAME) Unit
FANs	Future Act Notices
Hon.	Honourable
ILUA	Indigenous Land Use Agreement
JEL	Juru Enterprises Ltd
MoUs	Memorandum of Understanding
MP	Minister of Parliament
NNTT	National Native Title Tribunal
NQMA	North Queensland Miners Association
NTA	Native Title Act 1993 (Cth)
NTPCs	Native Title Protection Conditions
NTRB	Native Title Representative Body
NTSP	Native Title Service Providers
NTSU	Native Title Services Unit (of NQLC)
PBC	Prescribed Bodies Corporate
s.	section of an Act
SSM	Small Scale Mining
the Board	The Board of Directors of NQLC
the CATSI Act	Corporations (Aboriginal and Torres Strait Islander) Act 2006
the Court	The Federal Court of Australia
the NQLC or NQLCNTRB	North Queensland Land Council Native Title Representative Body Aboriginal Corporation
the State	The (State) Government of Queensland
USL	Unallocated State land

## Board of Directors



*Chairperson Errol Neal and Deputy Chairperson Terry O'Shane.*



**Chairperson Errol Neal**  
(Chairperson since February 2012)  
Yarrabah Ward

I'm a traditional owner from Yarrabah, I think my strength has always been around having good relationships across my family and community and true cultural interactions are my base.

I've grown up in a family who struggled for many years with issues around self-determination and natural justice and who were trying to achieve change for our people.

I also had a lot of mentors, Mick Miller, Aunty Rose, Clarry Grogan and even my own Dad, Alfred Neal, who was a bush lawyer. All these people have heavily influenced the way I am, as did my mother, who is a very spiritual woman.

I think all these influences have helped me find a balance between cultural ways and the new ways.

So what I bring to the NQLC is the will to move forward and for us to survive and progress in terms of a whole future for our people.

Land issues are very important, especially management and caring for country.

Native title is one step, but a holistic approach lies in furthering economic development and sustainability.

Personally speaking, I have a family and I'm also the Mayor of Yarrabah at this point in time.

I value the time I have to spend with family and connecting with friends and that's where my strength comes from too.



**Director Terry O'Shane**  
(Deputy Chairperson since August 2012)  
Cairns Ward

I'm a seafarer by profession, I've been around Aboriginal organisations since I was 14 years of age. I'm 66 this year, born and bred in Cairns and spent all my life up here.

I've had a long involvement with the Land Council, I was the Chair for ten or eleven years. I've got plenty of experience, I suppose I work on the issues of governance mainly.

The future is a hard question because of the political dynamics. I imagine if we are still a Land Council we will morph into a central Prescribed Body Corporate (PBC) because there's an enormous amount of work to be done across the region. I think Traditional Owners will be better served by having one central regional body addressing all those

things - places like Mt Garnet are not the centre of activity in administration, but they are at the centre of mineral exploration so they actually need a fair bit of back-up. I think there's a necessity for it.

I like playing golf, riding my bike, swimming, reading newspapers and I like to keep count of the political happenings in the world.





**Secretary Patricia Dallachy**  
Correspondence Secretary (since February 2012)  
Charters Towers/Hughenden Ward

I was born in Charters Towers and taken to Palm Island where I grew up.

My country is Gudjala.

I've travelled around Queensland and I lived in Victoria and New South Wales for a while. I started doing cultural heritage and did a course with the top archaeologists and anthropologists.

I'm fighting for rights. I'd like to see the NQLC expand across everything to help all Indigenous people.

I like to do gardening and am trying to reintroduce rainforest plants and all our native fruits I grew up with.



**Treasurer Danny Hooligan**  
(Treasurer since February 2012)  
Mount Garnet Ward

I'm a Police Liaison Officer at the Mount Garnet Police Station.

I grew up in Mount Garnet and I'm Warrungu.

I was a founding member of the NQLC and have watched it grow to what it is now.

In five years time I'd like to see us expand a lot to be bigger as a Land Council. I like a variety of sports: Soccer, Australian Rules, Rugby League and Union.

Danny was elected for the Mount Garnet Ward on 24 October 2011.



**Director Vana O'Shane**  
Cairns Ward

Vana O'Shane is a Western Yalanji woman, she has been a member of the Board of Directors since 2009.



**Director Coralie Cassady**  
Townsville/Ayr Ward

Coralie Cassady was invited to be a member of the Board of Directors after the available position in Townsville/Ayr Ward was not filled when the Ward election was conducted. Coralie was appointed on 20 April 2012.



**Director Dawn Hart**  
Innisfail Ward

I was born and bred in Innisfail and I'm a Djiru woman from my mother's side. I was one of the ones that initiated our claim.

I'm a mum, grandmother and great-grandmother.

I've been part of a few community organisations in housing, legal aid and health and I've been on the NQLC board since 2002.

I hope the NQLC is still here in five years time, I want to give it up before then and let some of the young ones come in. I'd like to see us stronger, I've enjoyed every minute of my time here.

Other than that, I just stay at home and my grandchildren and great grandchildren I've got now.



**Director Gary Mooney**  
Proserpine/Mackay Ward

I come from Mackay and my tribal group is the Yuibera people.

I've had about eighteen years in Murri Watch and I've done two-and-a-half years as a Police Liaison Officer. I've also worked in a housing co-operative for twenty years and as a bar manager. As a bar manager, I had a lot of Indigenous bands play; that broke barriers down. A lot of our people relate to their songs and music.

I'd like to see the Land Council still running in five years, bringing all the native title claims together and working to better themselves, their claims and our standards of living, so we all can move forward.

I live on country, I like lying down relaxing on the beach, fishing and seeing my grandkids. I live out on the beach, I don't have TV or electricity or nothing like that.



**Director Kaylene Malthouse**  
Tablelands Ward

I am a Traditional Owner of the Upper Malanburra clan, Yidinji tribe in the Goldsborough Valley, Tablelands region.

I've been on the NQLC board for three terms and I've enjoyed contributing.

I've worked for the Department of Communities for four years and bring communication and people skills to the board here, as well as a woman's perspective.

In five years time I'd like to see the NQLC operating to full capacity for Indigenous people, covering all areas of community involvement - I'd like to see life after native title for us.



**Director Catherine Joseph**  
Tablelands Ward

I'm from Atherton and I grew up on the Tablelands. Our background is Yidinji and I grew up knowing and being with most of my old people. I was fortunate enough to spend time with my Elders and learn about my culture, the Yidinji culture. My mum was very good at taking me with them hunting and gathering and learning, I used to prefer to do that rather than go to school.

I bring support for our people in our struggle and trying to get what we deserve, but even now the Government makes it hard. I'd like to see the Land Council still here in five years, helping our people and getting the determinations.

I like to camp and fish if I can, but I lost my husband and I'm on my own and it's hard for me to get around and do the things I used to do.

I garden mainly now and look after my children and my great grandchildren.



**Director Phil Rist**  
Tully/Palm Island Ward

My mob is Nywaigi from the Ingham area, that's my mother's country, I grew up there. In the early stages, we lived in very basic accommodation; lived in a tin shack, ground floor with a fireplace in the middle. My mother, her sisters and brothers were removed from that area pretty early, sent to Palm Island and lived on Palm Island for many years as a penal colony as we all know.

I was with Queensland Parks and Wildlife Service for many years and I was the first Indigenous Marine Park Inspector, this was before native title legislation.


Then I was a founding member of the Girringun Aboriginal Corporation, we've been in existence for about sixteen years now and represent nine tribal groups.

So I have some governance and cultural expertise and a bit of leadership, I suppose. We are bound by legislation but it will be interesting to see how, as a Land Council, we'll evolve into picking up other long-term issues like natural resource management and cultural heritage. I see the need for a peak organisation that can do a whole range of things.

I love footy and time with family.



# 1. Report by the Chairperson



***Our Elders say, 'If you belong here, our country will find a way and call you back; country needs to be remembered, needs to be listened to and needs to know we still speak its language.'***

***Tagalaka Elder Janet Busch and an Applicant to the claim.***

*Tagalaka determination, December 2012.*





*Mamu representatives Joann Schmider and Victor Maund at the Innisfail courthouse with NQLC chairperson, Errol Neal and CEO Ian Kuch.*

I would like to firstly acknowledge the hard work of the North Queensland Land Council (NQLC) Board of Directors (the Board) over the past two years and the often difficult decisions it has had to make for the betterment of the organisation and services to native title holders throughout the representative region. Membership of the NQLC throughout the region has grown by a third. Twenty nine favourable native title determinations have been achieved to date. The funding allocations will significantly increase over the next few years (1 July 2013 – 30 June 2015) with an allocation of over \$19 million to 30 June 2015. I think it is therefore appropriate to say that the current Board leaves the NQLC in a strong position.

This year has seen great success on the ground, with eleven native title determinations. Our organisation is the most successful representative body in Australia.

The NQLC has been focused on realigning and improving the NQLC's service delivery to native title holders and claimants throughout the region over the last year. I have had the pleasure to attend the Jangga determination in Glenden and the launch of Birri Gubba Research Project in Townsville, which along with the Gugu Badhun determination demonstrates to me that the NQLC is making progress in the southern footprint of our Representative Region.

The current native title claim work in the northern footprint is drawing to a close, while the claim work in the south is increasing.





*Dancers at the Djungan determination, 2 August 2012.*



My Board has also successfully negotiated two cross-border Memorandums of Understanding (MOUs) with neighbouring representative bodies during the year and played a leading role in the preparation of the NQLC's response to the Review of the Roles and Functions of Native Title Representative Bodies (NTRB) by Deloitte Access Economics. I strongly believe that the NTRB system has served our region well and the NQLC would not like to see any changes to the area that we represent to our community based governance model.

I would like to acknowledge the contribution of a number of current directors who did not stand at the Ward Elections. Nola Joseph (Tablelands) has been a director of the NQLC since the late 1990's and has served continuously longer than any other director of the NQLC. Her presence on the NQLC Board will be missed. During her time, virtually all native title groups in the Tablelands Ward have achieved native title consent determination. Dawn Hart (Innisfail) has been a Board member for over 10 years and a real stalwart for her ward, her contribution over many years should be acknowledged.

Lastly, Terry O'Shane has been Chair of the NQLC from 2000-04 and 2005-11 and Deputy Chair from 2012. Terry's service has been continuous, except for a brief period where elected ATSIC Commissioners and Chairs were banned from election to community organisations.


Terry along with Nola and Dawn were part of a team that saved the NQLC from extinction in 2000 and helped the NQLC be re-recognised as an NTRB. At that time, the Minister for Aboriginal Affairs John Herron, had found the previous administration and Board were unfit to be an NTRB. There were reasons why they had come to that conclusion. It is now a matter of history that all those matters were addressed under Terry's leadership and the NQLC developed the inclusive policies that have made the NQLC so successful over the past decade. It is with sadness that the NQLC loses three such distinguished elders from our Board. While they retire from the NQLC, I am sure they will remain active in their own communities.

I would like to thank my outgoing Board members for their dedication over their term and also congratulate the Chief Executive Officer and his staff for the outstanding results achieved during 2012-13 for my people.



Mr Errol (Mala) Neal  
Chairperson, NQLC  
15 October 2013

## 2. Report by the Chief Executive Officer



*"...it's great to see that we have achieved,  
thanks to Nola and the rest of the gang,  
clan, and I just wanted to say thank you to  
you all."*

*Tableland Yidinji person Geoffrey Anning*

*Tableland Yidinji determination, December 2012.*

## 2.1 Summary of Significant Issues and Developments

The North Queensland Land Council (NQLC) has had a remarkable year. We have achieved eleven consent determinations of native title during the reporting period. Many of these claims were old applications having been lodged in the 1990's, so it is particularly pleasing to see those claims finalised to a successful conclusion. The claims determined were:

- Tableland Yidinji People;
- Tableland Yidinji #3;
- Tagalaka People;
- Tagalaka People #2;
- Jangga People;
- Combined Mandingalbay Yidinji-Gunggandji;
- Djungan People #1
- Djungan People #2;
- Djungan People #3;
- Djungan People #4; and
- Gugu Badhun People #2.

With these additional eleven claims determined, there have now been a total of twenty nine favourable determinations of native title in the NQLC region, the greatest number of any Native Title Representative Bodies/ Native Title Service Providers (NTRBs/NTSPs) in the Country. With such a large number of determinations, there has been a commensurate increase in demand for post native title determination assistance. Within the constraints placed upon us by our funding agency, the NQLC has attempted to assist registered Native Title Prescribed Body Corporates (PBCs) with managing their native title affairs.

This year, the NQLC had an approved Operational Plan item relating to implementation of Indigenous Land Use Agreements (ILUAs). This project allowed the NQLC to provide targeted, specific assistance to some PBCs with significant or onerous responsibilities in relation to ILUAs negotiated prior to their consent determinations. Further, the NQLC conducted capacity building workshops for PBCs which had been unsuccessful in obtaining support from FaHCSIA's "basic PBC support funding" for the 2012-13 financial year. We received thirteen applications for funding in 2013-14 which is a record number for this region. Twelve of the thirteen applications have now been funded, including all those groups that were the subject of capacity building in 2012-13. The NQLC is also developing a "PBC Toolkit" to assist all PBCs manage their statutory responsibilities. A number of areas where the NQLC cannot assist PBCs still remain, such as business and economic development and cultural heritage matters. The current review into the roles and functions of NTRBs/NTSPs is therefore timely and hopefully may address the full suite of services that PBCs require. It is salient to note that not all PBCs applied for funding. Some PBCs have sufficient resources to conduct their own affairs while in at least one other case, the PBC wanted an associated entity funded rather than the PBC.

The attitude of the State on a number of fronts relating to native title has now become a serious issue of concern for all Queensland Representative Bodies. The impact of the loss of thirty percent of their staff in their Native





*Tagalaka Elders and applicants Beverly Bowyang and Janet Busch leading the march in Croydon at the Tagalaka Determination, December 2012.*

Title Unit is having an obvious affect on the State's ability to process native title claims to consent determinations. Some examples are issues of Military Leases and Extinguishment such as in the Bar Barrum #4 matter, an increase in the standard of proof required in relation to Township Blocks in the Ewamian #2 and #3 matters and the State's attempt to withdraw consent in the Mamu matter. There is also a raft of proposed legislative changes by the State which impact on native title where we have had very limited consultations around those changes. Given that one of the proposed legislative changes is to combine the five current Resource Acts into one piece of legislation, then there should be greater opportunity for the NQLC to comment on those proposed changes before hard won procedural native title rights are watered down or in some way diminished.

There has also been a disturbing increase in the number of non-claimant applications being lodged with the Courts. The current rules which stipulate that a native title party must lodge a claim over the area subject to the non-claimant application within three months, is quite frankly unfair and this aspect of the Native Title Act 1993 (Cth) (NTA) urgently needs review.

The NQLC has undergone significant changes to its staff in the last twelve months. Many associated with the termination of the previous Chief Executive Officer (CEO). This has given the NQLC a great opportunity to undergo a renewal of its staffing structure and many high quality dedicated new staff have been recruited at all levels within our staffing structure. For example, the NQLC has recruited a new experienced CEO, a highly qualified Chief Financial Officer (CFO), a new Coordinating Anthropologist, several new lawyers including an experienced senior native title Lawyer as well as other administrative staff. Although there has been a small loss in corporate knowledge, this is easily counter-balanced by an increase in skill level and enthusiasm of new staff recruited.

Once again, the NQLC has recorded a strong financial performance in 2012-13 with an unqualified audit report from our new auditors KPMG. There has also been a steep decline in the number of matters contained in their letters of Management from over ten issues last year, down to two this year.

Another pleasing aspect of our performance in 2012-13 has been our improvement in our communication tools with our constituents. Our newsletter Message Stick is now a regular quarterly publication rather than being published on an ad-hoc basis. This publication is sent to our membership either by hard copy or electronically via our newly revamped official website. The amount and quality of information contained on our website has been significantly improved during the reporting period. Members and clients can now subscribe online to receive our newsletter and other publications, news updates are added regularly, vacancies within the NQLC are advertised on our website as well as upcoming events being canvassed online. The overhaul of our communication strategies and our website was long overdue and will result in an improved flow of information to our members and clients.

The NQLC has received recognition as an NTRB for our region for a further two years, concluding on 30 June 2015.

In conclusion, the NQLC is set for another successful year in 2013-14 with at least five more claims to be determined prior to Christmas 2013.



*Tableland Yidinji people celebrate the determination of Tableland Yidinji #3 at the Cairns courthouse, March 2013.*



## 2.2 Overview of Performance and Financial Results

Our performance in the delivery of our functions under the NTA has been outstanding in 2012-13 with the achievement of eleven native title consent determinations and the negotiation of a large number of ILUAs. On the native title front, the NQLC's region is certainly one of the most active in the Country and the organisation continues to acquit itself well in terms of the results achieved for native title groups throughout the region. The NQLC by number has more native title consent determinations than any other Representative Body in Australia.

Whilst progressing a large number of claims to a successful determination, the NQLC has focused a greater effort on the lodgment of new native title applications during this year. Whilst only one new native title claim was authorised and lodged during the last financial year, a number of significant research projects were commenced which will lead to a further six native title claims being lodged in 2013-14.

The NQLC has once again achieved an unqualified audit for the 2012-13 financial year with our expenditure during the year generally running in line with budgeted predictions. A number of anthropological projects commenced in 2012-13 will not be complete until the 2013-14 financial year which resulted in a significant amount of funds being committed but unexpended as at 30 June 2013. This situation was unavoidable due to staff changes in the anthropology department and the availability of suitably qualified anthropologists to undertake those discrete projects.



*Djungan Elder Alf Neal with family and NQLC CEO Ian Kuch at the Djungan determination in Dimbulah, August 2012.*

Similarly, the NQLC has been allowed to retain the 2011-12 surplus funds for use in the 2013-14 financial year. There was also a large decrease in the number of matters raised by the auditors in their letters of management which attest to the NQLC's strict adherence to all funding conditions, particularly those around procurement and variations to budgets and other matters.

### 2.3 Outlook for the following Year

While the outlook for 2013-14 in terms of the performance of our native title functions look strong, it is difficult to achieve the number of results in 2013-14 that were achieved in 2012-13. Nevertheless, the following claims are scheduled to be determined in 2013-14:

- Western Yalanji #4;
- Western Yalanji Combined #5 & #7;
- Warrangu;
- Ewamian #2;
- Ewamian #3;
- Bar Barrum #2;
- Bar Barrum #3;
- Bar Barrum #4;
- Bar Barrum #5;
- Bar Barrum #6;
- Bar Barrum #7; and
- Mamu.

The NQLC faces the prospect of trials on a number of native title matters. Firstly, the Bar Barrum #4 claim appears likely to go to trial on the issue of Military Orders extinguishing native title. The NQLC has made an application for funding from the contested litigation fund. The Djungan Compensation claim is also likely to move to a formal hearing. In both of these claims, it is the recalcitrant attitude of the State which is leading these issues to trial. For example, in the Djungan Compensation matter, the State refuses to negotiate meaningfully with our legal team and insists that as this is the first compensation matter to be prosecuted in Queensland that it needs to be immediately sent to trial. The military order issue in Bar Barrum #4 is also contentious.

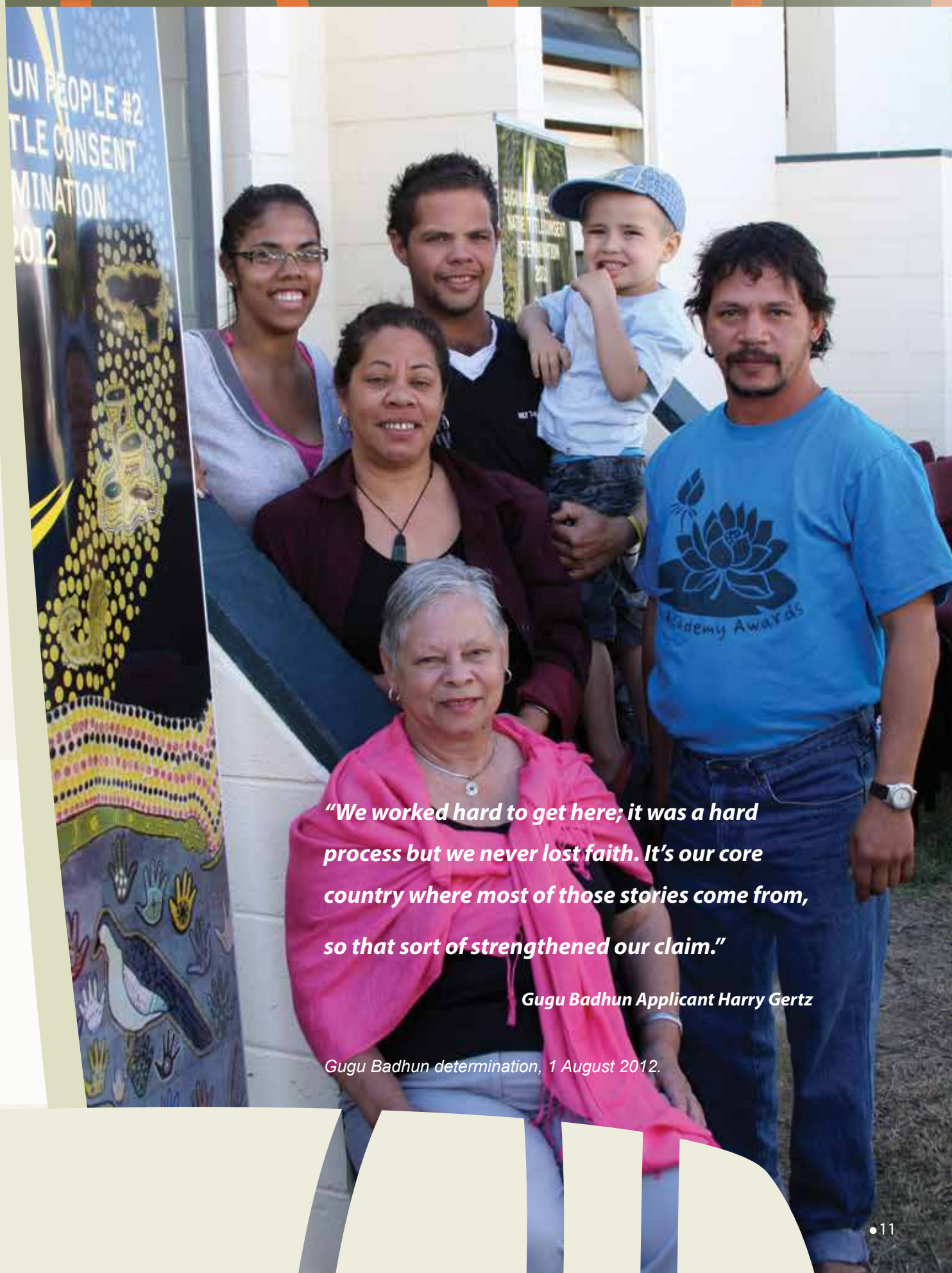


A handwritten signature in blue ink, appearing to read 'Ian Kuch', with a stylized flourish at the end.

Ian Kuch  
Chief Executive Officer



### 3. The NQLC Overview



***"We worked hard to get here; it was a hard process but we never lost faith. It's our core country where most of those stories come from, so that sort of strengthened our claim."***

***Gugu Badhun Applicant Harry Gertz***

*Gugu Badhun determination, 1 August 2012.*

### 3.1 Overview Description of the NQLC

The North Queensland Land Council (NQLC) is a recognised Native Title Representative Body (NTRB) formed under s. 203AD of the Native Title Act 1993 (Cth) (the NTA) for the Northern Queensland invitation area.

The land area of the North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLCNTRB) extends from the Daintree and Bloomfield Rivers in the north to just south-east of Sarina in the south and west to beyond Richmond and Croydon (see Figure 1). The region includes the local government areas of Bowen Shire Council, Burdekin Shire Council, Cairns Regional Council, Cassowary Coast Regional Council, Charters Towers Regional Council, Croydon Shire Council, Etheridge Shire Council, Flinders Shire Council, Hinchinbrook Shire Council, Isaac Regional Council, Mackay Regional Council, McKinlay Shire Council, Palm Island Aboriginal Shire Council, Richmond Shire Council, Tablelands Regional Council, Townsville City Council and Yarrabah Aboriginal Shire Council.

The region of the NQLC extends east to include the waters that are within the Exclusive Economic Zone of Australia. The total area of land and water covered by the NQLC is approximately 943,300 km<sup>2</sup>, of which about 411,164 km<sup>2</sup> is land.

The region is as diverse in landscape as in culture, ranging from the marine environment of the Great Barrier Reef, to the coast, and upland to the west. Our area embraces seven land bioregions including the Central Queensland Coast, the Brigalow Belt and Wet Tropics of coastal and upland areas, the Einasleigh and Desert Uplands, and (in the west) the Mitchell Grass Downs and Savannah Gulf Plains.

Indigenous populations are heavily concentrated on the coast, becoming more thinly spread to the west. The region contains two large Deed of Grant in Trust (DOGIT) communities governed by Yarrabah and Palm Island Aboriginal Shire Councils. Major Indigenous populations (listed in rough order of number) also live in Cairns, Townsville - Thuringowa, Mackay, Innisfail, Mareeba, Burdekin-Ayr, Bowen, Mossman -Surrounds, Charters Towers, Atherton, Sarina, Herberton, Prosperpine-Whitsunday, Ingham, Cardwell, Tully, Richmond, Mirani, Ravenshoe, Kuranda, Mount Garnet, Croydon and the Jumbun Community.

### 3.2 Roles and Functions

#### 3.2.1 Legislation

The primary legislation which the NQLC is concerned with, is the Commonwealth Native Title Act 1993 (NTA) which defines the statutory functions of an NTRB. The NQLC, in the context of representing native title claims

also deals with the Native Title (Queensland) Act 1993 (Qld) and other relevant federal and state legislation.

#### 3.2.2 Legislative Functions

As a recognised NTRB, the NQLC has the following statutory functions under s. 203B of the NTA:

- facilitation and assistance functions;
- certification functions;
- dispute resolution functions;
- notification functions;
- agreement-making functions; and
- internal review functions.

Other functions arising out of s. 203BJ of the NTA include:

- entry into written arrangements with neighbouring NTRBs in terms of facilitation and assistance;
- identification of native title holders;
- promotion of understanding of native title;
- informing native title holders and Body Corporates of matters impacting native title;
- consultation with Aboriginal communities; and
- co-operation with other NTRBs to maximise efficiency.

#### 3.2.3 Corporate Governance Policies

The function of the Board of Directors (the Board) is to set the broad policies and directions of the organisation. The Rules provide for a separation of powers. The Board does not conduct the day-to-day management of the organisation; this is rather the responsibility of the Chief Executive Officer (CEO). Further details are given in Section 5 below (Corporate Governance).

### 3.3 Organisational Structure

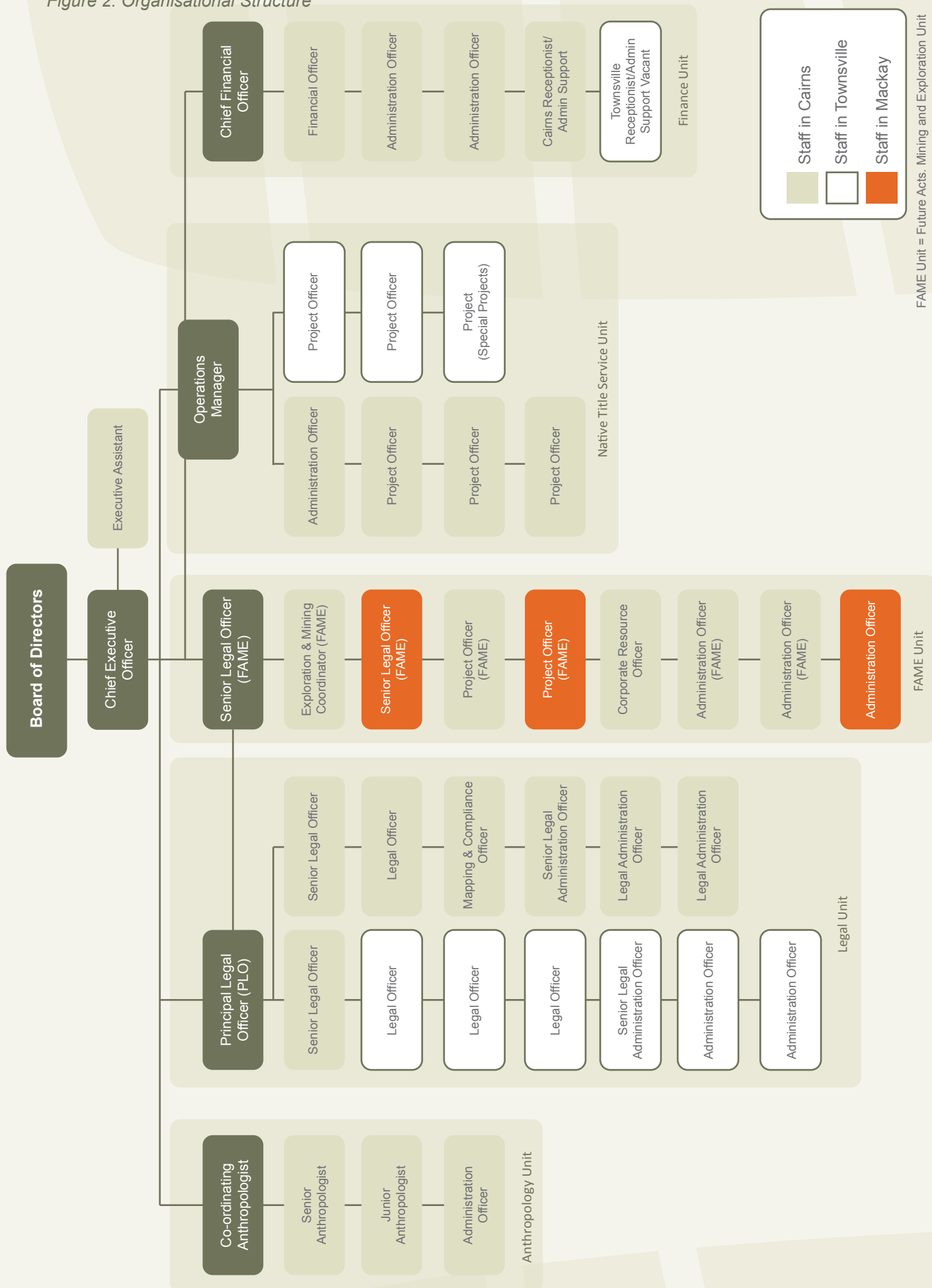
Figure 2 outlines the organisational structure of the NQLC.

Table 1 lists all Board Members as at 30 June 2012, whereas Table 2 lists the Board Members as at 30 June 2013. Table 3 lists all Office Bearers as at 30 June 2012, whereas Table 4 lists those individuals as at 30 June 2013. The NQLC Rules have for a long period, referred to the four office bearers positions (see Table 3 and 4), which included the position of 'Secretary'. With the change to the CATSI Act this reference was changed to refer to it as the 'Correspondence Secretary' to distinguish this position from the position of 'Secretary' referred to in the CATSI Act. Under the CATSI Act 'large' corporations are required to have a 'Secretary'. This position is the equivalent of a 'Company Secretary' under the Corporation Law. The NQLC is classified as a 'large' sized corporation for CATSI Act purposes, therefore the NQLC has both a CATSI Act Secretary and a Correspondence Secretary.

Figure 1: The Area of Responsibility of the NQLC Representative Body



Figure 2: Organisational Structure



FAME Unit = Future Acts, Mining and Exploration Unit



### 3.4 Outcome and Output Structure

The NQLC Strategic Plan includes detailed objectives, and outcome statements, along with key performance indicators allowing achievements to be measured. The basic structure of our key performance indicators are extracted from our approved Strategic Plan. The NQLC has continued to implement the output groups reporting structure, including the development of electronic record keeping and reporting on output groups. The NQLC reports twice yearly to the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

The NQLC has continued to utilise appropriate internal systems to record achievements against the output group structure. These include outcomes database, a meetings database and output group timecards for the time costing of Native Title Services, Legal and Anthropological Units' staff against these outputs and a modification of our accounting system to record financial transactions in the various output groups.

The NQLC continues to achieve and deliver a high standard of service provided to native title holders. This is evidenced by the fact that in the financial year to 30 June 2013 there have been no fewer than eleven determinations in the NQLC area (two of which are subject to registration of Indigenous Land Use Agreements [ILUAs]; please see Section 4.1 for further information). The NQLC aims to have at least four meetings annually with each native title working group. In priority claims and intensive negotiations, (for example to settle the claim, develop ILUAs or negotiate mining agreements) there are often many more meetings than the minimum requirement. This ensures that native title holders are informed about progress and developments in the negotiation of their claims, as well as providing the maximum opportunity for traditional owners to make a direct contribution towards the conduct of their claims.

Table 1: Elected Board of Directors as at 30 June 2012

Ward	Elected Board Member
Cairns	Mr Terry O'Shane
	Ms Vana O'Shane
Hughenden/ Charters Towers	Ms Patricia Dallachy
Innisfail	Ms Dawn Hart
Mount Garnet	Mr Danny Hooligan
Proserpine/Mackay	Mr Gary Mooney
Tablelands	Ms Catherine Joseph
	Ms Kaylene Malthouse
Townsville/Ayr	Ms Coralie Cassidy
Tully/Palm Island	Mr Philip Rist
Yarrabah	Mr Errol Neal
	Mr Vince Mundraby

\* Vincent Mundraby ceased to be a member 24 November 2012.

Table 3: Office Bearers of the Board of Directors as of 30 June 2012

Office Held	Elected Office Bearers
Chairperson	Mr Errol Neal
Deputy Chair	Mr Vincent Mundraby
Correspondence Secretary	Ms Patricia Dallachy
Treasurer	Mr Danny Hooligan

Table 2: Elected Board of Directors as at Ward Elections on 30 June 2013

Ward	Elected Board Member
Cairns	Mr Terry O'Shane
	Ms Vana O'Shane
Hughenden/ Charters Towers	Ms Patricia Dallachy
Innisfail	Ms Dawn Hart
Mount Garnet	Mr Danny Hooligan
Proserpine/Mackay	Mr Gary Mooney
Tablelands	Ms Catherine Joseph
	Ms Kaylene Malthouse
Townsville/Ayr	Ms Coralie Cassidy
Tully/Palm Island	Mr Philip Rist
Yarrabah	Mr Errol Neal
	Vacant

Table 4: Office Bearers of the Board of Directors as at Office Bearers Election on June 2013

Office Held	Elected Office Bearers
Chairperson	Mr Errol Neal
Deputy Chair	Mr Terry O'Shane
Correspondence Secretary	Ms Patricia Dallachy
Treasurer	Mr Danny Hooligan

### **3.5 Key Features-Strategic Plan, Operational Plan**

#### ***Strategic Plan***

As an Aboriginal Community based organisation the NQLC has its global goals set out in its vision statement contained within the approved Strategic Plan.

#### ***Our Vision Statement***

The vision of the NQLC is for a region in which the native title rights of every native title holder is legally recognised and in which Aboriginal people benefit economically, socially and culturally from the secure possession of their traditional land and waters. To ensure the continuance of an organisation with good governance as a fundamental and which gives traditional owners a representative Board through the Ward election process

#### ***Our Goal Statement***

Our goal is to assist Aboriginal people in the NQLC region to maximise native title and the benefits that flow from native title outcomes and ensure that their native title rights and interests are recognised, protected, maintained and developed.

#### ***Our Values***

The NQLC adheres to the following values:

- Respect for elders and the traditional laws and customs they hold.
- Servicing the native title community in a professional and accountable manner.
- Maintaining our commitment to securing the traditional land, waters and sea country of native title holders in an efficient, transparent and diligent manner.
- Providing a suitable workplace to progress native title claims that is safe, harmonious and productive.


The Strategic Plan also deals with:

- the NQLC relationship with stakeholders and other non-government organisations;
- governance;
- Prescribed Bodies Corporate;
- key functions of the NQLC; and
- training and capacity building.

#### ***Operational Plan***

The annual Operational Plan, approved by both the Board and FaHCSIA, outlines the activities that the NQLC intend to undertake (native title claims and special projects) over the following year.

## 4. Report on Performance



*"We're all so happy, big day. I want to add on that, even though we get the rights to that, we got to be able to get in and do the work – more work and less talk."*

*Djungan Elder Alf Neal*

*Djungan determination, December 2012.*



#### 4.1 Review of Performance during the Year in relation to Strategic and Operational Plan and by Functions

The performance of the North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC) for the year ending 30 June 2013 according to statutory function is summarised in Table 5 below.

##### *Review of Performance - Overview and Outputs Achieved*

The Federal Court has declared that new claims should be finalised within eighteen months of lodgment.

The NQLC is in the process of finishing some long standing claims in the northern part of its Native Title Representative Body (NRB) region. The Courts have been critical of the length of time that some older claims have taken (fourteen years is the longest) but those claims go back to the times when it was very much the practice to lodge first and worry about evidence later. Indeed the Native Title Act 1993 (Cth) (NTA) seemed to encourage that by providing that registered claims obtained the right to negotiate in mining matters.

With the new timeframes being promoted by the Court new claims will have to be researched to a much higher degree than has been in the past, prior to lodgment.

Within existing claims the Court has put all applicants on notice that they expect connection to be resolved expeditiously. The need to carry out research or more detailed research on existing claims will therefore grow considerably. Anecdotal evidence suggests that across the country the number of connection reports being produced or waiting to be produced are numerous and the small number of highly qualified researchers available to undertake anthropological research remains an ongoing difficulty.

The State Government of Queensland (State) has continued to demand more and more evidence of connection, resulting in considerable work having to be done to supplement already existing connection reports.

Notwithstanding these hurdles the NQLC has enjoyed a number of successful determinations in the past twelve months.

NQLC is reaching the point where most of the existing claims are being finished and that will allow NQLC to turn our attention to new claims, especially in the southern area of our footprint.

Given the timeframes directed by the Court, the NQLC will be entering into a research stage gathering evidence to justify lodging claims and it anticipates there will be a lull in Court activity until the next round of claims can be lodged.

One area that is in flux is the attitude of the Courts to the role of Indigenous Land Use Agreements (ILUAs) in the claim process. Many respondents demand ILUAs favourable to them be entered into as the price for their consent to determinations. Whilst about two years ago the Courts seemed to be saying that ILUAs were irrelevant to the business of the Court in making determinations, the NQLC then saw a softening of this position. More recently the pendulum has swung back with some judges indicating that claims should not be held up due to ILUAs being demanded and even indicating that using the determination process as a leverage to getting ILUAs was an abuse of process. The NQLC look forward to a hardening of attitude along those lines.

The NQLC remains rightfully proud of Court statements such as that made by Justice Logan in *Castle Hill Exotics Pty Ltd v State of Queensland and Others* (QUD43/2011) (30 September 2011) in Brisbane: "Well, I have to say, my experience with the North Queensland Land Council in the time I've had the list is that the representation that they offer is sound."

The NQLC believes that issues of cultural heritage are inextricably linked to native title and has at times had to expend its energies assisting groups to protect cultural heritage as a way of protecting their native title rights. Many of the ILUAs, which are entered into as a claim progresses towards a consent determination, contain provisions designed to protect against future damage to cultural heritage.



Table 5: Performance according to Functions and Outputs

Facilitation and Assistance		Number
<b>1. The Claims Experience</b>		
Claimant Applications		
Active claims represented at 30 June 2012		29
Plus Claims filed this year by the NQLC		0
Less Claims Determined 2012-13	9 (see note 1 below)	
Less Claims Dismissed 2012-13		0
Less Claims Withdrawn 2012-13		0
Less non native title outcome 2012-13		0
Active Claims represented at 30 June 2013	20 (see note 1 below)	
Number of these registered by National Native Title Tribunal (NNTT)		20
Claims in Development	6 (see note 2 below)	
Non-Claimant Applications (as relevant)		
		2
Compensation Claims (as relevant)		
		1
<b>2. The Agreements Experience</b>		
Future Act Notices (FANs) received		2,672
Response to Future Acts	7,411 (see note 3 below)	
Agreements (a) concluded, (b) in development		
	(a) 4 (b) Numerous	
Indigenous Land Use Agreements (ILUA) (a) concluded and registered, (b) in development		
	(a) 39 (b) Numerous	
<b>Complaints and Disputes:</b>		
Complaints (a) received, (b) resolved, (c) pending	(a) 3 (b) 2 (c) 1	
Disputes relating to native title applications	Numerous	
Disputes relating to ILUAs, rights of access and other matters	Numerous	
Requests for Review of decisions not to assist- (a) received, (b) completed	(a) 0 (b) 0	

*Note 1 Tableland Yidinji People (QUD6030/1999) and Tableland Yidinji People #3 (QUD208/2004) claims are still active claims as the consent determinations which occurred on 14 December 2012 and 26 March 2013 respectively (Tableland Yidinji People #3 claims was delayed due to last minute issues concerning exclusive native rights) are subject to registration of ILUAs, which came out of notification on 26 October 2013.*

*Note 2 There are in excess of twenty native title claims which may be lodged in the future. Given the new Federal Court of Australia (the Court) approach, that is, once a native title application public notification has closed, the claim has eighteen months in the mediation list and will only remain there if the Court is convinced that the claim will be settled within two years. If the Court is not convinced, the claim will be put on the trial list. This means that more research needs to be done up-front prior to lodgment of claims. The NQLC expects a lull in claims between finishing current claims and before new claims are lodged after research.*

*Note 3 The NQLC responds to FANs received by:*  
 (a) Sending out copies of the notices to the persons appointed by each claim group for the receipt of FANs;  
 (b) Providing strategic advice to groups about the impact of Future Acts;  
 (c) Where instructed, formulating submissions on behalf of claimants to Future Acts; and  
 (d) Where a Future Act consists of a notification pursuant to the Mineral Resources Act 1989, that an Exploration Permit is intended for issue with the Native Title Protection Conditions attached, advising claimants about the effect of those Native Title Protection Conditions and post issue of the permit assisting groups to implement the Native Title Protection Conditions.  
 (e) Where appropriate, assist native title groups with mining agreements.

*Improved administration practices and the increase in the number of Prescribed Bodies Corporate's (PBCs) receiving the notices on behalf of the native title party rather than the individual applicants has seen a reduction in the required number of responses to FANs by the NQLC..*

## 4.2 Actual Performance in relation to Performance Targets and Reasons for Differences

### *Bar Barrum Cluster - Bar Barrum #2 to #7*

The six Bar Barrum claims that form the Bar Barrum cluster cover a very large area lying generally to the west of Mareeba and Herberton and encompassing Mount Garnet and Almaden. The historic township of Irvinebank lies approximately in the middle of the claim area. The six claims are Bar Barrum People #2 (QUD6015/2001), Bar Barrum People #3 (QUD6017/2001), Bar Barrum People #4 (QUD6030/2001), Bar Barrum People #5 (QUD6031/2001), Bar Barrum People #6 (QUD6032/2001) and Bar Barrum People #7 (QUD6033/2001).

The original Bar Barrum native title claim was determined in 2001. This claim was not an 'area claim' rather consisting of a number of parcels spread out over a large area of Bar Barrum lands. All of the Bar Barrum lands are now within the cluster and were filed in 2001.

Drawing upon the connection material collected for the original determination, a further detailed connection report was commissioned and submitted to the State in June 2009.

The State of Queensland responded to the consolidated connection material in December 2009. This led to the Applicant and the State agreeing to a connection mediation process to be chaired by the National Native Title Tribunal (NNTT). The parties consequently agreed in mediation that the connection material of the Applicant would be supplemented by further specific anthropological work and in the collection of direct evidence from the contemporary claim group.

A supplementary report was provided to the State in May 2011 and the direct evidence was provided to the State in July 2011. Following a review of the material, the State advised the NQLC that the State is willing to enter into substantive negotiations leading toward a consent determination following resolution of some further issues.

On 3 February 2012 the State advised that it accepted connection for the purposes of negotiations towards a consent determination. In the meantime the Jirrbal people made a late assertion that some of the country claimed was actually theirs which has resulted in an agreement to temporarily pull back the Bar Barrum claims whilst more anthropological research is done.

An interesting issue has arisen in that there are a number of orders issued pursuant to Regulation 54 of the National Security (General) Regulations during and immediately after World War II.

The issue as to whether these orders create extinguishment of native title will go before the Full Court of The Federal Court in November 2013.

As a result the determinations of the claims are delayed.

### *Barada Barna People*

On 12 November 2008 the Barada Barna People (the Applicant) filed a claim (QUD380/2008) over part of the former Wiri#2 (QUD6251/1998) native title claim area. The Applicant is privately represented and NQLC maintains a watching brief on this claim as part of the claim area is located within NQLC Native Title Representative Body (NTRB) area. The NQLC also represents the Wiri People as a respondent party to this claim the basis of which is that a large part of the claim area covers Wiri country. On 10 April 2013 the claim was dismissed by Justice Collier after hearing argument from the Wiri legal representatives and the State. The Barada Barna Applicant has lodged an appeal and an application to stay the dismissal order. An appeal date is set for 26 August 2013.

### *Birri Gubba Research Project*

The aim of the project is to assist claims and potential claims which make up the Birri Gubba regional society. The NQLC has held two meetings with Birri Gubba traditional owners to introduce a consultant anthropologist (Dr Kingsley Palmer) and to report initial anthropological findings back to the groups. A Traditional Owner Focus Group was established, the purpose of which is to provide advice and direction to NQLC and Dr Palmer.

According to the Terms of Reference agreed to with senior consultant Dr Palmer, after his initial collection of evidence and engagement with the wider claim group, Dr Palmer advised the NQLC that claims in the region would have a better chance of success if focus was directed at those which had yet to be progressed through the native title system. It is anticipated that anthropological research will be undertaken to assist the Yuwibara, Ngaro and Gia Peoples, three of the groups which form part of the Birri Gubba regional society.

To this end, Dr Palmer will remain on contract with the NQLC, but will focus on the Whitsunday region to progress the Gia and Ngaro claims in the next financial year.

Mr Daniel Leo, who has previously worked with the Birri Gubba, Wirri and most recently the Nawaygi claim group, has agreed to take on the Lower Burdekin Regional Research Project to progress the Bindal and Wulgurukaba claims in the new financial year.

## Birriah People

The claim of the Birriah (Birri) People (QUD6244/1998) was lodged on 2 April 1998. The claim is over land and waters south-west of Townsville and is centred on the township of Collinsvale. The claim runs from Mount Anerdeeb in the east, south to Glenden, west to Mingela and the source of the Kirk River.

The Birri People were privately represented until 13 February 2009 when the NQLC filed a Notice of Change of Solicitor for the Applicant. Little connection research was undertaken until the NQLC filed the Notice of Change of Solicitor for the Applicant. The Applicant provided connection material to the State for review as part of the mediation process. The Applicant has now terminated the services of the NQLC and has engaged a private lawyer to assist them with prosecuting the claim. The NQLC maintains a watching brief over this matter.

## Combined Mandingalbay Yidinji Gunggandji

The Combined Mandingalbay Yidinji Gunggandji (QUD6016/2001) claim is located largely within the Yarrabah Aboriginal Shire Council which is a Deed of Grant in Trust (DOGIT) east of Cairns. The claim was filed on 3 December 1999.

Six ILUAs have been completed, authorised, executed, lodged and registered. A number of objections to the ILUAs were dealt with by the NNTT, with none of the objections being upheld.

One of those ILUA's was an ILUA with the Wanyurr Majay People that recognised certain rights of theirs to come onto the claim area and carry out certain traditional activities.

The claim, originally scheduled for determination in December 2011, was delayed due to a number of intra and inter Indigenous disputes which were the subject of further negotiation and last minute intense mediation. The claim was determined on 21 September 2012.

## Djiru #4 (Proposed Claim)

The proposed Djiru #4 claim covers Dunk Island. Research is planned in the next financial year. Progress of the claim is dependent on the outcomes of research on neighbouring claims, including the Warrgamay claim. Rights and interests in the island are currently asserted by several groups that claim surrounding lands, research is ongoing.



Mandingalbay Yidinji/Gunggandji Determination, September 2012.



### *Djungan Cluster- Djungan People #1, #2, #3 & #4*

Located west, north-west of Mareeba, these claims are registered and were filed with Federal Court on the following dates:

- Djungan People #1 (QUD208/1997) - 17 May 1995;
- Djungan People #2 (QUD6022/1998) - 19 April 1996;
- Djungan People #3 (QUD6116/1998) - 19 February 1997; and
- Djungan People #4 (QUD6036/2001) - 5 October 2001.

Connection was agreed by all parties and a number of ILUAs were authorised that were connected with the proposed determination. An interesting feature with respect to the ILUAs was that they were couched in terms of body corporate ILUAs with the s. 87 agreement being used as a vehicle to record consent of the parties to obey the terms and conditions of the ILUAs prior to determination and registration. The ILUAs were registered on different dates, the last being 5 February 2013

The Djungan claims were determined on 2 August 2012.

### *Ewamian Cluster- Ewamian People #2 & #3*

The State has now accepted connection for the purpose of substantive mediation and a timetable toward determination in the latter part of 2013 has been agreed.

Ewamian people already have in place a number of ILUAs that were developed over a number of years. Some ILUAs were recently authorized at meetings that also considered changes in applicant details. Intensive negotiations took place regarding public works resulting in agreement on these issues which will be reflected in the determinations due late November 2013. An alternative to having Pastoral ILUAs was developed in terms of a clause to go into the determination.

### *Gudjala People and Gudjala People #2*

The claims of the Gudjala People (QUD80/2005) and the Gudjala People #2 (QUD147/2006) were filed by the Central Queensland Land Council Aboriginal Corporation (CQLCAC) in 2005 and 2006, respectively. They include the town of Charters Towers and comprise approximately 20,167 km<sup>2</sup> mainly to the north-west of that town.



*Djungan elders and representatives with young Djungan dancers. (photograph courtesy Anna Rogers, The Cairns Post)*



The matters are being run jointly and have progressed significantly in the preceding six months. An authorisation meeting is planned to occur in September 2013, where the community will authorise a number of ILUAs. There is to be a further authorisation meeting held in November 2013 to finalise outstanding matters with regard to progressing the matter forward to a consent determination at Charters Towers on 18 March 2014.

### *Gugu Badhun People #2*

The Gugu Badhun people are located in the Kennedy District to the west of Ingham and north-west of Townsville. The claim is over land and waters which cover an area that runs from the Upper Burdekin River north to Meadowbank Station and south to the Clarke River. The registered Gugu Badhun claim (QUD85/2005) was lodged on 22 April 2005 with the assistance of the former Central Queensland Land Council Aboriginal Corporation (CQLCAC).

NQLC assisted the Applicant with preparation of the case by gathering connection material which consisted of a connection report, several witness statement and maps. The State accepted connection and the claim was ordered to intense case management before a Court Registrar. During case management the

Applicant, the State and various parties negotiated the terms of the consent determination orders and ILUAs with numerous pastoralists, Ergon Energy, four Local Councils and the State of Queensland. The ILUAs operate to, among other things, ensure the traditional owners continue to have access to country. The claim was determined on country at Greenvale on 1 August 2012. The determination orders recognize, among other things, the Gugu Badhun People as the native title holders of their country and that they continue to exercise and enjoy native title in the claim area.

### *Gulngay (Proposed Claim)*

Located in the Kennedy District, the Gulngay People have traditionally been closely aligned with various neighbours, particularly the Jirrbal, Girramay and Warrgamay. These land-owning groups have a long association and today are still linked through the networks of kinship that pervade the families and groups of the region.

This has been a busy year for the Gulngay People, as they have worked with Dr Sandra Pannell to gather ethnographic evidence that has been documented by Dr Pannell in a connection report. Early in the new year, the Gulngay People and other interested parties



*Djungan Elder Alf Neal 'Shaking a Leg' at Djungan Determination in Dimbulah, September 2012.*

will be invited to attend an Information Session where Dr Pannell will present her findings and opinions. The NQLC expect that the claim will move forward to authorisation in the next financial year.

### *Implementation of ILUAs*

ILUAs often provide for ongoing activities that occur post determination, these matters can range from land exchange agreements to heritage clearance matters, other areas of ongoing co-operation between Indigenous groups developing mining proponents and State Government. Where the ILUA concerns companies that can pay for the matters outlined in the ILUA, like development proponents and mining companies, the ILUA will normally provide for payments by that proponent or mining company. However, where the ILUA involves other benefits to the traditional owners, such as land exchange where in exchange of releasing land from native title claims the native title holders gain other land (freehold) these arrangements are inevitably with the State, which does not pay anything towards the cost of implementation (other than possible stamp duty and transfer fee reductions). The NQLC therefore needs to provide a supporting role to these groups to carry out the implementation of the ILUA to achieve the on the ground results. In relation to a select number of non-mining ILUAs the process of implementation of

land exchange has begun. NQLC hopes to expand its efforts in this area in the new financial year.

### *Implementation of ILUAs - Projects*

In respect of those ILUAs and agreements that relate to mining, exploration and related infrastructure, the Future Act Mining and Exploration (FAME) Unit has been able to respond to requests to assist with implementation of specific ILUAs. However, it was recognised that this approach was unsatisfactory and that a more focused and comprehensive strategy was required to ensure that the native title parties are able to maximise the benefits and assets arising from their negotiations.

To this end, the FAME Unit has undertaken extensive work to develop a database of ILUAs and other agreements related to mining, exploration and infrastructure and designed a spreadsheet to assist native title parties identify key terms and monitor implementation and compliance. This work has taken some time to build and it is expected that the FAME Unit will progressively meet with groups in the 2013-14 period to work with them in their implementation.

The FAME Unit is also undertaking 'project' based activities to address broader issues related to



*Gugu Badhun Elder Ernie Hooligan reflects on the significance of the determination.*



implementation. The activities identified in the 2012-13 period include: Community Planning; Financial Advisory Workshops and design of two Capacity Building Workshops addressing the themes of 'Identifying and Managing Community Development Opportunities and Assets' and 'Engagement with (mining and infrastructure) Industries'. It is expected that these projects will be conducted in the 2013-14 period.

### *Hay Point Expansion ILUA*

An ILUA to facilitate the expansion of the Hay Point Port Terminal was negotiated with representatives for persons who hold or may hold native title over the proposed project area. The parties to the ILUA are BM Alliance Coal Operations Pty Ltd as manager for and on behalf of BHP Coal Pty Ltd, BHP Queensland Coal Investments Pty Ltd, UMAL Consolidated Pty Ltd, Mitsubishi Development Pty Ltd, QCT Mining Pty Ltd, QCT Investment Pty Ltd and QCT Resources Pty Ltd. The State of Queensland is also a party to the ILUA.

Persons who hold or may hold native title over the proposed project area authorised the ILUA on 26 August 2011 at Mackay and the ILUA was registered on 30 May 2012. A meeting of the Trust was convened on 13 September 2012 in Mackay to elect an Advisory Committee to implement the ILUA. The NQLC provides ongoing assistance in ILUA implementation.

### *Juru People – Port of Abbot Point and State Development Area ILUA*

An ILUA to facilitate the expansion of the Abbot Point Port and State Development Area was negotiated by the Juru People, North Queensland Bulk Ports and the Co-ordinator General. The Juru People authorised the ILUA on 13 August 2011 at Bowen and the ILUA was registered on 12 May 2012. Juru Enterprises Ltd (JEL) was established in April 2012 to implement the ILUA and NQLC continue to assist JEL in these activities.

### *Jangga People*

The Jangga people are located to the west of Mackay in Central Queensland and in the south of what is known as the Bowen Basin.

The registered Jangga claim (QUD6230/1998) was lodged on 2 April 1998 with the assistance of the former CQLCAC. As with all claims initiated by the former CQLCAC, the NQLC obtained written instructions to serve as the representative of the Jangga people from 1 July 2008.

NQLC assisted the Applicant with preparation of its case by preparing connection material which consisted of a connection report, several witness statements and



*Justice Logan at the Federal Court with Gugu Badhun Elders and Claim lawyer, David Saylor at Gugu Badhun determination, August 2012.*



maps. The State accepted connection and the claim was ordered to intense case management before a Court Registrar. During case management the Applicant, the State and the various parties negotiated the terms of the consent determination orders and ILUAs with numerous pastoralists, Ergon Energy and the State of Queensland. The ILUAs operate to, among other things, ensure the traditional owners continue to have access to country. The claim was determined on country at Glendon on 9 October 2012. The determination orders recognize, among other things, the Jangga People as the native title holders of their country and that they continue to exercise and enjoy native title in the claim area.

### *Juru People and Juru People #2*

The Juru People claim (QUD554/2010) was filed on 15 December 2010 and registered on 27 May 2011. The claim covers the Abbot Point Port Area and a State Development Area. The State and other respondent parties have accepted connection for the purpose of entering into substantive negotiations toward a consent determination.

The Juru People #2 claim (QUD7/2012) was filed on 5 January 2012 and registered on 11 April 2012. The claim covers the rest of the Juru core country. The State of Queensland and other respondent parties, except

Indigenous respondents, have accepted connection for the purpose of entering into substantive negotiations toward a consent determination.

A timetable to progress both these matters towards consent determination was finalised in June 2013. It is anticipated Juru People (QUD554/2010) will be combined with Juru People #2 (QUD7/2012) prior to determination. Pursuant to Court orders made on 1 July 2013, the matter has been set down for determination in Bowen on Friday 11 July 2014.

### *Mamu People*

The Mamu People (QUD6014/2001) registered native title application was lodged on 6 April 2001 and covers land in the Innisfail region.

The State has accepted anthropological material provided by the Applicant and has executed a s. 87 agreement. However a last minute revision to remove an apical ancestor caused the State to seek to review its consent and to withdraw from the 87 agreement.

This led to a two day hearing in the Federal Court with the Court ruling that once signed, the State could not resile from its consent.



*Mamu Claimants celebrate their determination at Warrina Lakes Park, Innisfail.*



The determination that was, prior to this issue set for September 2012 is now scheduled for November 2013.

A number of ILUAs to compliment the determination have been registered.

### *National Native Title Council Support*

The NQLC was a member of the National Native Title Council in 2012-13.

### *Nawaygi (Proposed Claim)*

The neighbours of the Nawaygi Peoples are the Warrgamay People to the north, the Gudjala and Gugu Badhun to the east, the Wulgurkaba People to the south, while to the east is the coast, the islands and the waters around them.

Consultant Anthropologist Daniel Leo is currently under contract to the NQLC and is preparing a Nawaygi connection report. He has been out in the field consistently this year and this is likely to continue in 2013-14. In the first part of the 2014, the claim group will be invited to an information meeting. Mr Leo will present his findings and opinions and will explain how he has come to his conclusions. In 2014, the claim will progress at a steady pace.

### *Northern Yidinji Cluster*

The Gimuy Yidinji People were offered assistance for a claim consistent with anthropological evidence commissioned by NQLC. The Gimuy Yidinji People declined that offer and have now lodged a claim without NQLC support. It has drawn widespread respondents especially other Indigenous persons.

### *Notifications, Future Acts and Mining Agreements Implementation and Dispute Resolution.*

Processing future act notifications is the core work of the FAME Unit and comprises a significant proportion of the work unit. This includes notifying native title parties of proposed future acts affecting their lands and waters and assisting the native title parties respond to those notices.

Where the notifications relate to future acts involving exploration under the expedited procedure regime, the FAME Unit works closely with the native title parties to ensure that they are aware of and monitor compliance with the Native Title Protection Conditions (NTPCs). The NTPCs provide primarily for the protection of cultural heritage and an annual administration fee is payable to the native title parties.



*Dancers opening the celebrations of the Mamu Determination. (photograph courtesy Jon Flynn, The Cairns Post)*

Other exploration and mining notifications may trigger the 'right to negotiate' provisions of the NTA and the FAME Unit actively represents ten native title party groups.

*Attending to statutory obligation to handle Future Acts Notification where there is no registered claim.*

Of the total mining and exploration Notices received (251) in the period, seventy one affected lands were not subject to a native title determination application. In circumstances where a s. 29 notice is issued affecting lands not subject to a current claim, the NQLC writes to proponents advising them of their obligations under the Aboriginal Cultural Heritage Act 2003 (Qld) (ACHA), which requires persons to take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage. Further, we encourage the proponent to contact the NQLC for assistance in identifying the relevant 'Aboriginal Party', being the person recognised in accordance with tradition or law as having responsibility for the area or object, as required by the ACHA.

*Galilee Basin Gas Exploration Project*

Arrow Energy proposes to conduct a program of exploration for coal seam gas in the Galilee Basin. The proposed area of the tenement impacts upon the native title application areas of the Gudjala People #1 (QUD80/2005) and the Gudjala People #2 (QUD147/2006), as well as those of the Ewamian, Ngawun Mbara and Yirendali Peoples. The NQLC assisted the Gudjala People in their negotiations with Arrow Energy which commenced in April 2010. Delays in progressing negotiations were experienced due to Arrow Energy's commitment to other negotiations conducted in the Bowen Basin area and later in the process deciding to proceed under the right to negotiate provisions rather than their original proposal of an ILUA. A notice pursuant to s. 29 of the NTA of proposed grant to authority to prospect 714 to Arrow Energy was issued with a notification date of 21 March 2012. Negotiations were conducted throughout 2012 and 2013 culminating in a series of 'Information Meetings' with the Gudjala People in May 2013 held in Charters Towers (14 May), Palm Island (15 May) and Townsville (16 May). A subsequent Community Meeting was held in Charters Towers on 29 May whereat the Gudjala People accepted the terms of the s. 31 Deed and Ancillary Agreement.



*Bryce Barlow (snr) and family at the Tableland Yidinji #1 celebrations at Tinaroo.*



### *National Native Title Tribunal Arbitration of Future Act Determination Application*

This is an ongoing activity. Of the 251 s. 29 Notices received in the 2012-13 period, 230 were subject to the expedited procedure regime and 21 were subject to the right to negotiate provisions. No proponent has triggered the s. 35 provision in this period.

### *Small Scale Mining Agreements*

#### *Djungan People - Small Scale Mining ILUA*

The Djungan People Small Scale Mining (SSM) ILUA expired in 2009. In July 2010, the Djungan People (jointly with the Ewamian and Western Yalanji Peoples) commenced negotiations between the native title parties, the North Queensland Miners Association (NQMA) and the State with the view of developing a new SSM ILUA. In March 2011 the NQMA requested that the NNTT assist in negotiations. Substantive negotiations concluded in September 2011, however drafting of the ILUA was not settled until late 2012. In that intervening period Djungan Peoples' native title claims were determined and authorisation of the ILUA was postponed whilst the Prescribed Bodies Corporations (PBC) settled into its role. It is anticipated that authorisation will proceed in the 2013-14 period.

#### *Ewamian People - Small Scale Mining ILUA*

The Ewamian People SSM ILUA expired in 2008. In July 2010 the Ewamian People (jointly with the Western Yalanji and Djungan Peoples) commenced negotiations between the native title parties, the NQMA and the State with the view of developing a new SSM ILUA. In March 2011 the NQMA requested the NNTT assist in negotiations. Substantive negotiations concluded in September 2011 and drafting was settled in late 2012. Community meetings were conducted in Mareeba, Cherbourg and Brisbane in May 2012, followed two weeks later with authorisation meetings in Mareeba (20 May), Cherbourg (22 May) and Brisbane (23 May), at each meeting, the Ewamian People accepted the terms and authorised the ILUA.

#### *Western Yalanji People- Small Scale Mining ILUA*

The Western Yalanji People SSM ILUA expired in June 2011. In July 2010, the Western Yalanji People (jointly with the Ewamian and Djungan Peoples) commenced negotiations between the native title parties, the NQMA and the State with the view of developing a new SSM ILUA. In March 2011 the NQMA requested that the NNTT assist in negotiations. Substantive negotiations concluded in September 2011 and final drafting of the ILUA was settled in late 2012. A Community Meeting



Tableland Yidinji dancers performing following the determination.

of the Western Yalanji People was held in Mareeba on 29 November 2012 followed by an Authorisation Meeting on 12 December 2012, where at the Western Yalanji People accepted the terms and authorised the ILUA.

### *Tableland Yidinji People Small Scale Mining Negotiations*

Two s. 29 Notices affecting the Tableland Yidinji People were notified on 14 December 2011. Each proponent was contacted to provide certain materials to allow the Tableland Yidinji People to determine the breadth/intensity of proposed activities and the extent of negotiations required. One proponent provided information on their activities and negotiations were concluded by way of an Ancillary Agreement and s. 31 Deed, the latter of which was fully executed by the miner and the Tableland Yidinji People and provided to the State on 17 June 2013, the other matter remains outstanding.

### *Tableland Yidinji Cluster- Tableland Yidinji and Tableland Yidinji People #3*

The Tableland Yidinji People claims are located in the general area of Lake Tinaroo and catchments thereof and west to the boundary of the town of Atherton. The

Tableland Yidinji People (QUD6030/1999) claim was first filed on 25 October 1999, while Tableland Yidinji People #3 (QUD208/2004) claim was lodged on 14 October 2004.

The primary connection report of the Tableland Yidinji people was submitted to the State in 2005. Following negotiations with the State, a further supplementary report, together with two reports on specific topics authored by relevant experts, were prepared and submitted. The State has provided a date in October 2010 at which it will provide its assessment of the consolidated connection material. The State's response indicated further work would be required by the Applicant. The Applicant provided the State with legal submissions and further affidavit material in July 2011.

On 29 September 2011 the State advised the Applicant that the State had accepted the anthropological material for the purpose of substantive negotiations towards a consent determination.

With the assistance of the NNTT, the NQLC, the State and participating respondent parties agreed on a detailed timetable for resolution towards consent determination in December 2012.

A number of ILUAs have been negotiated to assist in the



*Tableland Yidinji Dance Troupe at the determination.*



resolution of the claim. In particular, the ILUAs with the Ergon Energy, the State of Queensland for Protected Areas and the Cairns Regional Council. These ILUAs were authorised by the claimant group and executed by the Applicant members on 22 May 2012. The Ergon Energy ILUA was notified by NNTT on 29 August 2012. The Cairns Regional Council ILUA was executed by the Council on 3 September and provided to the NNTT for registration. The State of Queensland Protected Area's ILUA required re-executing by the Applicant due to sectional changes within the (State) Department of Environment and Resources Management (DERM). The Applicant re-executed the ILUA on 20 September 2012 and provided copies to the State on 26 September 2012.

During 2010, the Tableland Yidinji People concluded a comprehensive local government ILUA with the Tablelands Regional Council, as of 10 December 2010 the ILUA was registered by the NNTT.

The Tableland Yidinji People claim went to determination on 14 December 2013 but due to last minute problems concerning exclusive native title issue caused the Tableland Yidinji People #3 claim to be delayed; the claim went to determination on 26 March 2013.

The determinations are subject to registration of ILUAs which comes out of notification on 26 October 2013.

### *Tagalaka People and Tagalaka People #2*

The Tagalaka People (QUD6109/1998) native title application is located around the township of Croydon, which is west of Cairns. The claim is registered and was filed with the Federal Court on 29 September 1998. The Tagalaka People #2 (QUD6020/2001) is also a registered claim and was filed on 29 June 2001. This native title application embraces a large proportion of the land controlled by Croydon Shire Council, along with smaller portions of land in the Etheridge and Carpentaria Shire Council regions. A total of 47 pastoralist respondents have filed; most are represented by AgForce Queensland.

Stanbroke Pastoral Co. refused to accept any connection to land covered by a lease held by the company within the Tagalaka People #2 claim area. The Tagalaka People #2 claim was thus split into Part A (a large claim, featuring approximately 40 pastoral respondents) and Part B (a smaller area with the land under pastoral lease to Stanbroke). A consent determination of the Tagalaka People and Tagalaka People #2 (Part A) claims occurred on 10 December 2012.

Turning to Tagalaka People #2 (Part B), Stanbroke wanted to proceed to trial, claiming that native title does not exist. Further research has been undertaken by Dr Sandra Pannell and the Tagalaka People have been



*Dawn Johnson, Chairperson of the Tableland Yidinji PBC speaks at the Tableland Yidinji #1 determination.*



advised of the outcome of this research. It is anticipated that the Tagalaka people will decide to discontinue the matter and it is hoped that the parties will agree that no costs be awarded against the Applicant.

### *Townsville (Proposed Claim)*

The country of the Bindal and Wulgurukaba People runs from the mouth of the Burdekin River north to Rolling Stone, south-west to the Harvey Range, south-east along the Harvey Range to the Haughton River, east to the Burdekin River and north-east back up to the mouth of the Burdekin. Their neighbours to the south are the Juru People, to the north the Nawaygi and to the west the Birri and Gudjala People.

The People were formerly represented by the CQLAC. The NQLC commenced anthropological research in 2011 but due to unforeseeable circumstances, work was paused until emergent issues were resolved. The existing literature and documentation has now been fully evaluated and Mr Daniel Leo is being contracted to undertake fieldwork in the region with the goal of finalising connection material for both the Bindal and Wulgurukaba claim groups. On completion of the report in the first half of 2014, the claimants and other interested parties will be invited to information meetings, where Mr Leo will present his findings and opinions back to the group.

### *Warrgamay (Proposed Claim)*

The Warrgamay People are located in the Kennedy District, including the Ingham region, which was historically a major centre of the sugar cane industry. The Warrgamay People comprise three language dialect groups and were traditionally predominantly involved (traded, married and celebrated with) the Southern Rainforest Aboriginal Culture to their north. Their neighbours are the Nawaygi to the south, the Gugu Badhun to the west, the Girramay to the north and north-east, with the coast, islands and sea country off to the east.

Research has been completed by Dr Sandra Pannell and her findings and opinions will be presented to the claim group and interested parties on 15 September 2013, at Ingham. The next step is for the claim group to meet with their lawyers to plan a strategy to progress the claim, based on the evidence at hand.

### *Warrungu People #2*

The Warrungu # 2 application lodged in 2004 has been set down for a determination on 23 September 2013 at Cardwell by Justice Logan at the review hearing of the Federal Court held on 24 June 2013. The lands and waters claimed are in the Herbert/Burdekin region over a total area of approximately 2,644 km<sup>2</sup>. The native title



*Beverly Bowyang, Clara Booth, Janet Busch, Janette Owen and Gladys Callope at the Tagalaka determination.*

rights and interests claimed are mainly non exclusive over most of the area but exclusive native title has been claimed over Lot 2 on Plan USL3944.

Pursuant to decisions that have established that the Court is not required to inquire into the merits of the claim but it does need to be satisfied that the orders being sought are supportable, the State has requested that further anthropology is sought to show that the Warrungu People are part of a wider regional society but have distinct differences. Accordingly, supplementary report No 2 was commissioned from anthropologist, Dr James Weiner and received on 30 June 2013. The report is supportive of the Warrungu Peoples' place in a wider regional society but as a distinct group and has been well received by the State.

There was a community meeting held on 14 March 2013 to outline steps for progression to determination and to introduce a new legal representative. Authorisation meeting was held on 19 April 2013 to change the claim group description by adding apical ancestors and to add sand and gravel to the rights and interests claimed. Intensive case management followed, whereby a detailed workplan was developed and the Federal Court held a case management conference at Mount Garnet on 27 May 2013 to ensure that negotiations would proceed smoothly up to, and including, the consent determination set down for 23 September 2013.

### *Western Yalanji People Cluster- Western Yalanji #4 to # 7*

The Western Yalanji People claim cluster is composed of two registered native title claims and a third combined registered native title application:

- Western Yalanji People #4 (QUD6008/1999) filed on 18 March 1999;
- Western Yalanji People #6 (QUD6037/2001) filed on 5 September 2001; and
- Western Yalanji Combined #5 and #7 (QUD6003/2001) filed on 23 April 2007.

The claim areas are located west of the Great Dividing Range and inland from the Daintree National Park.

The matters have been delayed because of development of inter-Indigenous disputes. The Western Yalanji #6 claim will require further research and negotiation, whereas the parties to Western Yalanji People #4 and Western Yalanji Combined #5 & #7 have conducted intensive negotiations. The Federal Court has introduced case management procedures and a consent determination is set down for 24 September 2013 in Cairns.



State negotiator, Robin Tilley and NQLC Chairperson, Errol Neal 'Get in the swing' at the Tagalaka determination celebrations, December 2012.



The Muluridji People assert interests in the claim area of the Western Yalanji People #6 claim (QUD 6037/2001); the land is located around Mount Carbine. A Federal Court Case Management Conference resulted in agreement between the groups to work together in good faith to pursue a native title claim over the area. Successful prosecution of this matter will require negotiations with families who have primary connections to the area. In addition, the NQLC will invoke the mediation function of the NNTT under s. 203BK of the NTA. Dr Valerie Cooms will serve as mediator. Before the end of October 2013, two authorisation meetings will be held to progress the matter jointly. If the two groups authorise a joint claim, further research will be undertaken to establish joint connection. Depending on the extent of extinguishment that is discovered, it may be more efficient to expand the area under application to include all land in which both groups have an interest. At a directions hearing held on 24 June 2013, Justice Logan indicated that, at a December 2013 directions hearing, he would either list the matter for consent determination late in 2014, or trial.

### *Wiri People Core Country Claim*

The Wiri People Core Country (QUD372/2006) claim was lodged in the Federal Court of Australia on 29 September 2006 and is not currently in mediation. The claim is over both land and waters and is centred on the township of Nebo south-west of Mackay. The boundaries are from as far west as Lenton Downs Station, north to Sandy Creek and east to Mount Nice.

Connection material has been prepared and provided to the State for ongoing negotiations. The State has reviewed this material and requested that the Applicant provide further material in the form of witness statements from a cross-section of the claim group. Further statements are being prepared and will be provided to the State. It is anticipated that connection will be accepted and that the claim will proceed to a consent determination.

### *Yuwibara People (Proposed Claim)*

As saltwater people, the Yuwibara traditionally consisted of four estate, or 'barra' groups with connection to the land and sea in the area. Today, expressed as 'family groups' or 'descent groups', Yuwibara People assert their right to speak for the country from the O'Connell River to Cape Palmerston, west to the Connors and Clarke Ranges and over the adjacent islands. Yuwibara country is bounded in the north by their neighbours, the Gia and Ngaro, over the ranges to the west by country of the Wiri People, to the south by country of the Barada and Bana groups, with the islands and sea country to the east. The previous claim was discontinued on instructions from the Applicant. Consultant Anthropologist Dr Alison Pembroke has completed her research in this area and presented

her findings and opinions to the claim group and other interested parties at an information meeting held on the 26 June 2013. A new Yuwibara claim was authorised on the following day, covering land and waters in and around Mackay and Sarina. Dr Pembroke has prepared a registration report. Prior to filing the new claim, the Form 1 Application will be sent to the NNTT for a preliminary assessment of whether the registration test will be passed, and mapping assistance. It is anticipated that the new claim will be filed before the end of 2013 and a Party List settled by March 2014.

## **4.3 Narrative Discussion and Analysis of Performance**

### **4.3.1 Trend Information**

The following trends continue to have an impact on native title claims:

- Continuing difficulty of availability of experienced native title researchers, especially as more and more claims in all NTRBs regions reach the point where research is required.
- The increasing pressure from the Federal Court to progress claims quickly.
- The increasing pressure from the Courts has an impact not only on NTRBs but also on the State. Anecdotal evidence indicates that the Crown Law Department dealing with native title matters is particularly under pressure.
- The NNTT's approach to the application of the registration test, which appears to be of an overly technical nature and often inconsistent in application.
- The Queensland State Government's hardening attitude and literal (and in the NQLC's opinion is often erroneous) interpretation of the case law in regard to what is required to establish connection
- Recently the State has adopted a particularly tough attitude to the degree of proof required in relation to township blocks in rural areas.
- In the matter of the Mamu People's claim there was a change to the claim group description which led the State to want to withdraw its consent to the determination. The Court ruled they could not withdraw consent. The ramifications from this in terms of State attitude to other claims is yet to play out.
- The State appears to also suffer difficulty in obtaining qualified and experienced Anthropologists to assess connection reports.
- Attitudes to ILUAs as a condition of consent determinations remains in flux. (See the comments above in the earlier part of this report under the heading Review of Performance) .



In our previous Annual Reports, we noted a number of matters which are reproduced below; these comments appear to be as equally applicable to the current reporting period as they were to the previous periods.

The State of Queensland appears to adopt criteria for assessing connection which is more stringent than that which might be required in a trial. For example, the State now continually asks for examples of the use of certain native title rights with the very clear implication that if those examples are not forthcoming then that right does not exist. This is contrary to the decisions of the Federal Court. In particular, the Court has recognised that a right may be possessed without that right actually having to be exercised in any particular way or indeed at all.

The State appears to be moving in the direction of a conservative interpretation of anthropological issues in native title claims which firstly does not reflect the remedial and beneficial nature of the NTA. Secondly, it is inconsistent with their policy to assess connection material for mediation purposes only, with a view to proceeding to a consent determination where the Federal Court only has to be satisfied that there is a reasonable basis to draw a reasonable inference from the material to be satisfied that the requirements of the Act have been met.

The NQLC has noticed that the protracted nature of native title matters does have an adverse impact upon some of the applicants and members of working groups who end up spending an inordinate amount of their private time attending to these matters. In short, they suffer from 'burn out'.

We have previously commented upon the number of minor respondent parties to some native title claims especially those respondents whose interest seem to be little more than the interest of any member of the public. The NQLC has long been critical of the funding of such parties in light of the fact that the State has a role to ensure that public interests are protected. Whilst the number of such parties appears to be decreasing, the NQLC still believes that the NTA should be amended to require that a respondent should have an interest approaching, if not actually, a proprietary interest.

Whilst there have been a number of minor amendments to the NTA, there appears to be a reluctance by Parliament to deal with serious defects in the NTA. For example, the NTA contains a certain illogicality in that a determination of native title is a determination of what is and has always been. In every recent determination, in the NQLC region, the Court has been careful to say that the Court is not granting anything to the native title holders but is recognizing the rights and interests that have always existed. It is therefore illogical to say that a determination will affect the rights of another person. If native title exists and has always existed then the other parties' rights are presently burdened by that native title

in any event whether or not there is a determination. Yet, the criteria for becoming a respondent is that you have an interest which would be affected by a determination.

Whilst there were some changes about the taxation of native title and some other minor changes, there appears to be no political will [by either of the major parties] to tackle some major issues such as the change in the burden of proof and the tightening up of criteria to become a respondent.

#### **4.3.2 Factors, Events or Trends Influencing Performance**

The statements in this section were made in previous reports and remain relevant, perhaps more so now than ever.

The NQLC continues to hold concerns that the 'reporting by numbers' approach does not reveal anything about the quality or difficulty of achieving the outcomes reported.

Unfortunately, there is still a continual pursuit by some respondent parties to use the native title process as a means of self-gain, particularly in regard to the upgrade of land tenure. The NQLC views this as an abuse of process.

The NQLC has been, and continues to be, critical of the processes that are adopted by the State of Queensland in regard to applications by private individuals seeking an upgrade of land tenure. Currently the State, through its various agencies, sets about assessing an application without any consideration of native title issues so that after a period of time (in some cases two years) the applicant receives a letter from the State indicating that the State is prepared to grant the upgrade subject to resolving native title issues. This creates unrealistic expectations in the applicant as to how swiftly the resolution of the native title might be. Given that the letter from the State usually sets a price for the State's consent, the applicant is often disappointed to learn native title holders will want something in return for the agreement and questions then arise. Assuming an agreement can be reached, who will fund the very expensive process of drawing up and authorising an ILUA? The NQLC's view is that the applicant should first be referred to the responsible NTRB so that the likelihood of the native title holders being prepared to enter into an agreement is considered initially.

An observable trend is the use of the native title system by respondent parties, such as Local Government authorities, to seek rectification of past wrongs or failures in exchange for consent determinations. Rather than base their decision to consent on proper considerations, such as proof of connection, the process is being used to force native title holders to

agree to the correction of mistakes which have nothing to do with the native title holders. Examples of these types of mistakes are roads constructed outside of road reserves, aerodromes and other facilities constructed outside of the reserves set aside for the same and illegal infrastructure constructed without proper tenure.

The following factors also influenced performance:

- native title law being the subject of evolving Federal Court of Australia decisions;
- frequent changes to reporting criteria;
- ever changing demands of the State of Queensland and their various interpretations of case law;
- inconsistencies of the State of Queensland from one case to another;
- difference of the interpretation of the native title case law between different judges of the Federal Court;
- inconsistency of approach by the NNTT to registration testing;
- the practice of native title law exists in a constantly changing environment making orderly progression of claims difficult; and
- availability of qualified anthropological consultants.

#### **4.3.3 Significant changes in Nature of Principal Functions/Services**

The NQLC continues to concentrate on core functions and core native title work. Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) has introduced PBC funding which is administered through the NTRBs and Native Title Service Providers (NTSP). NQLC has made the point that it considers the assumption that FaHCSIA is making to the effect that as claim work drops off, as claims are finished, the monies previously dedicated to claims can be switched over to PBCs is false, at least in NQLC's case.

We have many claimants patiently waiting their turn and our budget is largely consumed by researching and servicing such claims.

#### **4.3.4 Performance against Service Charter/ Standards, Complaints Data and the NCLC's response to Complaints**

In accordance with funding requirements the NQLC developed a Strategic Plan. The Strategic Plan sets out our values as follows:

- cultural sensitivity, including the respect for traditional law and customs of the native title group;

- professional service of high quality in accordance with the requirements and functions identified in the NTA;
- fair, transparent, accountable, responsible and just operations and processes;
- leadership and excellence in corporate governance practice;
- honesty, professionalism and accountability to native title holders in the delivery of our services;
- optimum distribution of resources to achieve native title outcomes;
- maximum participation of native title holders in decision making processes;
- collaboration with native title holders and other stakeholders in the native title processes;
- responsiveness to the changing operating environments of NTRBs;
- maintenance of a harmonious and productive workplace conducive to the achievement of native title outcomes; and
- encouragement and promotion of employment, training and professional development of Indigenous people within the region.

The NQLC maintains these values through ensuring that our internal processes and policies are directed toward delivery of best possible service to our clientele. Examples of the policies and processes employed are:

- The NQLC maintains a policy of avoiding overlapping claims by applying dispute resolution mechanisms to all disputes prior to claim lodgment. This dovetails with our policy of providing to the maximum extent possible, in-house legal representation of claims by minimising the instances in which conflict of interest will prevent in-house representation.
- Each claim has a claim team which is comprised of a Project Officer, a Legal Officer and an Anthropologist.
- The NQLC maintain a Register of Complaints.
- The NQLC's Rule Book embraces the 'separation of powers' principle with the roles and responsibilities of the Board of Directors (Board) and the administration arm under the guidance of the Chief Executive Officer (CEO).
- The Federal Court, in consultation with the NTRB and NTSP, has set a list of claims in priority order. The applicants and the State now work on those claims in the order of priority which ensures each is focused on the same claims which helps to ensure an orderly progress in claims.

The Board sets broad policies and groups are allocated assistance in accordance with these policies. Subject to compliance with policies, the professional staff acts on the instructions of the native title holding group via the working group and applicants, this ensures maximum

participation of the native title holders. These policies achieve significant cost reductions allowing for the retention of professional in-house staff and ultimately greater benefit to native title groups for each dollar spent.

Claim groups therefore have a clear understanding of the in-house personnel who are directly assisting their claim. The first point of contact for clients in any matter is the Project Officer assigned to their claim. Our policy of having an assigned Project Officer for each claim allows us to promote that person as the primary point of contact for the native title groups. Experience shows that many Indigenous people feel more comfortable in talking, as a first point of contact, with another Indigenous person.

The Project Officer passes enquiries to the Anthropologist or Legal Officer, as the case may be and either relays a response to the enquirer or arranges for the Anthropologist or Legal Officer to respond directly. For claims where consultant anthropologists are used, the staff anthropologists and lawyers act as a liaison point for the consultant.

This ready access to the professional staff conducting claims is one way of minimizing complaints. Experience shows that complaints arise out of lack of information or a lack of understanding of the processes. We respond to complaints in the shortest reasonable time frame.

We believe that progress on claims demonstrates that policies and adherence to our values are producing outcomes for native title holders.

#### **4.4 Summary of Resources by Outputs, Budget/Actual by Main Heads of Expenditure and Revenue - Table 6**

##### **4.4.1 Discussion and Analysis of the NQLC's Financial Performance against Budget**

The 2012-13 surplus is largely attributable to FaHCSIA's decision during this period, to approve the carry forward of NQLC's 2011-12 unexpended funds into the 2012-13 financial period. A subsequent variation to utilise these funds has been sought from and approved by FaHCSIA.

Staff turnover in the critical areas of legal and executive in the early part of the financial year, contributed to delays in the planning, management and progression of active claims to determination. Contracts were delayed and/or deferred resulting in some work not being completed by year end. This also attributed to the year end surplus.

Staff turnover also contributed to a corporate surplus in areas such as travel, communications and training expenses.

Approval has been given by FaHCSIA to extend the end date of the 2012-13 Operational Plan to 30 June 2014. Subject to FaHCSIA's variation requirements, NQLC will be able to utilise any surplus funds.

The composition of the Activity Generated Income (AGI) in the 2012-13 financial year is now reported in individual income categories as opposed to previous years, where it was reported as a single income figure.

Actual AGI did not meet budget forecast due mainly to cancelled proponent meetings and/or lower than expected attendance at meetings.

##### **4.4.2 Discussion of any significant changes from the prior Year or from Budget**

The NQLC was principally funded by FaHCSIA during 2012-2013. A comparison of funding received with the previous financial year is summarised below:-

#### **4.5 Developments since the end of the Financial Year that have affected or may significantly affect the NQLC's Operations in Future**

NQLC's grant funding from FaHCSIA is guaranteed for the next two financial years until 30 June 2015. Our further recognition period will depend on the outcome of FaHCSIA's current review of all NTRBs and NTSPs, which is expected to be completed and presented to the relevant Federal Minister by December 2013.







## 5.1 Statement of the Main Corporate Governance Practices in Place

Our main corporate governance practice starts with the clear statement in the North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC) Rule Book which provides for the roles of the Board of Directors (Board) and the Chief Executive Officer (CEO, or known also as the Executive Officer) in accordance with the 'separation of powers principle'. The formal adoption of this principle by the NQLC in 2001 set the platform for the continued good governance of the organisation over the ensuing years. Strong adherence to this principle has brought tangible benefits in the efficiency and capacity of the organisation to deliver native title services. Clause 15 (1) (i) of the Rule Book reads as follows:

The Board is responsible for:

- the setting of policy and of determining the priorities of the business or functions of the Corporation.
- the setting of and approvals of budget plans.
- strategic planning.
- statutory functions.
- any functions required to be carried out by the Corporation in accordance with conditions attached to any grant of monies.
- appointment of auditors.
- appointment of an Executive Officer.
- setting, running and keeping records of all Annual General Meetings, all General Meetings and all Ward Meetings of the Corporation.
- appointment of a Contact Person.
- representing the Corporation at political forums, seminars and meetings relevant to the functions or objects of the Corporation.
- general planning for the carrying out of the objects and goals of the Corporation.

Clause 15 (1) (ii) of the NQLC Rule Book also provides that the function of the CEO is as follows:

The Executive Officer is appointed by the Board to manage the affairs of the Corporation and is responsible for implementing the policies and general planning set by the Board and conducting the day to day business of the Corporation.

The NQLC also has a Policy and Procedures Manual containing Board approved policies and procedures.

The NQLC Board began to review its Policies in the latter half of the financial year and this process will continue into 2013–2014.

The role of the CEO is further defined in the Policy Manual (Section 4.1) as follows:

The CEO is responsible for:

- The day to day management and administration of the NQLC (in accordance with the policy guidance of the policy and guidelines of this Manual);
- Implementing decisions of the Board;
- Managing the day to day financial resources of the organisation within FaHCSIA [known as Department of Families, Housing, Community Services and Indigenous Affairs, FaHCSIA] guidelines and in accordance with the approved budget and variations;
- Managing the staff of the organisation including appointments, disciplinary and grievance procedures and performance review;
- Providing advice and assistance to the Board to facilitate effective decision making processes for the functions of NTRB [Native Title Representative Body];
- Identifying funding sources and in kind support from the Government and non Government agencies;
- Ensuring that Aboriginal Groups within the gazetted area of the NQLC are aware of the functions and policy framework of the organisation;
- Ensuring that the operations within the organisation are integrated with and complimentary to the operation of other Indigenous organisations within the region;
- Promoting the role of the Land Council at a local, regional, state and national level;
- Developing advocacy positions and submissions on behalf of the NQLC

## 5.2 Name of the Senior Executive and their Responsibilities

The CEO is Mr Ian Kuch.

The responsibilities of the CEO are stated in Section 5.1 above.

## 5.3 Senior Management Committees and their Roles - Separation of Powers

Separation of Powers is dealt with in Section 5.1 above.

The NQLC is controlled by a Board in accordance with the requirement of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act).

Members of the Board are elected on a Ward system which is designed to ensure that there is representation across the geographic area covered by the NQLC. Members elected have a term for approximately two



Table 8 : Number of Representatives on Board of Directors per Ward to be elected 2013

Name of Ward	Number of Representatives
Cairns Ward	2
Innisfail Ward	1
Tableland Ward	2
Mount Garnet Ward	1
Yarrabah Ward	2
Hughenden/Charters Towers Ward	1
Proserpine/Mackay Ward	1
Townsville/Ayr Ward	1
Tully/Palm Island Ward	1

years (holding office from the end of one Annual General Meeting (AGM) until the AGM following in approximately two years). Ward elections last took place on 24 October 2011, with the next elections is to occur in October 2013. The number of representatives elected to the Board from each Ward is seen in Table 8.

Policies of the NQLC require that the mode of communication between members of staff of the Association and the Board shall at all times be through the CEO.

The Rules provided that the Board from time to time, in their discretion, can create sub-committees to deal with such matters as the Board may direct. One formal sub-committee was created in the financial year.

In addition, the Rules provide as follows:

#### **RULE 13 EXECUTIVE COMMITTEE & OTHER SUB COMMITTEES**

(1) There shall be a sub-committee known as the Executive Committee;

(2) The Executive Committee shall be composed of those persons who from time to time hold the position of:-

Chairperson  
Deputy Chairperson  
Treasurer  
Correspondence Secretary

and such other person or persons (if any) as the Board may from time to time determine.

(3) The Executive Committee has the power to exercise the powers of the Board in the following circumstances:

(a) Where an urgent decision is required on a matter and there is either:-

- (i) insufficient time to call a Board meeting for the purpose; or
- (ii) the calling of a Board meeting would involve the incurring of expenses to the Corporation that in the reasonable opinion of the Chairperson is unwarranted in all the circumstances.

(b) In particular but without limiting the generality of sub rule (a) above, the Executive Committee has the power to bind the Corporation to funding or other agreements which are, in the reasonable opinion of the Chairperson, necessary for the on-going business of the Corporation.

(4) The Executive Committee has the power to apply the Common Seal to agreements or other documents requiring the same where the Executive Committee has used its powers for matters set out in rule 3 (a) above.

(5) A quorum for a meeting of the Executive Committee shall be four persons.

(6) All actions of the Executive Committee shall be reported to the next Board meeting of the Corporation and all minutes of the Executive Committee meetings shall be supplied to the next Board meeting of the Corporation.

The Board may choose to ratify any actions of the Executive Committee

(7) (a) Meetings of the Executive Committee may be called by:-

- (i) the Chairperson;

- (ii) two members of the Executive Committee
- (b) The amount of notice of an Executive Committee meeting shall be a reasonable amount taking into account the urgency of the need for a meeting but in any event, no less than 24 hours.
  - (i) Notice of an Executive Committee meeting may be given by fax, email, telephone, mail or any other method that allows the recipient to actually receive the notice.
- (8) The Executive Committee shall have such other powers and responsibilities as the Board may from time to time determine.
- (9) The Board may at any time appoint other Sub Committees from its members and shall determine the responsibilities and powers of the Sub-Committee.
- (10) Unless otherwise decided by the Board, a Sub-Committee, other than the Executive Committee shall:-
  - (a) have a quorum of three (3) at its meetings, unless the sub-committee resolves that a larger number shall be the quorum:
  - (b) appoint one of its members to be responsible for calling meetings of the sub-committee and inform the Chief Executive Officer of the name of the responsible person.
- (11) Meetings of the Executive Committee or of a sub-committee may be held at two or more venues using any technology that gives the members of the Committee the ability to participate and to have discussion with their fellow members and to come to a collective decision on a matter. (example – telephone conference).

### **5.3.1 Number of Board of Directors meetings, attendance by Members**

Six Board meetings (see Table 9) were held in the reporting year, as were two Office-Bearer meetings (see Table 10). In addition, another nine meetings were attended by some Board members (see Table 11).

### **5.3.2 Training etc Arrangements for Board of Director Members**

The Board members attendance of training is shown in Table 12.

## **5.4 Corporate and Operational Planning and associated Performance Reporting and Review**

The Board aims to have a minimum of four meetings plus a planning meeting each year. The number of meetings may increase subject to any extraordinary events or circumstances which arise during the subject year that require the attention and determination of issues by the Board.

The Board receives reports from:

- the CEO;
- the Principal Legal Officer (including a claims report);
- the Co-coordinating Anthropologist;
- the Operations Manager (including Project Officer activities);
- the Chief Financial Officer (Financial Statements); and
- the Future Acts Exploration and Mining Unit.

The NQLC has a Strategic Plan. In accordance with FaHCSIA requirements, the NQLC prepares on a yearly basis, an Operational Plan for approval by FaHCSIA and attends to changes of that Operational Plan during the financial year as required. In accordance with FaHCSIA requirements, the NQLC reports on its performance bi-annually.

## **5.5 Approach adopted to identifying areas of significant Financial or Operational Risk and arrangements in place to Manage Risks**

The NQLC, as per the FaHCSIA's Terms and Conditions Native Title Agreement, for Agreements entered into from 1 July 2010, employs an in-house Certified Practising Accountant. The NQLC has external auditors who undertake it's annual audit.

In so far as operational risk management is concerned, the NQLC has a long-standing policy of managing these types of risks by engaging in a number of internal processes. These include:

- regular planning meetings;
- internal strategic claim team meetings;
- six monthly prioritisation meetings with the National Native Title Tribunal and State Government of Queensland; and
- twelve monthly overview and forward strategic planning meetings.

Table 9: Number of Board Meetings

Number of Meetings/ Days	Type of Meeting	Dates	Number of Members who attended meetings	Location
1	Face to Face	27 July 2012	12	Townsville
2	Face to Face	9 August 2012	12	Cairns
3	Teleconference	17 August 2012	8	Cairns
4	Face to Face	28 September 2012	11	Cairns
5	Face to Face	19 October 2012	10	Cairns
6	Face to Face	9 November 2012	9	Cairns
Other	SGM/AGM	24 October 2012	Board & Membership	Cairns
7	Face to Face	23 November 2012	8	Cairns
8	Policy & Procedure Workshop	17 December 2012	10	Cairns
9a	Face to Face	5 April 2012	9	Cairns
9b	Policy & Procedure Workshop	6-7 April 2012	9	Cairns
10	Policy & Procedure Committee Meeting	15 June 2013	6	Cairns

Table 10: Number of Office Bearers Meetings

Number of Meetings	Type of Meeting	Dates	Number of Members who attended	Location
1	Face to Face	18 September 2012	4	Cairns
2	Face to Face	29 January 2013	6	Cairns

Table 11: Number of Other Meetings attended by Directors

Number of Meetings/ Days	Type of Meeting (Meetings in Cairns unless stated otherwise)	Dates	Number of Members who attended meetings	Location
1	James Ananya - Raconteur	20-21 August 2012	Chair + 1 Director	Brisbane
2	Janggan Determination	9 October 2012	Chair + 1 Director	Dimbullah
3	Com. Marine Parks Forum	5 December 2012	Chair	Darwin
4	Tagalaka Determination	10 December 2012	Chair + 1 Director	Croydon
5	Tablelands Yidinji Determination	14 December 2012	Chair + Deputy Director	Atherton
6	NNTC Board Meeting	26 February 2013	Chair	Sydney
7	Claim Meeting	27 February 2013	Chair	Townsville
8	Laura Dance Festival	21-23 June 2013	Chair	Laura

Table 12: Board of Directors Training

Number of Training Events	Type of Training	Dates	Number of Members who attended
1	WIN Conference - Darwin	26-31 May 2013	Chair + 4 Directors
2	National Native Title Conference - Alice Springs	3-5 June 2013	Chair + 5 Directors



## **5.6 Policy and Practices on the establishment and maintenance of appropriate Ethical Standards**

The separation of powers has been incorporated in the NQLC's Rule Book and sets out clearly the delineation of the roles of the NQLC Board and Administration (see Section 5.1).

The Board has voluntarily adopted a Code of Conduct in relation to its meetings and processes.

The legal professional staff are subject to and adhere to the ethics of the legal profession in Queensland.

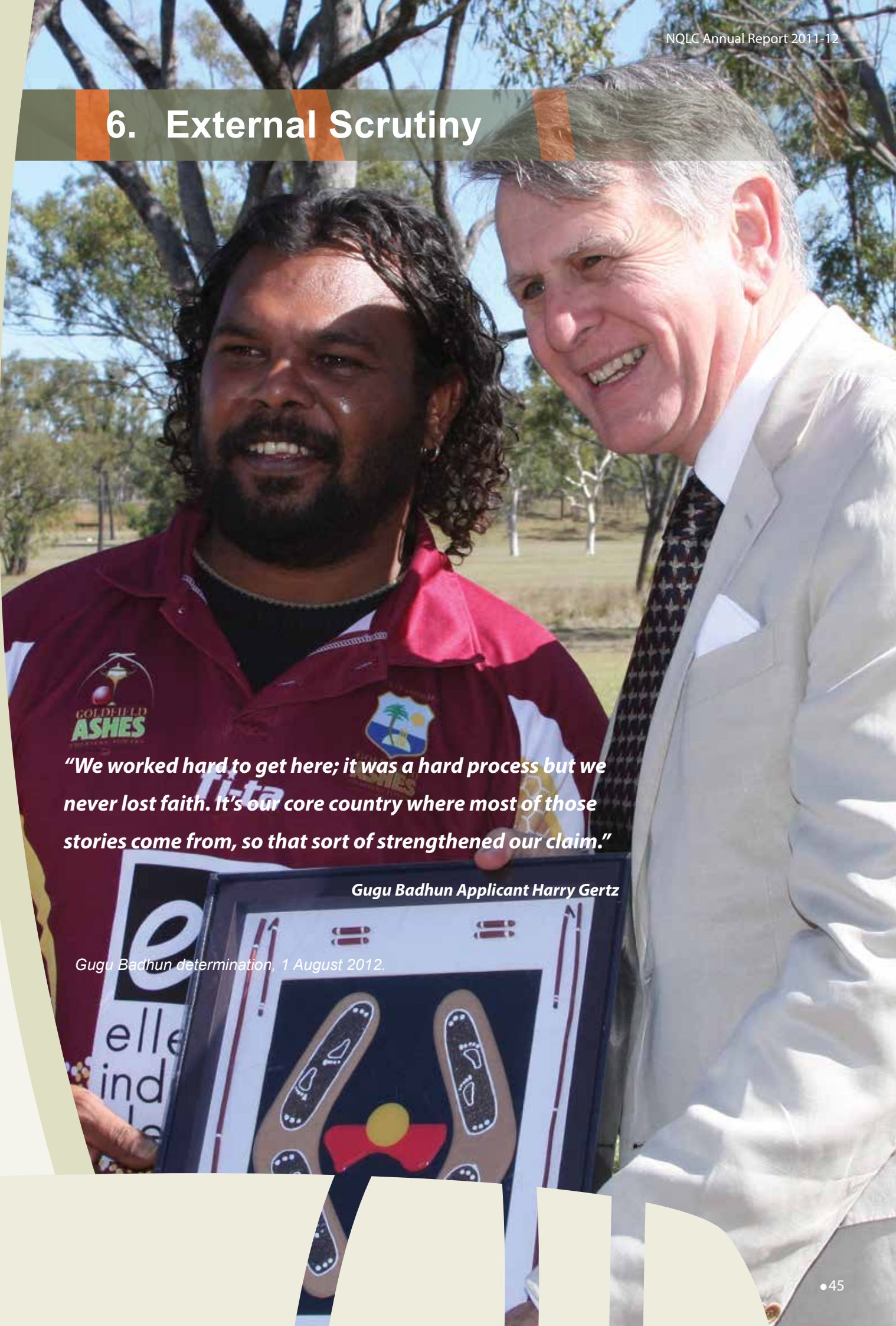
The NQLC's policy manual covers:

- grievance procedures;
- travel allowance matters;
- procurement activities;
- use of motor vehicles;
- asset management;
- financial reporting;
- information management;
- computer and internet usage;
- staff disciplinary matters; and
- staff code of conduct.

## **5.7 Nature and amount of Remuneration for Senior Management and how it is determined**

The Board of Directors negotiate the salary of the CEO subject to adequate FaHCSIA funding. Remuneration for senior management is based on the salary scales contained in NQLC's current Enterprise Agreement 2011-14. Current salary rates are based on previously negotiated Enterprise Agreements, combined with market and industry analysis. NQLC consults FaHCSIA on all senior management appointments and remuneration as per the Terms and Conditions of the Program Funding Agreement.

## 6. External Scrutiny

A photograph of two men standing outdoors. On the left is a man with dark skin, curly hair, and a beard, wearing a maroon and white sports jersey with 'GOLDFIELDS ASHES' and a logo. On the right is a man with light skin and grey hair, wearing a white suit jacket and a patterned tie. They are both smiling. The background shows trees and a clear sky.

*"We worked hard to get here; it was a hard process but we never lost faith. It's our core country where most of those stories come from, so that sort of strengthened our claim."*

*Gugu Badhun Applicant Harry Gertz*

*Gugu Badhun determination, 1 August 2012.*

### **6.1 Significant Developments in External Scrutiny**

There is no development in external scrutiny to report. The North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC) continues to have its finances audited in accordance with the requirements of the Terms and Conditions Native Title Agreement for Agreements entered into from 1 July 2010 and received an unqualified audit report for the reporting period.

### **6.2 Judicial decisions and decisions of Administrative Tribunals**

None of the actions or decisions of the NQLC have been subject to judicial review or review by administrative tribunals.

### **6.3 Evaluation and/or Audit Reports - Findings and Responses**

The audit of the NQLC's finances was unqualified.

### **6.4 Other External Reviews**

No other external review occurred in the present reporting period.



## 7. Management of Human Resources

*"It's about the rights that have been recognised here, the acknowledgement, and the rights of Djungan people who are traditional owners of the land around Ngarrabullgan, or Mt Mulligan."*

*Djungan person Desi Grainer*

*Djungan determination, August 2012.*

## 7.1 Workforce Planning, Staff Turnover and Retention

As of 30 June 2013 the North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC) had forty three staff, of which 42% were Aboriginal people.

The NQLC staffing structure is summarised in Table 13 below.

The Organisational Chart (see Figure 2 in Section 3.3) provides a detailed list of all positions.

During this reporting period there was a turnover of eleven staff; however their positions were filled by ten additional new staff members. One position was deemed superfluous to the organisation's requirements and subsequently was not filled.

The majority of the staff turnover occurred within the first six months of the financial year. Subsequent recruitment provided a more stable work force for attaining organisational performance and objectives during the remainder of the reporting period.

## 7.2 Training and Development undertaken and its impact

The NQLC 2011-14 Certified Agreement shows that the NQLC is committed to Indigenous staff; the Agreement features an Indigenous Recruitment and Career Development Strategy. This commitment is also evidenced by the fact that 42% of all NQLC staff are Indigenous and, of this number, 50% have moved up within the organisation into positions that require greater skills and/or remuneration than their starting position.

The NQLC seeks to take advantage of any appropriate training courses that are offered for minimal costs and tries to ensure that so far as is possible, staff have appropriate training available to them. Professional staff, such as lawyers and accountants, are obliged by their professional bodies to undertake a certain amount of compulsory training each year. Examples of training which the NQLC was able to arrange for staff include Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Department of Families, Housing, Community Services and Indigenous Affairs and Aurora sponsored courses.

Table 13: NQLC Staffing Structure

Position	No. of Staff 2012-13 (as at 30 June 2013)	No. Staff 2011-12 (as at 30 June 2012)
Chief Executive Officer	1	1
Principal Legal Officer	1	1
Chief Financial Officer	1	1
Operations Manager	1	1
Lawyers	8	9
Anthropologists	3	3
Project Officers	8	8
Administration & other Officers	20	20
<b>Total Number of Staff</b>	<b>43</b>	<b>44</b>







### **7.3 Impact and features of Certified Agreements and AWAs**

The NQLC Collective Agreement 2011–14 allows the NQLC to attract and retain staff who now clearly understand their (secure) remuneration scales. The agreement also protects many conditions of employment.

### **7.4 Occupational Health and Safety performance**

The NQLC maintains a Workplace Health and Safety Committee. The elected WH&S Representatives hold regular meetings to ensure currency of and commitment to WH&S obligations within the workplace. The NQLC maintains appropriate workers' compensation insurance with WorkCover Queensland. There were no WorkCover claims made in this financial year.

### **7.5 Statistics on Staffing**

The organisational chart shows the NQLC staff structure at 30 June 2013 (Figure 2 in Section 3.3). Please see also Section 7.1 (Workforce Planning, Staff Turnover, and Retention).

### **7.6 Indemnities and Insurance Premiums for Officers**

The NQLC holds Professional Indemnity Insurance cover up to \$5,000,000, at a premium of \$27,850 per annum. This insurance covers Directors and Officers. During this period there have been no claims made under this policy.

## 8. Consultants and Competitive Tendering and Contracting



*Tableland Yidinji determination, March 2013.*

## 8.1 Competitive Tendering and Contracting Practices

In addition to the services provided by North Queensland Land Council Native Title Representative Body Aboriginal Corporation's (NQLC) professional staff, external consultants are engaged to provide further expert services and advice on a range of matters relating to NQLC's functions as a Native Title Representative Body. These include legal opinion, anthropological research and other corporate matters.

The engagement of these consultants is undertaken within the procurement guidelines as set out in the Terms and Conditions of Department of Families, Housing, Community Services and Indigenous Affairs' (FaHCSIA) Program Funding Agreement.

The NQLC whilst no longer keeping the Register of Anthropological Consultants formerly required under past terms and conditions of funding, maintains details, through its Anthropology Unit, of Anthropological and other consultants. The line manager of the Anthology Unit keeps up to date with general trends and in particular costings in the profession.

Where appropriate, the NQLC encourages a competitive process by advertising for expressions of interest for the carrying out of new Anthropological research. Often in relation to Anthropological and other research consultants, it is necessary to retain the same consultant who has previously worked with the group in question or have provided previous reports, as for the sake of consistency, they are the person in the best position to provide further services.

## 8.2 Number of Consultancy Services Contracts and Total Expenditure on Consultancy Services

Contracts for production of research (Anthropological, historical or cultural heritage) are written for services to be provided involving a specified number of days of work for a fixed figure.

Contracts for legal consultants tend to be written for two purposes. Firstly, for the provision of specific advice on specific issues such as obtaining the opinion of Counsel on legal issues. Usually a fixed fee for such contracts can be negotiated, but on occasions the fee is based on an hourly rate. Secondly, contracts for legal consultants to act (generally on behalf of a claim group or in respect of an ongoing matter), tend to be written on the basis of payments in accordance with the relevant court scale of costs, or an agreed scale of costs, with the total value not to exceed an agreed cap.

Contracts for corporate/general services are written in the areas of Human Resources, Industrial Relations, audit and accounting.

During the reporting period, the NQLC expended FaHCSIA funds on all of these categories of contracts and the details are shown in Table 14.

Table 14: Consultancy Information 2012-13 Financial Year

Contract Type	No. of Contracts let 2012 - 13	Total Expenditure (\$)
Corporate & General	14	419,728
Anthropological	23	754,270
Legal	15	542,907
<b>Total</b>	<b>52</b>	<b>\$ 1,716,905</b>



## 9. Financial Statements

For the Year Ended 30 June 2013

Directors' Report

Auditor's Independence Declaration under Section 339.5 of the Corporations  
(Aboriginal and Torres Strait Islander) Act 2006

Statement of Profit or Loss and Other Comprehensive Income

Statement of Financial Position

Statement of Changes in Equity

Statement of Cash Flows

Notes to the Financial Statements

Directors' Declaration

Independent Audit Report

**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

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# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Directors' Report

30 June 2013

The directors present their report on North Queensland Land Council Native Title Representative Body Aboriginal Corporation for the financial year ended 30 June 2013.

### 1. General information

#### Information on directors

The names of each person who has been a director during the year and to the date of this report are as follows. Directors have been in office since the start of the financial year to the date of this report unless otherwise stated.

Errol Neal	Chairperson
Qualifications	Certificate IV in Business Governance. Indigenous Cultural Educator and Performer.
Experience	Previously, Deputy Chairperson of Yarrabah Community Council 30 years activist on the issues of social justice and land rights. Currently the Mayor of Yarrabah Shire Council
Ward	Yarrabah
Traditional Owner	Gunggandji/Djungan
Terry O'Shane	Deputy Chairperson (elected 9 Aug 2012)
Qualifications	Certificate IV in Business Governance
Experience	Chair of FCAATSI. Chair National Coalition Aboriginal Organisation. Chair of Queensland Indigenous Working Group. Former Chairperson of North Queensland Land Council. Previous Deputy Chair of ATSIC. Past Commissioner for Native Title and Social Justice. Past ATSIC Regional Council Chair. Member National Indigenous Working Group. NCO - National Coalition of Aboriginal Organisation Representative in UN drafting the declaration of rights of interest ILN (International Labour Organisation)
Ward	Cairns
Traditional Owner	Western Yalanji
Danny Hooligan	Treasurer
Experience	Founding Member of the NQLC. Currently employed as a Police Liason Officer.
Ward	Mt Garnet
Traditional Owner	Warrungu
Patricia Dallachy	Secretary
Qualifications	TAFE Certificate IV in Business Governance. Completed a Short Course in Archaeology and Anthropology.
Ward	Hughenden / Charters Towers
Traditional Owner	Gudjal
Catherine (Nola) Joseph	Director
Qualifications	Certificate IV in Business Governance.
Experience	Past Deputy Chair of NQLC. Former Director of Bidji Bidji Housing Cooperative Ltd. Has sat on numerous Boards of other Aboriginal Organisations
Ward	Tablelands
Traditional Owner	Yidinji



# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Directors' Report

30 June 2013

### Information on directors continued

Dawn Hart	Director
Qualifications	Certificate IV in Business Governance
Experience	Board Member of Clump Mountain Aboriginal Corporation. Past Director of Mamu Medical Centre. Former Director of Chjowai Housing Cooperative
Ward	Innisfail
Traditional Owner	Djiru
Kaylene Malthouse	Director
Qualifications	Certificate IV in Business Governance
Experience	Previously representative for the Standing Independent Selection Panel. Currently employed by the Department of Communities.
Ward	Tablelands
Traditional Owner	Upper Malamburra/Yidinji
Coralie Cassidy	Director
Qualifications	Attended Business Governance training
Experience	Past Board Member of Giringun Aboriginal Corporation. Past Board Member of Badjuballa Corp. Board Member of Radio 4K1G. Board Member of Townsville Consumers and Carers Advisory Group. Board Member of Townsville and ATSI Health Service. Currently member of Townsville Community Justice Group
Ward	Townsville/Ayr
Traditional Owner	Jirrbal
Gary Mooney	Director
Qualifications	Certificate IV in Business Governance
Experience	18 years of involvement with Murri Watch. 2.5 years as a Police Liaison officer as well as experience in the Housing Co-operative
Ward	Proserpine/Mackay
Traditional Owner	Yuibera
Phil Rist	Director
Qualifications	Certificate IV in Business Governance
Experience	First Indigenous Marine Park Inspector for QLD Parks & Wildlife Service. Founding member and present CEO of Giringun Aboriginal Corporation.
Ward	Tully/Palm Island
Traditional Owner	Nywaigi
Vanna O'Shane	Director
Qualifications	Certificate IV in Business Governance
Experience	Director of North Queensland Land Council since 30 Nov 2009.
Ward	Cairns
Traditional Owner	Western Yalanji
Vincent Mundraby	Deputy Chairperson (expelled from membership 24.11.12)
Experience	Former Mayor of Yarrabah Shire Council. TO of Mandingalbay Yidinji Aboriginal Corporation
Ward	Yarrabah

# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Directors' Report

30 June 2013

### Corporation secretary

Mr Martin Dore holds the position of Corporation Secretary and held this position at the end of the financial year. He holds the qualifications of Bachelor of Laws (LLB) and Graduate Diploma Legal Practice. He has over 30 years experience as a Practising Solicitor and has been Principal Legal Officer for the North Queensland Land Council since 2000.

### Principal activities

The principal activity of North Queensland Land Council Native Title Representative Body Aboriginal Corporation during the financial year was to provide high quality Native Title services to traditional Owner groupings throughout the North Queensland region.

No significant changes in the nature of the Corporation's activity occurred during the financial year.

### Operating results

The surplus of the Corporation after providing for income tax amounted to \$ 388,175 (2012: \$ 720,144).

## 2. Other items

### Significant changes in state of affairs

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

### Distributions

The Corporation's constitution precludes it from distributing any surpluses to members. Accordingly, no distributions were paid, recommended or declared by the Corporation during the year.

### Events after the reporting date

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the Corporation, the results of those operations or the state of affairs of the Corporation in future financial years.

### Future developments and results

The directors envisage that the Corporation will continue its existing operations subject to the receipt of future funding from government and other sources.

### Environmental issues

The Corporation's operations are not regulated by any significant environmental regulations under a law of the Commonwealth or of a state or territory of Australia. However, the board of directors believes the Corporation has adequate systems in place for the management of its environmental requirements and is not aware of any breaches of those environmental requirements as they apply to the Corporation.

The Clean Energy Bill 2012 will have an indirect impact on the Corporation due to increased costs.

**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

**Directors' Report****30 June 2013****Meetings of directors**

During the financial year, 11 meetings of directors were held. Attendances by each director during the year were as follows:

	Directors' Meetings	
	Number eligible to attend	Number attended
Errol Neal	11	11
Terry O'Shane	11	10
Danny Hooligan	11	7
Patricia Dallachy	11	11
Catherine (Nola) Joseph	11	10
Dawn Hart	11	11
Kaylene Malthouse	11	10
Coralie Cassidy	11	10
Gary Mooney	11	11
Phil Rist	11	11
Vanna O'Shane	11	7
Vincent Mundraby	7	2

**Indemnification and insurance of officers and auditors**

No indemnities have been given or insurance premiums paid, during or since the end of the financial year, for any person who is or has been an auditor of North Queensland Land Council Native Title Representative Body Aboriginal Corporation.

During or since the end of the financial year, the Corporation has paid insurance premiums to insure each of the directors and officers against liabilities for costs and expenses incurred by them in defending legal proceedings arising from their conduct while acting in the capacity of directors and/or officers of the Corporation, other than conduct involving a wilful breach of duty in relation to the Corporation. The directors have not detailed the nature of the liabilities covered or the amount of the premium paid in respect of the directors and officers liability insurance as such disclosure is prohibited under the contract.

**Proceedings on behalf of the Corporation**

No person has applied for leave of court to bring proceedings on behalf of the Corporation or intervene in any proceedings to which the Corporation is a party for the purpose of taking responsibility on behalf of the Corporation for all or any part of those proceedings. The corporation was not a party to any such proceedings during the year.

**Auditor's independence declaration**

The lead auditor's independence declaration in accordance with section 339.5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, for the year ended 30 June 2013 has been received and can be found on page 5 of the financial report.

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

Director: .....

Director: .....

Dated this 10th day of September 2013

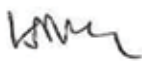




**LEAD AUDITOR'S INDEPENDENCE DECLARATION  
UNDER SECTION 339-50 OF THE CORPORATIONS  
(ABORIGINAL AND TORRES STRAIT ISLANDER) ACT 2006  
TO THE DIRECTORS OF NORTH QUEENSLAND COUNCIL NATIVE TITLE REPRESENTATIVE BODY  
ABORIGINAL CORPORATION**

I declare that, to the best of my knowledge and belief, in relation to the audit for the financial year ended 30 June 2013 there have been:

- No contraventions of the auditor independence requirements as set out in the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* in relation to the audit; and
- No contraventions of any applicable code of professional conduct in relation to the audit.

  
KPMG

  
Gerry Mier  
Partner

Cairns  
13 September 2013

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**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

**Statement of Profit or Loss and Other Comprehensive Income****For the Year Ended 30 June 2013**

		2013	2012
	Note	\$	\$
Revenue	2	9,460,786	9,612,299
Other income	2	38,364	11,818
Administration expenses		(666,427)	(807,588)
Catering expenses		(341,512)	(174,964)
Computer and software expenses		(69,378)	(95,392)
Consulting and professional fees		(1,708,716)	(1,125,106)
Depreciation and amortisation expense		(244,319)	(177,315)
Employee benefits expense		(3,844,659)	(4,022,219)
Finance costs		(2,100)	(6,830)
Insurance		(81,381)	(70,035)
Internet and email costs		(167,957)	(173,092)
Meeting expenses		(38,064)	(35,858)
Motor vehicle expense		(97,849)	(111,763)
Native title expense		(365,490)	(400,000)
Rent expenses		(330,639)	(407,769)
Travel expense		(713,915)	(1,024,083)
Training expenses		(68,164)	(40,150)
Other expenses		(370,405)	(231,809)
<b>Surplus before income tax</b>		<b>388,175</b>	<b>720,144</b>
Income tax expense	1.(i)	-	-
<b>Surplus for the year</b>		<b>388,175</b>	<b>720,144</b>
<b>Other comprehensive income for the year, net of tax</b>		<b>-</b>	<b>-</b>
<b>Total comprehensive income for the year</b>		<b>388,175</b>	<b>720,144</b>

The accompanying notes form part of these financial statements.

# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Statement of Financial Position

As At 30 June 2013

	Note	2013 \$	2012 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	3	1,953,485	1,542,427
Trade and other receivables	4	84,686	338,922
Other assets	5	64,281	37,835
<b>TOTAL CURRENT ASSETS</b>		<b>2,102,452</b>	<b>1,919,184</b>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	6	1,128,850	1,214,371
<b>TOTAL NON-CURRENT ASSETS</b>		<b>1,128,850</b>	<b>1,214,371</b>
<b>TOTAL ASSETS</b>		<b>3,231,302</b>	<b>3,133,555</b>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Trade and other payables	7	1,038,242	1,288,699
Borrowings	8	-	48,180
Provisions	9	279,313	296,979
<b>TOTAL CURRENT LIABILITIES</b>		<b>1,317,555</b>	<b>1,633,858</b>
<b>NON-CURRENT LIABILITIES</b>			
Borrowings	8	-	4,639
Provisions	9	181,996	151,482
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>181,996</b>	<b>156,121</b>
<b>TOTAL LIABILITIES</b>		<b>1,499,551</b>	<b>1,789,979</b>
<b>NET ASSETS</b>		<b>1,731,751</b>	<b>1,343,576</b>
<b>EQUITY</b>			
Retained surplus	10	1,731,751	1,343,576
<b>TOTAL EQUITY</b>		<b>1,731,751</b>	<b>1,343,576</b>

The accompanying notes form part of these financial statements.



**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

**Statement of Changes in Equity**

**For the Year Ended 30 June 2013**

**2013**

	<b>Retained Surplus</b>	<b>Total Equity</b>
	<b>\$</b>	<b>\$</b>
<b>Balance at 1 July 2012</b>	<b>1,343,576</b>	<b>1,343,576</b>
Surplus for the year attributable to members of the Corporation	<b>388,175</b>	<b>388,175</b>
Total other comprehensive income for the year	-	-
<b>Total comprehensive income for the year</b>	<b>388,175</b>	<b>388,175</b>
<b>Balance at 30 June 2013</b>	<b>1,731,751</b>	<b>1,731,751</b>

**2012**

	<b>Retained Surplus</b>	<b>Total Equity</b>
	<b>\$</b>	<b>\$</b>
<b>Balance at 1 July 2011</b>	<b>623,432</b>	<b>623,432</b>
Surplus for the year attributable to members of the Corporation	<b>720,144</b>	<b>720,144</b>
Total other comprehensive income for the year	-	-
<b>Total comprehensive income for the year</b>	<b>720,144</b>	<b>720,144</b>
<b>Balance at 30 June 2012</b>	<b>1,343,576</b>	<b>1,343,576</b>

The accompanying notes form part of these financial statements.

**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

**Statement of Cash Flows****For the Year Ended 30 June 2013**

	<b>2013</b>	<b>2012</b>
<b>Note</b>	<b>\$</b>	<b>\$</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Receipts of grants	9,461,100	9,324,700
Other receipts	2,020,272	2,008,373
Interest received	50,373	62,522
Payments to suppliers and employees	(10,945,335)	(10,270,951)
Interest paid	(2,100)	(6,830)
Net cash provided by operating activities	15 <u>584,310</u>	<u>1,117,814</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>		
Proceeds from sale of plant and equipment	38,364	11,818
Purchase of property plant and equipment	(158,797)	(343,827)
Net cash used by investing activities	<u>(120,433)</u>	<u>(332,009)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>		
Repayment of borrowings	(52,819)	(43,624)
Net cash used by financing activities	<u>(52,819)</u>	<u>(43,624)</u>
Net increase in cash and cash equivalents held	411,058	742,181
Cash and cash equivalents at beginning of year	1,542,427	800,246
Cash and cash equivalents at end of year	3 <u>1,953,485</u>	<u>1,542,427</u>

The accompanying notes form part of these financial statements.

## North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

### Notes to the Financial Statements

For the Year Ended 30 June 2013

The financial report covers North Queensland Land Council Native Title Representative Body Aboriginal Corporation as an individual entity. North Queensland Land Council Native Title Representative Body Aboriginal Corporation is a not-for-profit entity incorporated and domiciled in Australia.

#### 1 Summary of Significant Accounting Policies

##### (a) Basis of preparation

The financial statements are general purpose financial statements that have been prepared in accordance with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the *Native Title Act 1993*. The Corporation early adopted AASB 1053 *Application of Tiers of Australian Accounting Standards* and AASB 2010-2 *Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements* for the financial year beginning 1 July 2011 to prepare Tier 2 general purpose financial statements. Because the Corporation is a not-for-profit entity and AASBs include requirements for not-for-profit entities which are inconsistent with International Financial Reporting Standards (IFRSs), the financial statements of the Corporation do not comply with IFRSs and interpretations adopted by the International Accounting Standards Board.

Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless otherwise stated.

The financial statements have been prepared on an accruals basis and are based on historical costs modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

##### (b) Comparative figures

Comparative information has been restated where necessary to be consistent with disclosures in the current reporting period.

##### (c) Cash and cash equivalents

Cash and cash equivalents comprises cash on hand and demand deposits held at call with financial institutions.

##### (d) Property, plant and equipment

Property, plant and equipment are carried at cost. All assets excluding freehold land are depreciated over their useful lives to the Corporation.

Where the cost model is used, the asset is carried at its cost less any accumulated depreciation and any impairment losses. Costs include purchase price, other directly attributable costs and the initial estimate of costs of dismantling and restoring the asset, where applicable.

##### Depreciation

The depreciable amount of all property, plant and equipment, except for freehold land is depreciated on a straight-line method from the date that management determine that the asset is available for use.

Assets held under a finance lease and leasehold improvements are depreciated over the shorter of the term of the lease and the assets useful life.



# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 1 Summary of Significant Accounting Policies continued

#### (d) Property, plant and equipment continued

The depreciation rates used for each class of depreciable asset are shown below:

Fixed asset class	Depreciation rate
Buildings	2.5% - 5%
Furniture, Fixtures and Fittings	10% - 33.33%
Motor Vehicles	10% - 25%
Office Equipment	10% - 33.33%
Leasehold improvements	20%

At the end of each annual reporting period, the depreciation method, useful life and residual value of each asset is reviewed. Any revisions are accounted for prospectively as a change in estimate.

When an assets is disposed, the gain or loss is calculated by comparing proceeds received with its carrying amount and is taken to profit or loss.

#### (e) Trade and other payables

These amounts represent liabilities for goods and services provided to the Corporation prior to the end of the financial year, which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

#### (f) Employee benefits and Provision for Long Service Leave

Provision is made for the Corporation's liability for employee benefits arising from services rendered by employees to the end of the reporting year. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled.

Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability consideration is given to employee wage increases and the probability that the employee may not satisfy vesting requirements. Those cash outflows are discounted using market yields on national government bonds with terms to maturity that match the expected timing of cashflows.

Contributions are made by the Corporation to an employee superannuation fund and are charged as expenses when incurred. The contributions made by the Corporation for the year ended 30 June 2013 were \$490,150 (2012: \$443,324 )

#### (g) Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the statement of profit or loss over the period of the borrowings using the effective interest method.

Borrowings are classified as current liabilities unless the Corporation has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date and does not expect to settle the liability for at least 12 months after the balance sheet date.

# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 1 Summary of Significant Accounting Policies continued

#### (h) Financial instruments

##### Initial recognition and measurement

Financial assets and financial liabilities are recognised when the Corporation becomes a party to the contractual provisions of the instrument. For financial assets, this is the equivalent to the date that the Corporation commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at cost on trade date, which includes transaction costs, when the related contractual rights or obligations exist. Subsequent to initial recognition these instruments are measured as set out below.

##### Classification and subsequent measurement

Financial instruments are subsequently measured at either fair value, amortised cost using the effective interest rate method, or cost. *Fair value* represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties in an arm's length transaction. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

*Amortised cost* is calculated as:

- (a) the amount at which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the *effective interest method*; and
- (d) less any reduction for impairment.

The *effective interest method* is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

The classification of financial instruments depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and at the end of each reporting period for held-to-maturity assets.

The Corporation does not designate any interest as being subject to the requirements of accounting standards specifically applicable to financial instruments.

##### (i) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost.

Loans and receivables are included in current assets, except for those which are not expected to mature within 12 months after the end of the reporting year. Loans and receivables comprise cash and cash equivalents and trade and other receivables.

##### (ii) Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Fees payable on the establishment of loan facilities are recognised as transaction costs of the loan. Other financial liabilities include loans and borrowings and trade and other payables.

# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 1 Summary of Significant Accounting Policies continued

#### (i) Income tax

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

#### (j) Revenue and other income

Revenue is recognised when the amount of the revenue can be measured reliably, it is probable that economic benefits associated with the transaction will flow to the entity and specific criteria relating to the type of revenue as noted below, has been satisfied.

Revenue is measured at the fair value of the consideration received or receivable and is presented net of returns, discounts and rebates.

##### (i) Grant revenue

Grant revenue is recognised in the statement of profit or loss and other comprehensive income when the Corporation obtains control of the grant, it is probable that the economic benefits gained from the grant will flow to the Corporation and the amount of the grant can be measured reliably.

When grant revenue is received whereby the Corporation incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant revenue is recognised in the statement of financial position as a liability until the service has been delivered to the contributor, otherwise the grant is recognised as income on receipt.

The Corporation may receive non-reciprocal contributions of assets from the government and other parties for zero or a nominal value. These assets are recognised at fair value on the date of acquisition in the statement of financial position, with a corresponding amount of income recognised in the statement of profit or loss and other comprehensive income.

##### (ii) Interest revenue

Interest is recognised using the effective interest method.

##### (iii) Rendering of services

Revenue in relation to rendering of services is recognised depends on whether the outcome of the services can be measured reliably. If this is the case then the stage of completion of the services is used to determine the appropriate level of revenue to be recognised in the period.

If the outcome cannot be reliably measured then revenue is recognised to the extent of expenses recognised that are recoverable.

#### (k) Goods and services tax (GST)

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

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

Cash flows are presented on a gross basis. The GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority are presented as operating cash flows included in receipts from customers or payments to suppliers.



# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 1 Summary of Significant Accounting Policies continued

#### (n) Adoption of new and revised accounting standards

During the current year, the Corporation adopted all of the new and revised Australian Accounting Standards and Interpretations applicable to its operations which became mandatory.

The adoption of these Standards has impacted the recognition, measurement and disclosure of certain transactions. The following is an explanation of the impact the adoption of these Standards and Interpretations has had on the financial statements of the Corporation.

Standard Name	Impact
AASB 2011-9 Amendments to Australian Accounting Standards - Presentation of Items of Other Comprehensive Income	The adoption of this standard has not changed the reported financial position and performance of the entity.
AASB 112 Income Taxes	There has been no impact on the reported financial position and performance of the entity.

#### (o) New accounting standards for application in future periods

A number of new standards, amendments to standards and interpretations are effective for annual reporting periods beginning after 1 July 2013 and have not been applied in preparing these financial statements. None of these standards are expected to have a significant effect on the financial statements of the Corporation, except for AASB9 Financial Instruments, which becomes mandatory for the Corporation's 2016 financial statements and could change the classification and measurement of financial assets. The Corporation does not plan to adopt this standard early and the extent of the impact has not been determined.

**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

**Notes to the Financial Statements****For the Year Ended 30 June 2013****2 Revenue and Other Income****(a) Revenue from continuing operations**

	2013 \$	2012 \$
Services revenue		
- provision of services	809,413	1,072,784
Finance income		
- Interest revenue	50,373	62,515
Other revenue		
- operating grants	8,601,000	8,477,000
<b>Total Revenue</b>	<b>9,460,786</b>	<b>9,612,299</b>

**(b) Other Income breakup**

Other Income		
- gain on sale of plant and equipment	38,364	11,818
<b>Total other income</b>	<b>38,364</b>	<b>11,818</b>

**3 Cash and Cash Equivalents**

	2013 \$	2012 \$
Cash on hand	7,194	27,505
Cash at bank	1,946,291	1,514,922
<b>Cash at bank and in hand</b>	<b>1,953,485</b>	<b>1,542,427</b>

**Reconciliation of cash**

Cash and cash equivalents reported in the statement of cash flows are reconciled to the equivalent items in the statement of financial position as follows:

	2013 \$	2012 \$
Cash and cash equivalents	1,953,485	1,542,427
<b>Balance as per statement of cash flows</b>	<b>1,953,485</b>	<b>1,542,427</b>

**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

**Notes to the Financial Statements****For the Year Ended 30 June 2013****4 Trade and Other Receivables**

	2013	2012
	\$	\$
CURRENT		
Trade receivables	2,697	102,094
Trust - Ebsworth	31,748	99,207
Deposits	50,241	51,699
GST Receivable	-	85,922
<b>Total trade and other receivables</b>	<b>84,686</b>	<b>338,922</b>

**Credit risk**

The Corporation has no significant concentration of credit risk with respect to any single counterparty or group of counterparties. The class of assets described as 'trade and other receivables' is considered to be the main source of credit risk related to the Corporation. The carrying value of trade receivables is considered a reasonable approximation of fair value due to the short-term nature of the balances. The maximum exposure to credit risk at the reporting date is the fair value of each class of receivable in the financial statements.

**5 Other Assets**

	2013	2012
	\$	\$
CURRENT		
Prepayments	64,281	37,835
<b>Total other assets</b>	<b>64,281</b>	<b>37,835</b>

**6 Property, Plant and Equipment**

	2013	2012
	\$	\$
LAND AND BUILDINGS		
Freehold land		
At cost	290,000	290,000
<b>Total Land</b>	<b>290,000</b>	<b>290,000</b>
Buildings		
At cost	448,372	448,373
Accumulated depreciation	(175,231)	(161,882)
<b>Total buildings</b>	<b>273,141</b>	<b>286,491</b>
<b>Total land and buildings</b>	<b>563,141</b>	<b>576,491</b>



# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 6 Property, Plant and Equipment continued

	2013 \$	2012 \$
Furniture, fixture and fittings		
At cost	143,404	143,404
Accumulated depreciation	(117,476)	(108,018)
Total furniture, fixture and fittings	25,928	35,386
Motor vehicles		
At cost	695,998	625,297
Accumulated depreciation	(535,458)	(453,387)
Total motor vehicles	160,540	171,910
Office equipment		
At cost	799,852	760,611
Accumulated depreciation	(571,721)	(468,554)
Total office equipment	228,131	292,057
Improvements		
At cost	222,133	173,277
Accumulated depreciation	(71,023)	(34,750)
Total improvements	151,110	138,527
 Total plant and equipment	 565,709	 637,880
<b>Total property, plant and equipment</b>	<b>1,128,850</b>	<b>1,214,371</b>

**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 947 713 117

**Notes to the Financial Statements**

**For the Year Ended 30 June 2013**

**6 Property, Plant and Equipment continued**

**(a) Movements in carrying amounts of property, plant and equipment**

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

	Land	Buildings	Furniture, Fixtures and Fittings	Motor Vehicles	Office Equipment	Improvements	Total
	\$	\$	\$	\$	\$	\$	\$
<b>Year ended 30 June 2013</b>							
Balance at the beginning of year	290,000	286,491	35,387	171,910	292,057	138,527	1,214,372
Additions	-	-	-	70,702	39,240	48,855	158,797
Depreciation expense	-	(13,349)	(9,459)	(82,072)	(103,166)	(36,273)	(244,319)
<b>Balance at the end of the year</b>	<b>290,000</b>	<b>273,141</b>	<b>25,928</b>	<b>160,540</b>	<b>228,131</b>	<b>151,110</b>	<b>1,128,850</b>

# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 7 Trade and Other Payables

	2013	2012
	\$	\$
CURRENT		
Trade payables	389,833	639,968
Annual leave entitlements	370,430	435,757
Payroll liabilities	166,943	212,974
Revenue received in advance	54,681	-
GST Payable	56,355	-
Total trade and other payables	<u>1,038,242</u>	<u>1,288,699</u>

#### Financial liabilities at amortised cost classified as trade and other payables

	2013	2012
	\$	\$
Trade and other payables:		
- total current	<u>1,038,242</u>	<u>1,288,699</u>
Less:		
annual leave entitlements	(370,430)	(435,757)
amounts received in advance	<u>(54,681)</u>	<u>-</u>
Financial liabilities as trade and other payables	<u>613,131</u>	<u>852,942</u>

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### 8 Borrowings

	2013	2012
	\$	\$
CURRENT		
Bank loans	-	48,180
NON-CURRENT		
Bank loans	-	4,639
Total borrowings	<u>-</u>	<u>52,819</u>

The bank loans were secured by a registered first mortgage over certain freehold properties owned by the Corporation. During the current and prior year, there were no defaults or breaches on the bank loans. All bank loans were repaid in full in the current year and all security has been subsequently released.

### 9 Provisions

	2013	2012
	\$	\$
CURRENT		
Long service leave	<u>279,313</u>	<u>296,979</u>
NON-CURRENT		
Long service leave	<u>181,996</u>	<u>151,482</u>



# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 10 Retained Surplus

	2013	2012
	\$	\$
Retained surplus at the beginning of the financial year	1,343,576	623,432
Net surplus attributable to members	388,175	720,144
<b>Retained surplus at end of the financial year</b>	<b>1,731,751</b>	<b>1,343,576</b>

### 11 Financial Risk Management

The Corporation is exposed to a variety of financial risks through its use of financial instruments. The main risks the Corporation faces through its use of financial instruments are credit risk, liquidity risk and market risk (interest rate risk).

#### (a) Credit risk

Credit risk refers to the risk that a counterparty will default on its contractual obligations resulting in a financial loss to the Corporation. Credit risk arises from cash and cash equivalents and trade and other receivables.

#### (b) Liquidity risk

Liquidity risk arises from the Corporation's management of working capital and the finance charges and principal repayments on its debt instruments. It is the risk that the Corporation will encounter difficulty in meeting its financial obligations as they fall due.

#### (c) Market risk

Market risk is the risk that changes in market prices, such as interest rates, will affect the Corporation's income. The objective of interest rate risk is to manage and control market risk exposures within accepted parameters while optimising the return. At the reporting date, the Corporation is exposed to changes in market interest rates through its cash and cash equivalents held with financial institutions which are subject to variable interest rates.

The Corporation's financial instruments consist mainly of cash and cash equivalents deposits with banks, accounts receivable and payable and bank loans.

The totals for each category of financial instruments, measured in accordance with AASB 139 as detailed in the accounting policies to these financial statements, are as follows:

	2013	2012
	\$	\$
<b>Financial Assets</b>		
Cash and cash equivalents	1,953,485	1,542,427
Trade and other receivables	84,686	338,922
<b>Total financial assets</b>	<b>2,038,171</b>	<b>1,881,349</b>
<b>Financial Liabilities</b>		
Financial liabilities at amortised cost		
- Trade and other payables	613,131	852,942
- Borrowings	-	52,819
<b>Total financial liabilities</b>	<b>613,131</b>	<b>905,761</b>

# North Queensland Land Council Native Title Representative Body Aboriginal Corporation

ABN: 19 047 713 117

## Notes to the Financial Statements

For the Year Ended 30 June 2013

### 15 Reconciliation of cash flows from operating activities

	2013	2012
	\$	\$
Surplus for the year	388,175	720,144
Non-cash flows in surplus:		
- depreciation	244,319	177,315
- net gain on disposal of property, plant and equipment	(38,364)	(11,818)
Changes in assets and liabilities:		
- (increase)/decrease in trade and other receivables	254,235	(21,036)
- (increase)/decrease in prepayments	(26,446)	28,542
- increase/(decrease) in trade and other payables	(250,457)	149,335
- increase/(decrease) in employee benefits	12,848	75,333
Net cash provided by operating activities	<u>584,310</u>	<u>1,117,815</u>

### 16 Events after the end of the Reporting Period

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the Corporation, the results of those operations, or the state of affairs of the Corporation in future financial years.

### 17 Company Details

The registered office and principal place of business of the Corporation is:

61 Anderson Street  
CAIRNS QLD 4870

**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

ABN: 19 047 713 117

**Directors' Declaration**

The directors of the Corporation declare that:

1. the financial statements and notes for the year ended 30 June 2013 are in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and:
  - a. comply with Australian Accounting Standards; and
  - b. give a true and fair view of the financial position and performance of the Corporation;
2. In the directors' opinion, there are reasonable grounds to believe that the Corporation will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the Board of Directors.

Director 

Director 

Dated this 13<sup>th</sup> day of September 2013





**INDEPENDENT AUDITOR'S REPORT  
TO THE MEMBERS OF NORTH QUEENSLAND COUNCIL NATIVE TITLE REPRESENTATIVE BODY  
ABORIGINAL CORPORATION**

We have audited the accompanying financial report of North Queensland Council Native Title Representative Body Aboriginal Corporation (the Corporation), which comprises the statement of profit or loss and other comprehensive income, and the statement of financial position as at 30 June 2013, statement of changes in equity and statement of cash flows for the year ended on that date, notes 1 to 17 comprising a summary of significant accounting policies and other explanatory information and the directors' declaration.

**Directors' responsibility for the financial report**

The directors of the Corporation are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

**Auditor's responsibility**

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

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

We performed the procedures to assess whether in all material respects the financial report presents fairly, in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and Australian Accounting Standards, a true and fair view which is consistent with our understanding of the Corporation's financial position and of its performance.

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

**Independence**

In conducting our audit, we have complied with the independence requirements of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.



**INDEPENDENT AUDITOR'S REPORT  
TO THE MEMBERS OF NORTH QUEENSLAND COUNCIL NATIVE TITLE REPRESENTATIVE BODY  
ABORIGINAL CORPORATION**

**Auditor's opinion**

In our opinion, the financial report of North Queensland Council Native Title Representative Body Aboriginal Corporation is in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, including:

- (a) giving a true and fair view of the Corporation's financial position as at 30 June 2013 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards and the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and any applicable determinations made by the Registrar of Aboriginal Corporations under Division 336 of the Act.

  
KPMG

  
Gerry Mier  
Partner

Cairns  
13 September 2013

## 10. Other Information

Summary of Major Achievements for 2013

NQLC's Native Title Determinations to June 2013

Tableland Yidinji Peoples Determination

Tagalaka Peoples Determination

Jangga Peoples Determination

Combined Mandingalbay Yidinji - Gunggandji Determination

Djungan Peoples Determination

Gugu Badhun Peoples Determination



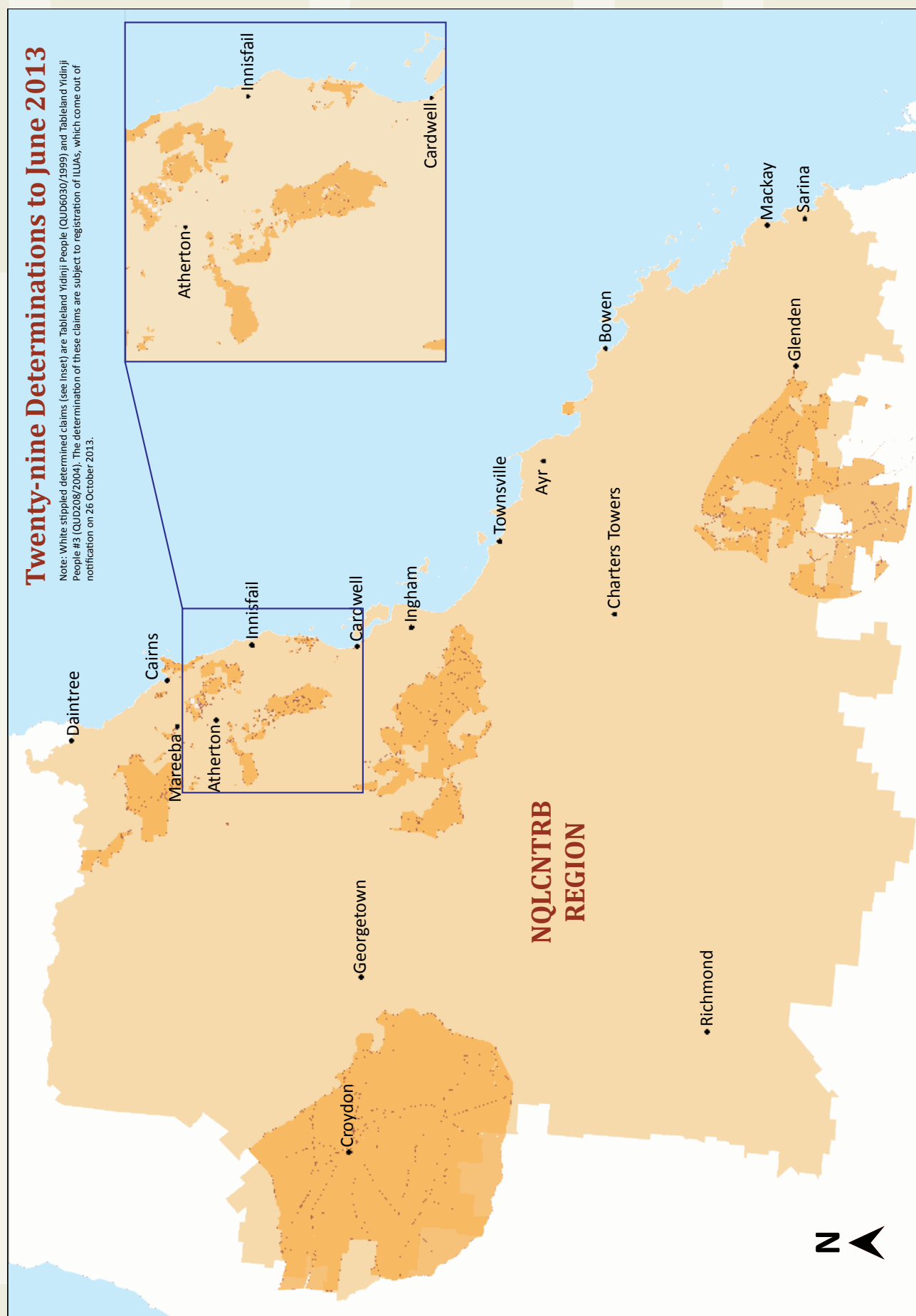
## 10.1 Summary of Major Achievements for 2013

NQLC Determinations for 2012-13:11 native title determinations

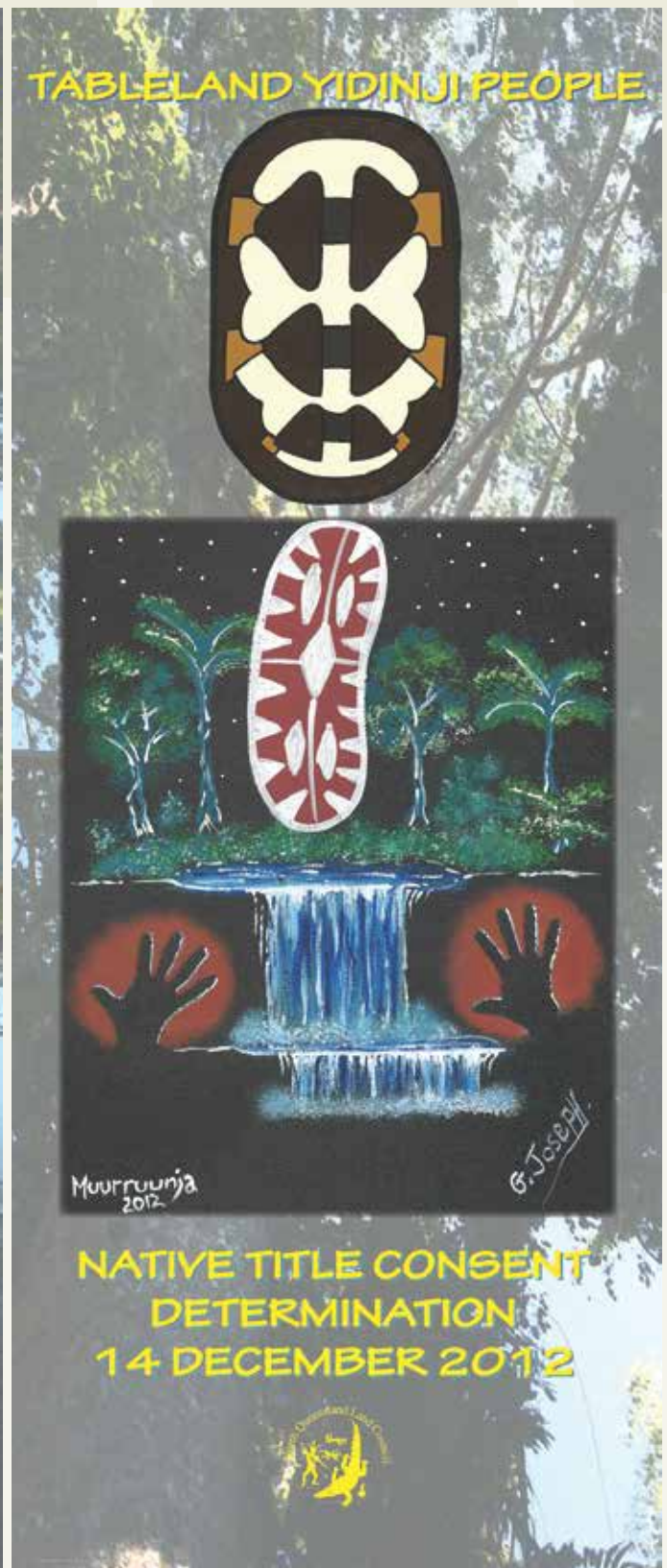
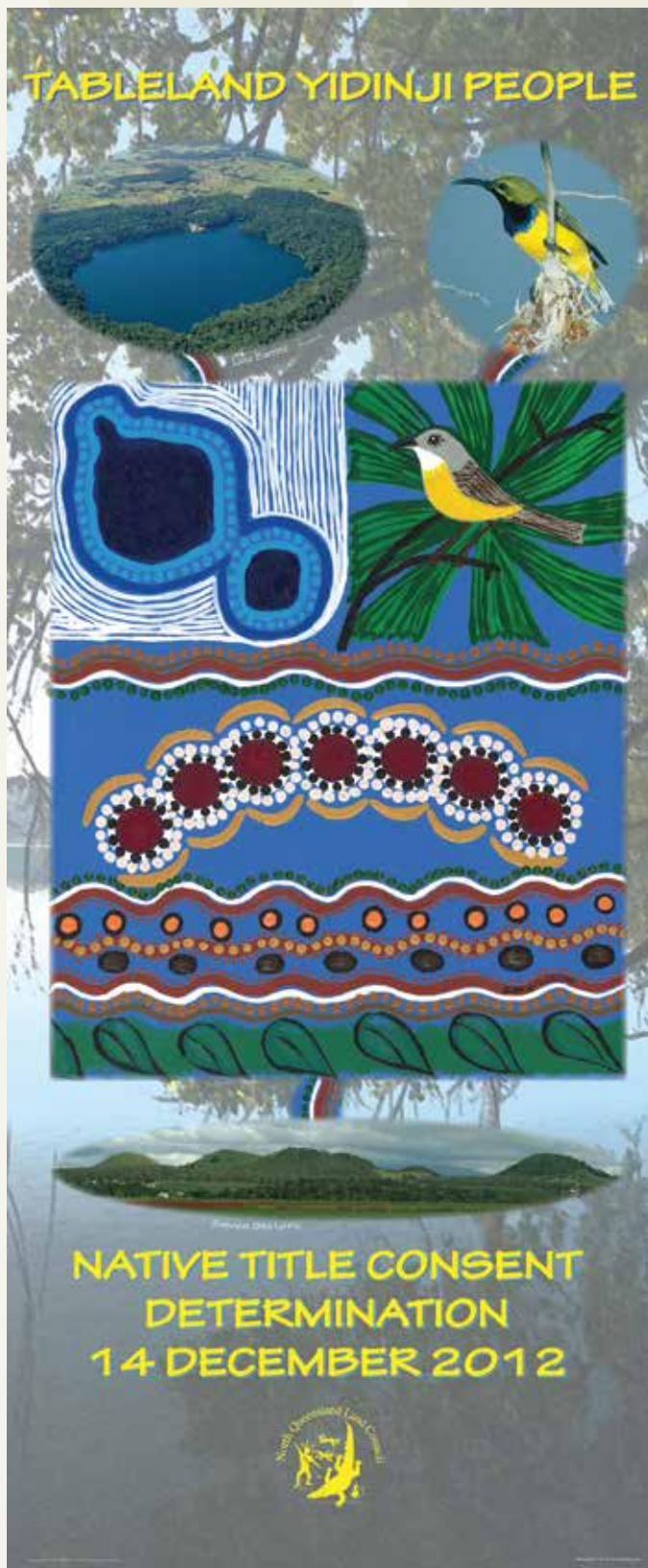
Table 15: NQLC's Native Title Determinations and the Registered Native Title Bodies Corporate

Date of Determination	Federal Court Number	Name	Registered Native Title Corporate
26 March 2013	QUD208/2004	Tableland Yidinji People #3	Wadjanbarra Tableland Yidinji Aboriginal Corporation
14 December 2012	QUD6030/1999	Tableland Yidinji People	Wadjanbarara Tableland Yidinji Aboriginal Corporation
10 December 2012	QUD6109/1998	Tagalaka People	Tagalaka Aboriginal Corporation RNTBC
10 December 2012	QUD6020/2001	Tagalaka People #2	Tagalaka Aboriginal Corporation RNTBC
9 October 2012	QUD6230/1998	Jangga People	Bulganunna Aboriginal Corporation RNTBC
21 September 2012	QUD6061/2001	Combined Mandingalbaj Yidinji - Gunggandji	Gunggandji-Madingalbaj Yidinji Peoples PBC Aboriginal Corporation RNTBC
2 August 2012	QUD208/1997	Djungan People #1	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
2 August 2012	QUD6022/1988	Djungan People #2	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
2 August 2012	QUD6116/1998	Djungan People #3	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
2 August 2012	QUD6036/2001	Djungan People #4	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
1 August 2012	QUD85/2005	Gugu Badhun People #2	Gug Badhun Aboriginal Corporation RNTBC
19 December 2011	QUD6013/2001	Combined Gunggandji	Gunggandji PBC Aboriginal Corporation RNTBC
14 December 2011	QUD6035/2001	Muluridji People #2	Muluridji Tribal Aboriginal Corporation RNTBC
14 December 2011	QUD6208/1998	Muluridji People	Muluridji Tribal Aboriginal Corporation RNTBC
1 September 2011	QUD6003/1998	Djiru People #2	Djiru Warrangburra Aboriginal Corporation RNTBC
1 September 2011	QUD6006/2003	Djiru People #3	Djiru Warrangburra Aboriginal Corporation RNTBC
31 August 2011	QUD296/2008	Wanyurr Majay People	Wanyurr-Majay Aboriginal Corporation RNTBC
26 July 2011	QUD6249/1998	Juru (Cape Upstart) People	Kyburra Munda Yalga Aboriginal Corporation RNTBC
8 October 2010	QUD6001/2003	Jirrbal People #1	Wabubadda Aboriginal Corporation RNTBC
8 October 2010	QUD41/2004	Jirrbal People #2	Wabubadda Aboriginal Corporation RNTBC
8 October 2010	QUD42/2004	Jirrbal People #3	Wabubadda Aboriginal Corporation RNTBC
17 December 2009	QUD6012/2001	Combined Dulabed and Malanbarra Yidinji Claim	Dulabed Malanbarra and Yidinji Aboriginal Corporation RNTBC
10 December 2009	QUD6240/1998	Girramay People	Girramay People Aboriginal Corporation RNTBC
12 December 2007	QUD6027/1999	Ngadjon-Jii People	Choorechillum (Ngadjon Jii PBC) Aboriginal Corporation RNTBC
24 April 2006	QUD6015/1998	Mandingalbaj Yidinji People	Mandingalbaj Yidinji Aboriginal Corporation RNTBC
17 February 2006	QUD6089/1998	Western Yalanji People	Western Yalanji Aboriginal Corporation RNTBC
17 December 2004	QUD6002/1998	Djabugay People	Djabugay Native Title Aboriginal Corporation RNTBC
28 June 2001	QUD6222/1998	Bar-Barrum People	Bar-Barrum Aboriginal Corporation RNTBC
28 September 1998	QUD6002/1996	Western (Sunset) Yalanji	Western Yalanji Aboriginal Corporation RNTBC

Figure 3 : NQLC's Native Title Determinations to June 2013



## 10.2 Tableland Yidinji People Determinations





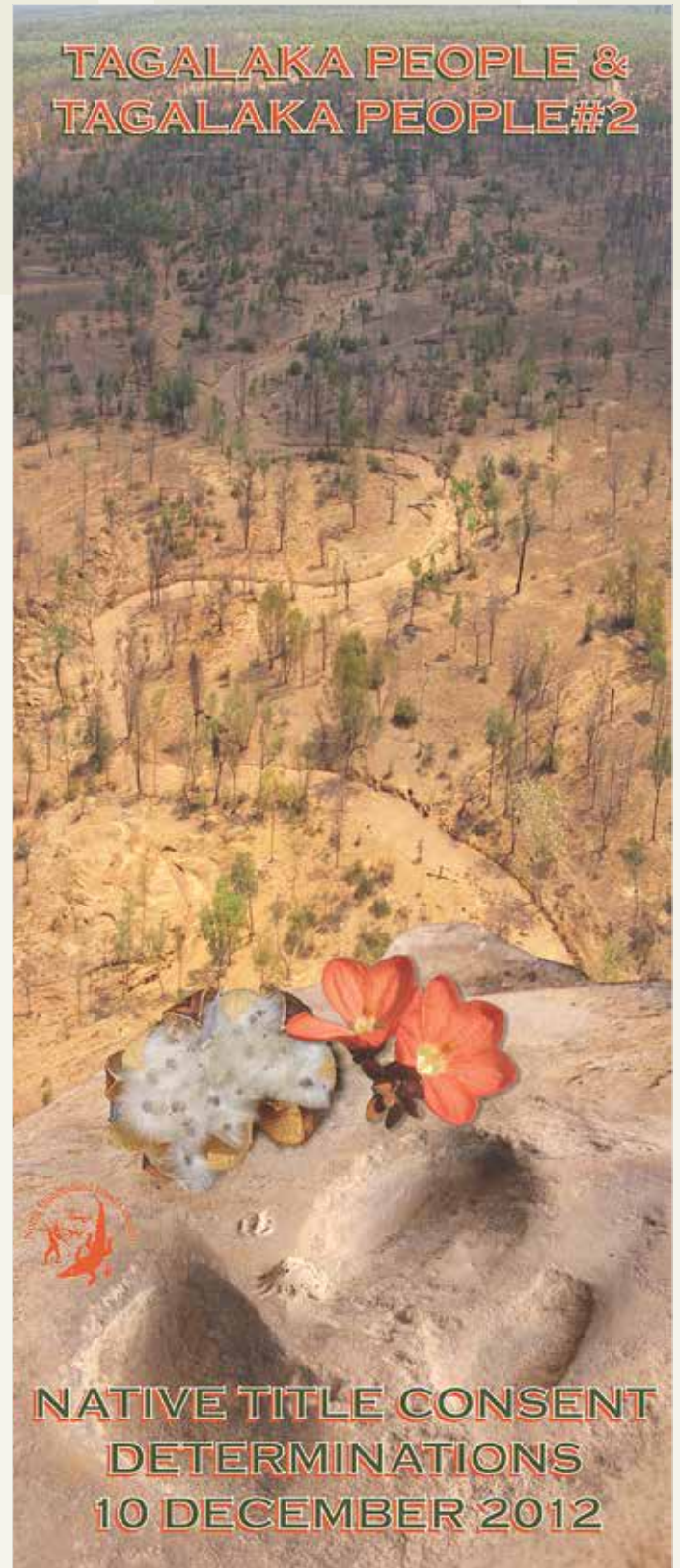
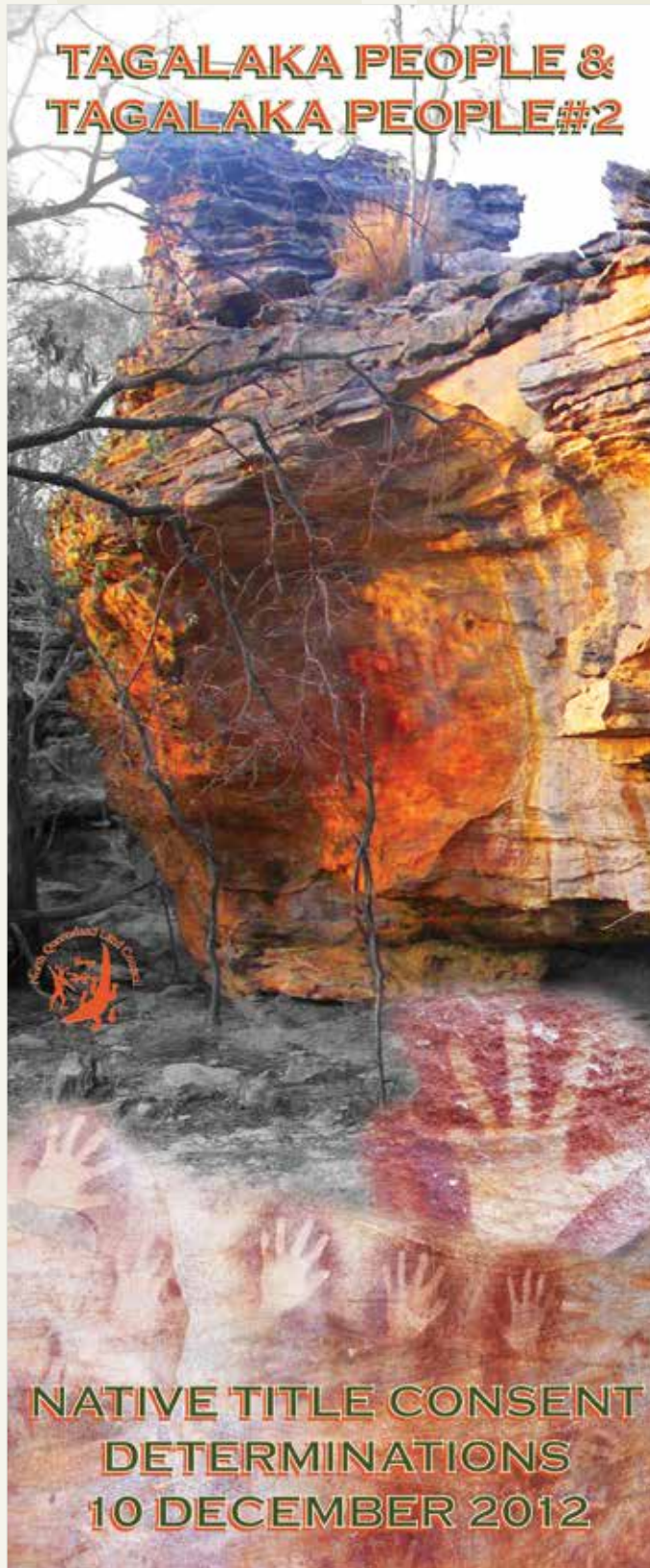
### Tableland Yidinji People

Date of Determination	14 December 2012
Federal Court Number	QUD6030/1999
Case Number	Johnson on behalf of the Tableland Yidinji People #1 v State of Queensland
Date Filed	25 October 1999
Legal Process	Consent determination (conditional)
Determination Type	Native Title is not in effect yet
Determination Outcome	Native Title exists in the entire determination area
Rights and Interests	Exclusive and non-exclusive
Registered Native Title Bodies Corporate	Wadjanbarra Tableland Yidinji Aboriginal Corporation
Location	About 20 kilometres north-east of Atherton
Area (km2)	152.1598
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/1417.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/1417.html</a>

### Tableland Yidinji People #3

Date of Determination	26 March 2013
Federal Court Number	QUD6030/1999
Case Number	Evelyn (Dawn) Johnson & Anor On Behalf Of The Tableland Yidinji People #3 v State of Queensland & Ors
Date Filed	14 October 2004
Legal Process	Consent determination (conditional)
Determination Type	Native Title is not in effect yet
Determination Outcome	Native Title exists in the entire determination area
Rights and Interests	Non-exclusive
Registered Native Title Bodies Corporate	Wadjanbarra Tableland Yidinji Aboriginal Corporation
Location	Parcels of land around Lake Tinaroo, northerly and easterly of Atherton.
Area (km2)	67.04175
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/1417.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/1417.html</a>

### 10. 3 Tagalaka People Determinations



## Takalaka People

Date of Determination	10 December 2012
Federal Court Number	QUD6109/1998
Case Number	Owens on behalf of the Tagalaka People v State of Queensland
Date Filed	29 September 1998
Legal Process	Consent determination

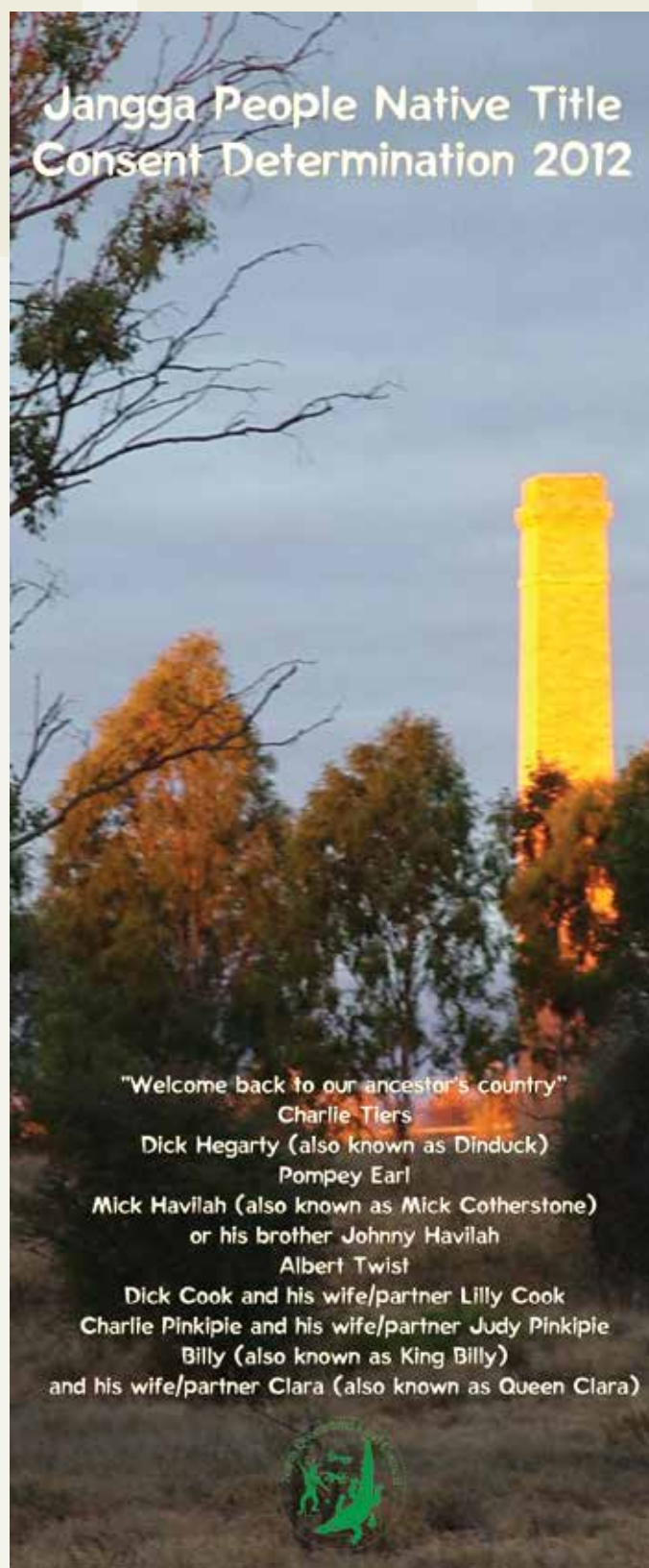
Determination Type	In effect - finalised
Determination Outcome	Native title exists in the entire determination area
Rights and Interests	Exclusive and non-exclusive
Registered Native Title Bodies Corporate	Tagalaka Aboriginal Corporation RNTBC
Location	Croydon, Gulf Country
Area (km2)	40,20053
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/1396.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/1396.html</a>

## Takalaka People #2 (Part A)

Date of Determination	10 December 2012
Federal Court Number	QUD6020/2001
Case Number	Owens on behalf of the Tagalaka People #2 v State of Queensland
Date Filed	29 June 2001
Legal Process	Consent determination
Determination Type	In effect - finalised
Determination Outcome	Native title exists in the entire determination area
Rights and Interests	Exclusive and non-exclusive
Registered Native Title Bodies Corporate	Tagalaka Aboriginal Corporation RNTBC
Location	Between the Norman and Gilbert Rivers around Croydon in Gulf Country
Area (km2)	29798.89
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/1396.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/1396.html</a>



#### 10.4 Jangga People Determinations



## Jangga People

Date of Determination 9 October 2012

Federal Court Number QUD6230/1998

Case Number McLennan on behalf of the Jangga People v State of Queensland

Date Filed 2 April 1998

Associated decisions Colin McLennan & Ors on behalf of the Jangga People and State Of Queensland & Ors (unreported, FCA, 16 July 2013, Rares J)

Legal Process Consent determination

Determination Type In effect - finalised

Determination Outcome Native title exists in the entire determination area

Rights and Interests Exclusive and non-exclusive

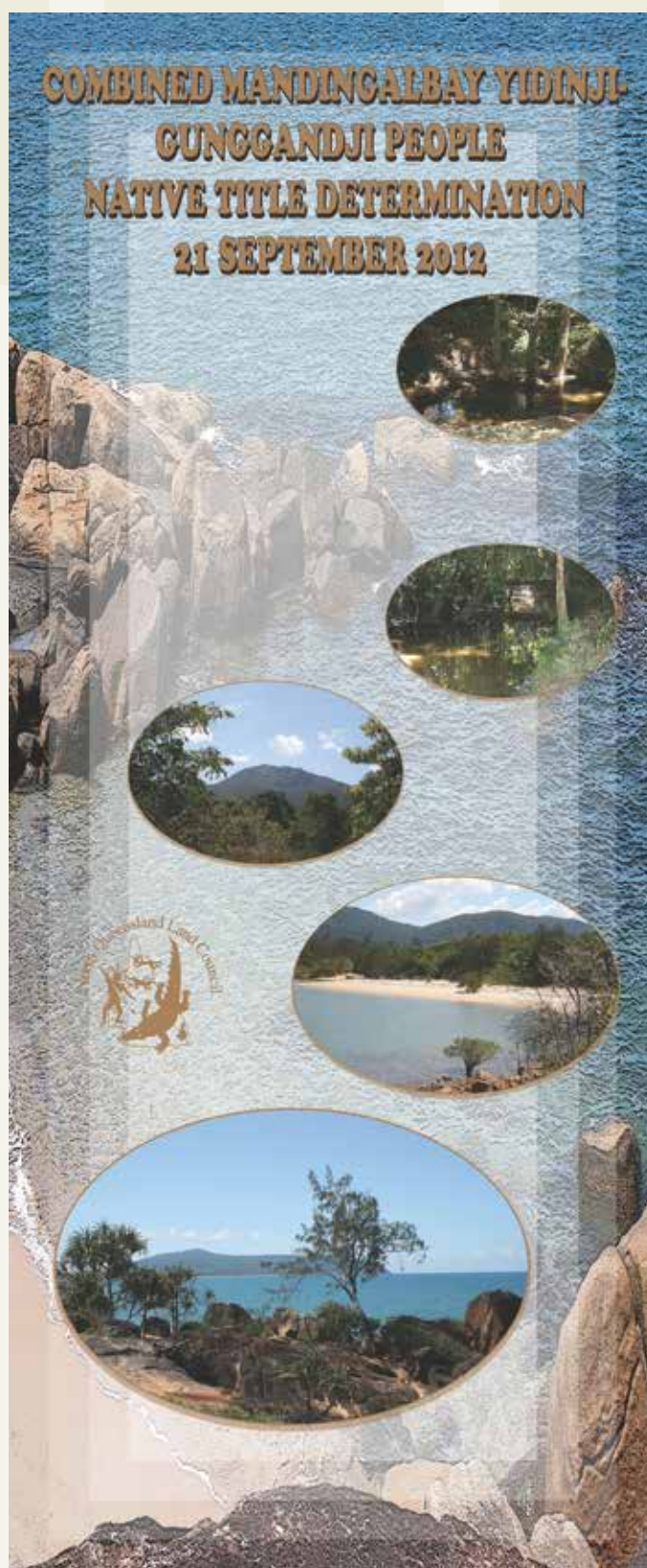
Registered Native Title Bodies Corporate Bulganunna Aboriginal Corporation RNTBC

Location Central Eastern Queensland between Glenden, Lake Dalrymple and Moray Downs.

Area (km2) 11613.46

Link <http://www.austlii.edu.au/au/cases/cth/FCA/2012/1082.html>

## 10.5 Combined Mandingalbay Yidinji - Gunggandji Determinations





## Combined Mandingalbay Yidinji - Gunggandji Determinations

Date of Determination 21 September 2012

Federal Court Number QUD6016/2001

Case Number Mundraby & Ors on behalf of the Combined Mandingalbay Yidinji - Gunggandji Claim v State of Queensland

Date Filed 3 December 1999

Legal Process Consent determination

Determination Type In effect - finalised

Determination Outcome Native title exists in the entire determination area

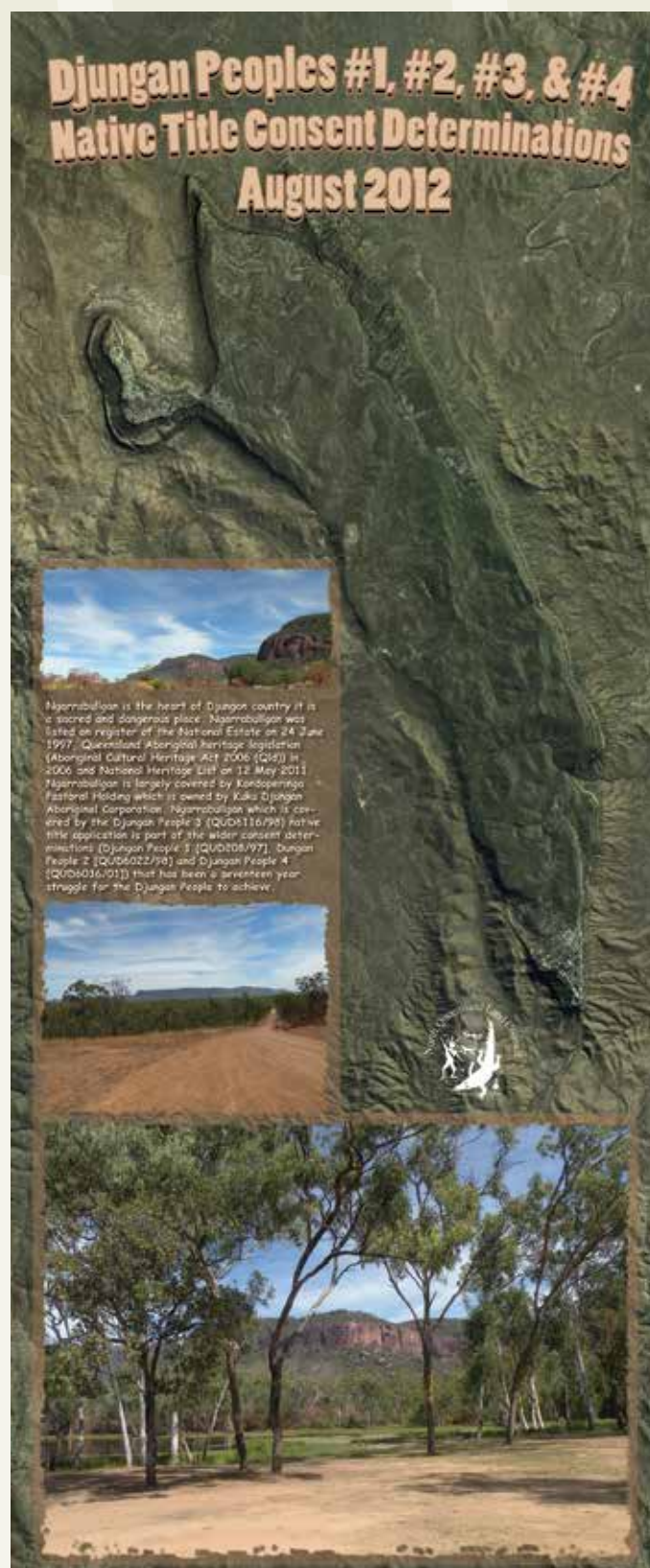
Rights and Interests Exclusive and non-exclusive

Registered Native Title Bodies Corporate Gunggandji-Mandingalbay Yidinji Peoples PBC Aboriginal Corporation RNTBC

Location South Yarrabah DOGIT and various parcels around Yarrabah

Area (km2) 81.59122

## 10.6 Djungan People Determinations



### Djungan People #1

Date of Determination	2 August 2012
Federal Court Number	QUD208/1997
Case Number	Archer on behalf of the Djungan People v State of Queensland [Djungan People #1]
Date Filed	17 May 1995
Legal Process	Consent determination
Determination Type	In effect - finalised
Determination Outcome	Native title exists in the entire determination area
Rights and Interests	Exclusive and non-exclusive
Registered Native Title Bodies Corporate	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
Location	Lots near Dimbulah surround Mount Mulligan.
Area (km2)	26.644
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html</a>

### Djungan People #2

Date of Determination	2 August 2012
Federal Court Number	QUD6022/1998
Case Number	Archer on behalf of the Djungan People v State of Queensland [Djungan People #2]
Date Filed	19 April 1996
Legal Process	Consent determination
Determination Type	In effect - finalised
Determination Outcome	Native title exists in the entire determination area
Rights and Interests	Exclusive and non-exclusive
Registered Native Title Bodies Corporate	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
Location	Approximately 30 kms north-west of Dimbulah.
Area (km2)	272.8231
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html</a>



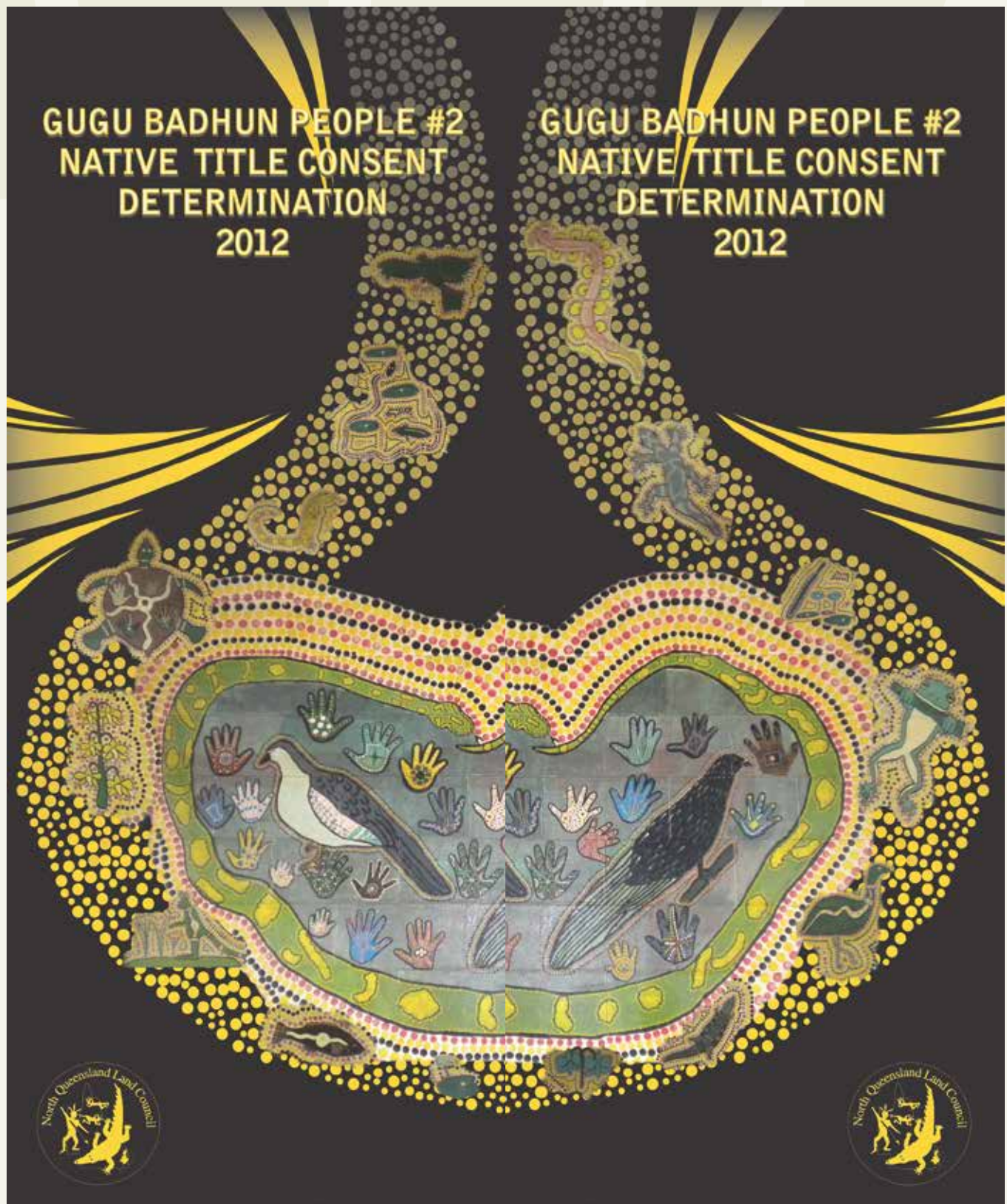
### Djungan People #3

Date of Determination	2 August 2012
Federal Court Number	QUD6116/1998
Case Number	Archer on behalf of the Djungan People v State of Queensland [Djungan People #3]
Date Filed	19 February 1997
Legal Process	Consent determination
Determination Type	In effect - finalised
Determination Outcome	Native title exists in the entire determination area
Rights and Interests	Exclusive
Registered Native Title Bodies Corporate	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
Location	60 kms north-west of Mareeba.
Area (km2)	1492.685
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html</a>

### Djungan People #4

Date of Determination	2 August 2012
Federal Court Number	QUD6036/2001
Case Number	Archer on behalf of the Djungan People v State of Queensland [Djungan People #4]
Date Filed	5 October 2001
Legal Process	Consent determination
Determination Type	In effect - finalised
Determination Outcome	Native title exists in the entire determination area
Rights and Interests	Non-exclusive
Registered Native Title Bodies Corporate	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
Location	8 kms south-west of Mount Carbine.
Area (km2)	51.92481
Link	<a href="http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html">http://www.austlii.edu.au/au/cases/cth/FCA/2012/801.html</a>

## 10.7 Gugu Badhun People Determinations



## Gugu Badhun People #2

Date of Determination 1 August 2012

Federal Court Number QUD85/2005

Case Number Hoolihan on behalf of the Gugu Badhun People #2 v State of Queensland

Date Filed 22 March 2005

Legal Process Consent determination

Determination Type In effect - finalised

Determination Outcome Native title exists in the entire determination area

Rights and Interests Exclusive and non-exclusive

Registered Native Title Bodies Corporate Gugu Badhun Aboriginal Corporation RNTBC

Location Approximately 40 kms west of Ingham.

Area (km2) 6547.732

Link <http://www.austlii.edu.au/au/cases/cth/FCA/2012/800.html>





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### **Cairns Head Office**

61 Anderson Street  
Manunda QLD 4870

PO Box 679N Cairns QLD 4870

Telephone: (07) 4042 7000  
Facsimile: (07) 4031 7414

[www.nqlc.com.au](http://www.nqlc.com.au)

### **Townsville Regional Office**

12 Wills Street  
Townsville QLD Australia, 4810

Telephone: (07) 4421 5700  
Facsimile: (07) 4728 1329

### **Mackay Regional Office**

Suite 2, Level 1  
38 Macalister Sreet  
Mackay QLD Australia, 4740

Telephone: (07) 4898 6700  
Facsimile: (07) 4898 6777