

# Annual Report

2015-2016



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.

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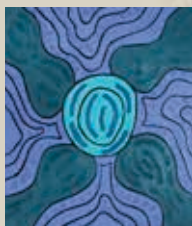
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### cover Art:



Title:

Waterways

Artist:

Philomena Yeatman

Clan Group:

Kuku Yalanji/Gunggandji

Tribe:

Gunggandji

Totem:

Sea Hawk

**About the Artist:**

Philomena Yeatman is an artist at the Yarrabah Art Centre. She was born and bred in the Yarrabah community. She began her career in the arts in 1991 as a screen printer and jewellery maker, later developing her skills as a weaver producing table mats, fans and baskets. In recent years she has also discovered her talent for painting. Philomena Yeatman's art can be purchased through the Yarrabah Art Centre and KickArts.





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# 1. North Queensland Land Council Overview

The North Queensland Land Council (NQLC) is a proactive Aboriginal Corporation recognised as a Native Title Representative Body (NTRB) under Section (s) 203AD of the *Native Title Act 1993 (Cth)* to preserve, protect and promote the recognition of native title in the North Queensland representative region. We strive to achieve the resolution of native title claims and support the ongoing aspirations of recognised native title holders.

## 1.1 OVERVIEW DESCRIPTION

The NQLC is a recognised NTRB under s203AD of the *Native Title Act 1993 (NTA)* for the Northern Queensland representative region. The NQLC receives the majority of its funding from the Department of the Prime Minister and Cabinet's Native Title Programme.

The North Queensland Land Council (NQLC) is recognised as the Native Title Representative Body (NTRB) under s. 203AD of the Native Title Act 1993 (NTA). The NQLC representative area extends from the Daintree and 4km north west of the Bloomfield Rivers in the east to just south-east of Ilbilbie and just west of Hayden and east to include the waters that are within the Exclusive Economic Zone of Australia. The land and waters of the NQLC is approximately 943,300 km<sup>2</sup>, with approximately 411,164 km<sup>2</sup> of this being land (see Figure 1).

The region includes the local government authorities 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 is as diverse in its landscapes as it is in its culture, from the marine environment of the Great Barrier Reef to the coastal and upland to the western areas which covers seven (7) bioregions on land. These bioregions include the Central Queensland Coast, Brigalow Belt and Wet Tropics of the coastal and upland areas, then the Einasleigh Uplands and Desert Uplands to out west to the Mitchell Grass Downs and the Savannah Gulf Plains.

There is a major concentration of Indigenous population on the coast that becomes less dense as you move westwards. The region contains two (2) large Deed of Grant in Trust (DOGIT) communities governed by Yarrabah and Palm Island Aboriginal Shire Councils. There are also major Indigenous populations in Townsville/Thuringowa, Cairns, Mackay, Innisfail, Mareeba, Burdekin, Charters Towers, Mossman, Bowen, Atherton, Sarina, Ingham, Tully, Cardwell, Richmond, Nebo/Mirani, Herberton, Ravenshoe, Kuranda, Mount Garnet, Croydon, and the Jumbun Community.

## 1.2 ROLES AND FUNCTIONS

### 1.2.1 LEGISLATION

The primary legislation which the NQLC is concerned with is the Commonwealth *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)* and other relevant federal and state legislation.

The NQLC was incorporated on 28 March 1994 under the then *Aboriginal Councils and Associations Act 1976* and is now registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)*. The NQLC is required to comply with various conditions of the *CATSI Act* and Corporations Law which

cover such matters as the setting up and functioning of the corporate governance of the organisation, holding of the Annual General Meetings (AGM) and the provision of the yearly financial statements.

The NQLC, like all other organisations is subject to a raft of general legislation, examples being:

*Commonwealth Authorities and Companies Act 1997*; *Taxation and Superannuation Laws*; and *Industrial Relations and Workplace Legislation*.

### 1.2.2 LEGISLATIVE FUNCTIONS

As a recognised NTRB, the NQLC has the following statutory functions under *section 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 *section 203BJ of the NTA*:

- Enter written arrangements with neighbouring NTRBs regarding facilitation and assistance functions;
- Identification of native title holders;
- Promotion of understanding of native title;
- Informing native title holders and bodies corporate of matters impacting native title;
- Consult with Aboriginal communities; and
- Cooperate with other NTRBs to maximise efficiencies.

Functions incidental to statutory functions:

In recent years the number of Registered Native Title Bodies Corporate [PBCs] has increased due to the number of determinations achieved by the NQLC. To support this demand, NQLC has increased its support for PBCs through approved funding and in the supply of training and support for corporations. In addition NQLC in partnership with AIATSIS is developing a PBC Toolkit as a comprehensive “how to” guide for PBCs, which in its completion can be rolled out nationally.

### 1.2.3 CORPORATE GOVERNANCE POLICIES

The function of the Board of Directors (Board) is to set the broad policies and directions of the organisation. The rules provide for a separation of powers which keeps the Board at arm’s length from the day to day management of the organisation - the responsibility of the Chief Executive Officer (CEO). For more details see Section 6 Corporate Governance.

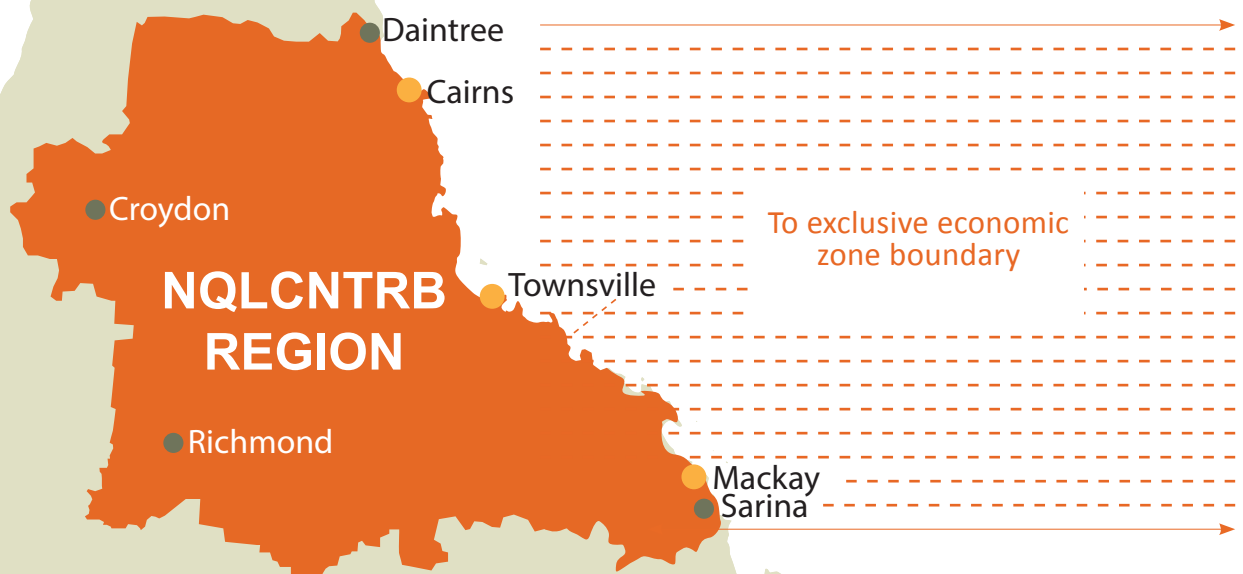


Figure 1: The area of responsibility of the NQLC Representative Body

### 1.3 STRUCTURE

Figure 2 outlines the organisational structure of the NQLC. Refer to Section 2 Board of Directors and Section 6 Corporate Governance, for more information on our Board of Directors.

### 1.4 OUTCOME AND OUTPUT STRUCTURE

The NQLC has detailed objectives and outcome statements along with key performance indicators to measure outcome targets in its 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 provides performance and financial reports to PM&C biannually.

The NQLC has continued to utilise appropriate internal systems to record achievements against the output group structure. These include outcomes database, meetings database and output group timecards for the time costing of the Corporate Services, Legal, Future Acts Mining & Exploration, Prescribed Body Corporate and Research 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. The NQLC aims to have at least four (4) meetings per year for 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.

### 1.5 OUR VISION

The vision of the NQLC is for a region in which the native title rights and interests of every native title holder has been 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.

### 1.6 OUR PURPOSE

Our purpose is to assist Aboriginal people in the NQLC region to maximise recognition of native title rights and interests and the benefits that flow from native title outcomes; to ensure that native title rights and interests are protected and maintained, and economic development opportunities are pursued.

### 1.7 OUR VALUES

The NQLC adheres to the following values:

- Cultural sensitivity, including the respect for traditional lore and customs of native title groups.
- Quality, professional service in accordance with the 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 traditional owners in the delivery of our services.
- Optimum distribution of resources to achieve native title and other outcomes.
- Maximum participation of, and collaboration with traditional owners and other stakeholders in native title processes.
- Responsiveness to the changing operating environment of NTRBs.
- Maintenance of a harmonious and productive workplace conducive to the achievement of native title and other outcomes.
- Encouragement and promotion of employment, training and professional development of Aboriginal people within the region.

### 1.8 OPERATIONAL PLAN

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



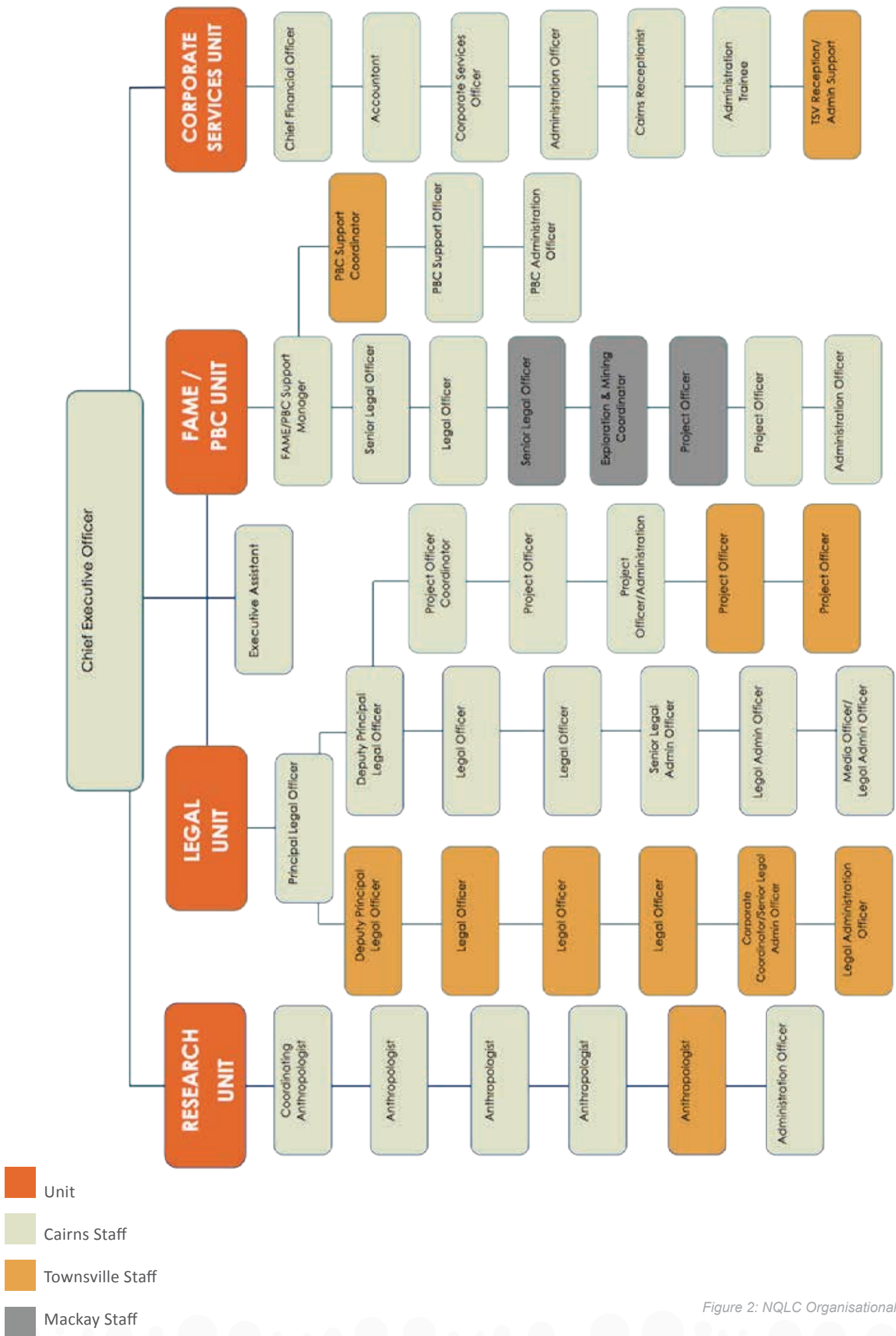


Figure 2: NQLC Organisational Structure

2.

## Board of Directors

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 of two (2) years, holding office from the end of one (1) Annual General Meeting (AGM) until the AGM following in two (2) years. During this reporting period, ward elections took place in September 2015, with the AGM taking place in October 2015. Refer to Figure 3 for the elected members. Table 2 outlines the directors who held office from the commencement of this reporting period to September 2015. The next election is due in late 2017.

WARD	ELECTED MEMBER
Cairns	Colin Enoch
Hughenden/ Charters Towers	Patricia Dallachy (Treasurer)
Innisfail	Henry Epong
Mackay/ Proserpine	Gary Mooney (Correspondence Secretary)
Mount Garnet Ward	Annette Hooligan
Tableland	Kaylene Malthouse
	Tracey Heenan
Townsville/Ayr	Angelina Akee
Tully/Palm Island	Philip Rist (Deputy Chair)
Yarrabah	Errol Neal (Chair)
	Prunella Harris

Table 1: Board of Directors July 2015 - October 2015

WARD	ELECTED MEMBER
Cairns	Terry O'Shane
	Vana O'Shane
Hughenden/ Charters Towers	Patricia Dallachy
Innisfail	Victor Maund
Mackay/ Proserpine	Gary Mooney (Correspondence Secretary)
Mount Garnet Ward	Annette Hooligan
Tableland	Kaylene Malthouse (Chair)
	Tracey Heenan
Townsville/Ayr	Angelina Akee (Treasurer)
Tully/Palm Island	Philip Rist (Deputy Chair)
Yarrabah	Errol Neal
	Les Murgha

Table 2: Board of Directors October 2015 - Current





**CHAIRPERSON: KAYLENE MALTHOUSE**  
Malanbarra Yidinji Traditional Owner  
*Tableland Ward*



**DEPUTY CHAIRPERSON: PHIL RIST**  
Nywaigi Traditional Owner  
*Tully/Palm Island Ward*



**TREASURER: ANGELINA AKEE**  
Juru Bindal Traditional Owner  
*Townsville Ward*



**CORRESPONDENCE SECRETARY: GARY MOONEY**  
Yuibera Traditional Owner  
*Mackay/Proserpine Ward*



**PATRICIA DALLACHY**  
Gudjula Traditional Owner  
*Charters Towers/Hughenden Ward*



**VICTOR MAUND**  
Mamu Traditional Owner  
*Innisfail Ward*



**TERRY O'SHANE**  
Western Yalanji Traditional Owner  
*Cairns Ward*



**VANA O'SHANE**  
Western Yalanji Traditional Owner  
*Cairns Ward*



**ANNETTE HOOLIGAN**  
Tableland Yidinji Traditional Owner  
*Mount Garnet Ward*



**TRACEY HEENAN**  
Tableland Yidinji Traditional Owner  
*Tableland Ward*



**ERROL NEAL**  
Djungan Traditional Owner  
*Yarrabah Ward*



**LES MURGHA**  
Gungandji Traditional Owner  
*Yarrabah Ward*



3.

## Report from the chairperson

I'd like to start by acknowledging the traditional owners and custodians of the lands within the NQLC footprint, past, present and future. I would also like to acknowledge the passing of peoples in our footprint and their contribution and input into their families, clans, tribe and organisations, ensuring their legacy lives on.

I am from the Malanbarra Clan, Yidinji tribe. My great great grandfather's estate commences at Toohey's Creek waterways on the Atherton Tablelands, which runs through Gadgarra Forest into the Mulgrave River in the Goldsborough Valley.

I have been a Director of the NQLC going on twelve years, and have been a party to the many achievements, challenges and developments throughout this time. I have seen the hard work and passion of our dedicated directors and staff and the unwavering determination of our traditional owners.

During this reporting period, we had our Board of Director elections in each of our nine (9) wards. These elections resulted in the re-election of eight (8) of our 2013-2015 directors, with four (4) newly elected and three (3) returned. At our first Board of Directors meeting post our Annual General Meeting I was nominated for the role of Chairperson, which I graciously accepted. I would like to express my gratitude to my fellow directors for their ongoing guidance and support, and look forward to the coming year wherein we will continue to achieve positive outcomes for the traditional owners within our region.

At the commencement of my role as Chairperson I chose to take a leave of absence from my occupational role for one year, to focus on the members and traditional owners within the NQLC footprint. I plan to visit each of our wards to introduce myself and hear the voices and concerns personally from our members and traditional owners.

NQLC is now in its 22nd year of operation and we have recently achieved our 45th native title consent determination. As the proportion of determined land within our region increases, we are continuing to broaden our focus and resources to better support the development of Prescribed Bodies Corporate (PBCs) in their post-determination phase, including potential economic development opportunities.

In closing, I would like to extend my congratulations to the Widi People and the Bar Barrum People on their recent native title determinations.

Kaylene Malthouse





4.

## Report from the chief Executive officer

This is my first Report as the CEO of the NQLC, having taken up the role in August 2015. I can say that it has been a very full and interesting year for me, and again, a highly productive and successful one for the NQLC. There have been a number of positive developments around some of the issues noted in the previous CEO's report for 2014/15 and many have been substantially resolved in favour of the region's traditional owners.

I note that last year the then CEO commented at some length in his Report about the serious impact of non-claimant applications on native title. I'm pleased to advise that, due to some policy changes instituted by the Qld Department of Natural Resources and Mines (DNRM), the number of such applications has lessened considerably.

Following approaches to DNRM and the responsible Minister, The Hon Anthony Lynham, by the Queensland Representative Body Alliance (QRBA), of which the NQLC is an active member, DNRM has revised its approach to non-claimant applications. The NQLC has received advice that DNRM will no longer grant the licence, lease, tenement or other interest that triggered the non-claimant applicant to make the application simply on the basis that section 24FA protection was achieved [*section 24FA* protection is achieved if no native title claim is able to be lodged within the timeframe allowed under the *Native Title Act 1993 (NTA)*]. DNRM has now said it will require the non-claimant to prove their case in Court and resolve native title. The likely effect is that non-claimants will now think twice about the costs of approaching native title this way and will instead choose to negotiate with native title holders.

Unfortunately though as long as the unfair process of non-claimant applications remains available under the *NTA*, some with deep pockets and shallow minds will no doubt press on and NTRBs will have to unnecessarily spend funds opposing them. Despite this issue having been identified as a flaw in the *NTA* over many years, unfortunately it seems that there is still no will at Federal level to address the issue.

On the positive side the Palaszczuk Government has, as noted in the last CEO's report, shown itself to be much more open to native title than its predecessor and is holding regular meetings with the QRBA. The NQLC is also receiving a large number of requests from Queensland Government departments to provide input into policy and legislative proposals and to participate on State Committees and Reference Groups. This increase in consultation and consideration of the impact of proposals on traditional owners' native title rights and interests is greatly welcomed by the NQLC.

I am very pleased to report that the NQLC now has a total of 45 successful native title determinations. It is my understanding that this remains the highest number of native title determinations in any representative body area in Australia.

One determination of particular significance this year was the Widi #2 Peoples of the Nebo Estate claim that was determined on 29 June 2016. In that matter the claim, together with the overlapping Barada Barna Peoples claim, had



*Widi #2 Native Title Consent Determination (June 2016)*

been set for trial due to commence in January 2016. The two Peoples worked very hard to firstly persuade the Court to not conduct the trial and allow further negotiation time, and then worked even harder to agree on a determination.

The result was a determination which recognises that each group has native title rights in the overlap area. A win-win result, and I must acknowledge the hard work and effort put in by NQLC staff in assisting the Widi people.

Also determined in this period were four (4) long outstanding Bar Barrum claims (#2, #3, #4 and #6) which were delayed pending the High Court's decision on the military hirings questions, as successfully prosecuted by the NQLC. This brings the number of determinations to five (5) held by the Bar Barrum People, with several more claims currently being progressed.

During the year NQLC has made significant progress in bringing about what has been agreed to be called the Cairns Regional Claim (CRC). Due to various technical reasons this had to be a staged approach firstly bringing together separate Djabugay and Yirrganydji claims. The process started with an interim claim, DBYNG, being made up of all the component groupings of the broader Djabugay Peoples. The DBYNG claim was then reduced to cover the area of a non-claimant application and remains current, protecting native title rights in that area. Also, by agreement, a portion of a separate Yirrganydji claim remains in place protecting an area of commercial interest. The CRC is the end result agreed upon.

The matter is significant as it ushers in a new era where the component groups have come together, including the Yirrganydji Peoples. This has taken a lot of hard work and goodwill by all, assisted by a number of case management conferences in the Federal Court. The matter continues and discussions are now underway to resolve a number of issues with the neighbouring claim of Gimuy Walubara Yidinji and a number of other issues.

With such a large number of native title claims successfully concluded, the NQLC has continued to actively research and file new claims in the period. New claims lodged during this year were as follows, with research underway or finalised in a number of other matters, including sea claims.

- Bar Barrum People #8
- Bar Barrum People #9
- Warrgamay People
- Wakaman People #3
- Girramay People #2

In our Future Act Mining and Exploration (FAME) Unit, we continue to fulfil our statutory notification function and assist native title holders to exercise their native title rights in responding to those notices. We also actively examine proposals to amend legislation and policies, where such proposals will detrimentally impact on native title rights and interests. In March 2016, the State proposed an amendment to the Environmental Protection Act which would enable the State to identify and pursue 'related' persons and parties to proponents in circumstances where the proponent has not adequately rehabilitated the environment. The Environmental Protection (Chain of Responsibility) Amendment Bill 2016 was hastily drafted and in doing so, native title holders were at risk of being captured as a 'related person'. The NQLC submission sought to protect the native title holders from such situation and we are pleased to advise that the NTA (assented to on 27 April 2016) expressly excludes native title holders from being held responsible.





*Bar Barrum #2, #3, #4 & #6 Native Title Consent Determination (June 2016)*

The allocation of more staff to the PBC Unit in 2015/16 has increased the Unit's capability to provide a greater level of collaboration and coordination with our PBCs and increased scope to implement capacity building activities. Of the region's 21 PBCs, 18 received direct financial support from the PBC Basic Support Program administered by the Unit. In addition, during the period extra funds were allocated to the Unit to engage consultants to produce a business development project for our PBCs. This project has progressed well during the period and is due for completion early in 2016/17. It is intended that the project outcomes will provide the foundations on which PBCs can base funding submissions for indigenous business proposals under the Indigenous Advancement Strategy (IAS).

The NQLC's PBC Toolkit project encountered some delays during the period, however at the time of writing the project is back on track and progressing steadily to completion in 2016/17. Negotiations have commenced with TAFE Queensland around delivering the modules as part of an accredited Certificate III course. The next stage will be to include a rollout of the Toolkit to our PBCs so we can gauge their feedback about the product.

In April 2015 the NQLC submitted a funding application to the Department of Prime Minister and Cabinet (PM&C) under the IAS's PBC Capacity Building Funding stream (the repository of the \$20M in PBC funding outlined in the Commonwealth's Developing Northern Australia White Paper and announced by Minister Scullion at the Port Douglas National Native Title Conference) to develop the NQLC's capacity to provide direct economic and business development support to regional PBCs with major development opportunities on their Country. Unfortunately, at the time of writing, PM&C had not made a decision on the NQLC's application – some six (6) months after lodging. Despite the recent Parliamentary review of the IAS Guidelines and funding processes, it seems that lengthy delays are still being encountered in the Department's decision making.

As predicted by the then CEO in last year's Annual Report, the NQLC did suffer a substantial cut in its funding for 2015/16 - in the order of 10%. Such a cut meant that in order to still achieve agreed operational outputs, redundancies had to be offered to several staff and several contract positions were not continued. This was a highly regrettable situation but unfortunately unavoidable due to the funding limitations.

During the reporting period the NQLC received an additional two (2) years of recognition as a Native Title Representative Body (NTRB) which, whilst a welcome change from the pattern of one year recognition being granted in previous years, it did not equal the six (6) year period applied for by the NQLC. I believe that based on the NQLC's performance the six (6) year maximum available under the NTA would have been an appropriate period for the Minister to grant.

Shortened recognition periods, along with reduced budget forecasts, make it highly problematic for staff retention, when such limited guarantees of continued employment are able to be given to hard working representative body staff. It further impacts on the NQLC's ability to plan for the future conduct of current native title matters and those claims currently under construction.

Despite these difficulties, the NQLC has continued in 2015/16 to lead the way for NTRBs nationally and delivered an outstanding performance – due in no small part to the calibre and enthusiasm of the NQLC's staff and the positive direction provided by the Board. I have every reason to be confident that the NQLC will continue to gain excellent results in 2016/17 and I look forward to the year ahead.

*Steve Duck-Selby*

## 5.

## Report on Performance

### 5.1 REVIEW OF PERFORMANCE RELATING TO STRATEGIC AND OPERATIONAL PLAN AND BY FUNCTIONS

The performance of the NQLC for the year ending 30 June 2016 according to statutory functions is summarised in Table 3.

In 2015-16, the NQLC achieved six (6) consent determinations of native title, and five (5) new claimant applications were filed. The NQLC has now achieved a total of 45 native title consent determinations within our region overall.

During the reporting period two (2) ILUAs were registered in the region and 1,548 Future Act Notifications were assessed and actioned.

The PBC Support Unit continues to provide administrative, legal and capacity building support to 21 PBCs, as well as assistance to claim groups with PBC development. Further, the PBC Unit is also working on specific business and economic development opportunities for a number of PBCs. The Tool Kit project being developed with AIATSIS encountered some unforeseen delays during the period but these have been resolved.

The NQLC is now heavily in the claims development stage with anthropological research for a number of new claims being undertaken. A number of research projects will be completed in the next period, leading to the filing of more new claims

The explosion in non-claimant applications during the year saw a number of claims filed in response in order to preserve native title. Often this resulted in the lodgement of claims out of sequence with the NQLC's otherwise orderly and planned progression of claims and research.

### 5.2 ACTUAL PERFORMANCE IN RELATION TO TARGETS AND REASONS FOR DIFFERENCES

#### BAR BARRUM CLUSTER

On 13 May 2015 the High Court handed down its decision on the military orders issue in favour of the Bar Barrum People. Therefore, the applications Bar Barrum People #2, #3, #4, #5 and #6 have progressed without excise of any land parcels.

On 10 June 2016, the Court heard consent determinations "on-country" at Dimbulah in the Bar Barrum People #2, #3, #4 and #6 matters. Early in the new financial year, a new corporation will be established to become the RNTBC for these determined areas.

However, in the Bar Barrum People #5 matter, the same group of respondents who raised the military order issue have continued to raise issues which delayed the matters being determined.

These respondents assert non-native title interests along the Walsh River in the Bar Barrum People #5 matter. Some of these respondents could be described as squatters, while others are holders of Permits to Occupy. Collectively, the respondents are known as the Walsh River Respondents (WRR).

Through Court convened, and ordered, mediations, the parties came to an agreement that would allow for a native title consent determination, which is anticipated in the first half of the 2016/17 financial year.

Part of the agreement was that a trial, on the question whether the squatters held a right that qualified them as respondents under the *NTA*, would be vacated, and that the Bar Barrum People would not oppose applications for



tenure, and in some cases tenure upgrades, made by the WRR to the State.

Also, ILUAs between the Applicant and the WRR were agreed to be negotiated.

### *BINDAL #2 (QUD503/2016)*

A number of community and family group meetings were conducted with the consultant anthropologist and staff members of NQLC from December 2013 through until April 2015.

The consultant anthropologist provided the first draft of the connection report in September 2015. Following on from this, in March 2016 there were a number of family group meetings to discuss the outcome of the report. The consultant anthropologist presented his findings at a community meeting in April 2016.

An information session and authorisation meeting was held in Townsville in May 2016, and the Bindal Native Title Claim was authorised.

The native title application was prepared for filing in the new financial year.

### *DJABUGAY-BULWAY-YIRRGAY-NYAKALI-GULUY PEOPLE (QUD 318/2015)*

On 26 & 27 May 2016, the Djabugay-Bulway-Yirrgay-Nyakali-Guluy People authorised the Cairns Regional Claim (CRC). Early in the new financial year, the DBYNG area will be reduced to cover a non-claimant application in the south west of the claim area. Atherton Tablelands Law who represents the Yirrganydji People will simultaneously cause the Yirrganydji People's claims to be reduced to an area over Yorkeys Knob (also to protect certain interests). Immediately after withdrawal from these areas, the NQLC would file the CRC.

The CRC would cover the majority of the areas formerly covered by DBYNG and the Yirrganydji claims in the area between the Mowbray and Barron Rivers. Eventually, the remnants of the DBYNG and Yirrganydji claims in this area would be merged with the CRC once vulnerable interests are protected.

The CRC is a result of Court convened, and ordered, confidential mediations, which included negotiations on the rules of a PBC for the CRC.

### *GIA/NGARO (PROPOSED CLAIM)*

In late 2013 a Consultant Anthropologist was approached to gauge his availability to undertake research in the Whitsunday area and was subsequently introduced to the group at a community meeting in Proserpine in December 2013.

In March 2014 the same Consultant Anthropologist was

contracted to undertake anthropological research in order to progress an application for the recognition of native title over areas of the land and sea in the vicinity of the Whitsunday Island and adjacent mainland.

In June 2014 a preliminary report was produced providing advice on the feasibility of lodging a native title claim or claims over the area.

In November 2014 meetings were held with individual Gia and Ngaro families to further explain the research process, field questions from the community and gauge and address main issues.

In February 2015 a community meeting was held at which the Consultant Anthropologist presented their preliminary findings to the group.

The consultant anthropologist provided a draft copy of the connection report in May 2016. The anthropological and legal reviews of the draft report have been completed. In the new financial year it is anticipated there will be meetings to discuss how the matter will be progressed forward.

### *GIRRAMAY PEOPLE #2 (MURRAY FALLS) QUD141/2015*

NQLC engaged a Consultant Anthropologist to conduct further research relating to all of Girramay Country, building off the Anthropologist's previous research from the Girramay People's 2009 Consent Determination.

The claim was lodged on 21 August 2015 and successfully passed the registration test on 3 November 2015.

The Connection Report was supplied to the State in February 2016. The State responded by requesting a number of affidavits.

It is anticipated that connection will be agreed early in the new financial year.

### *GUDJALA PEOPLE (QUD80/2005) AND GUDJALA PEOPLE #2 (QUD141/2006)*

Gudjala People #1 and #2 were to proceed to consent determination in March 2014, however due to certain issues raised in *The State of Queensland v Congoo*, the native title applications for #1 and #2 were split into Part A and Part B.

Native title over Part A of Gudjala People #1 and #2 was determined on the 18 March 2014.

The High Court handed down its decision in *The State of Queensland v Congoo* in May 2015 and negotiations in Gudjala #1 and #2 subsequently recommenced.

In June 2016, a meeting was held at Charters Towers where the Gudjala People authorised the Part B consent

determination for Gudjala People #1 and #2 applications. Consent determination for Part B of both claims is listed for late 2016.

### GULNGAY PEOPLE (QUD308/2014)

The Gulngay People's claim was successfully registered on 26 September 2014, and the first Federal Court hearing was held in early 2015. Dr Pannell's report was provided to the State in mid-June 2015. The State responded with a series of questions and a comprehensive supplementary report was provided.

The Jirrbal People, represented by independent solicitors lodged on 22 October 2015 a claim which in part overlapped the Gulngay claim. The Jirrbal People also made an application for one (1) of their members to formally become a respondent to the Gulngay claim. That application was set down by the Court for Hearing in the next financial year.

The State has said it will not further respond on connection until the outcome of that matter is known.

### GURAMBILBARRA WULGURUKABA (QUD623/2016)

On 16 June 2016, the Gurambilbarra Wulgurukaba people authorised the claim.

The claim area extends to the north to Rollingstone Creek, to the west to the watershed of the coastal ranges, south to the Ross River and east to the coast. This is land based claim.

The Form 1 will be filed in the next financial year.

### JURU PEOPLE (QUD554/10) AND JURU PEOPLE #2 (QUD1/2012)

The Juru People claim was filed 15 December 2010 and was registered on 27 May 2011.

The Juru People #2 claim was filed 5 January 2012 and was registered on 11 April 2012.

On 1 November 2013, Juru People and Juru People #2 were combined and the combined Juru application continued to be conducted as one application under file number QUD554/2010.

The State and the Juru People were in dispute over certain areas. The undisputed areas progressed to consent determination as a Part A determination on 11 July 2014 and the disputed areas (Part B) were set down for trial in January 2015.

The Part B areas were resolved and the proposed trial was vacated.

On 22 June 2015, the Federal Court made a consent determination recognising the Juru People's non-exclusive and exclusive native title rights over about 200 parcels of

land around the townships of Bowen, Merinda and Home Hill and a number of parcels of rural land outside of the township areas.

As part of negotiations towards a consent determination, the Juru People agreed to suspend the exercise of their rights and interest for a period of 12 months from the date of the determination over a select few parcels of land which contain "squatters" (people without any lawful authority or legal tenure) and a select few parcels of land that two (2) rifle clubs wish to acquire. The select parcels of land are areas where the Juru People have been recognised to hold exclusive native title and non-exclusive native title. The Juru Peoples' PBC (Kyburra Munda Yalga Aboriginal Corporation), with the assistance of NQLC, will determine whether the squatters remain or whether they be removed and consider what to do about the other parcels of land when it enters into discussions with the State of Queensland in the next financial year.

The Part B determination was the third occasion on which the Federal Court made a consent determination of some of the Juru People's native title rights over land and waters. The three (3) Juru People determinations are contained within the external boundaries of the land and waters extending from the coast near Home Hill, along the Burdekin River in the north west, south to the head of the Don River, east towards Bowen, and approximately 20km seaward of the coastline in the Coral Sea.

### MANBARRA PEOPLE (IMPLEMENTATION OF PALM ISLAND IMPROVED FUTURE LAND PRACTICES INDIGENOUS LAND USE AGREEMENT)

The Palm Island Improved Future Land Practices ILUA was executed in 2010 and was registered on 7 July 2011.

In exchange for consents provided by the Manbarra People for community infrastructure, a Trustee Aboriginal Lease (the Lease) over the North East Bay Area to a Manbarra entity was agreed to be granted by the Palm Island Aboriginal Shire Council (PIASC).

Despite the ILUA being made in 2010, PIASC had not progressed the Lease until NQLC intervened in 2013.

Since 2013, NQLC has provided assistance to Manbarra people to resolve the Lease. The dispute resolution clause had to be invoked due to constant delays by PIASC.

It is anticipated that the lease will be finalised in the first half of the next financial year.

### NYWAIGI PEOPLE (QUD148/2015)

A Nywaigi core country native title determination application claim was filed with the Federal Court on the 10 April 2015 and registered by the NNTT on the 6 June 2015. The claim was been notified and respondents have registered their interest with the Court.

The first Direction Hearing was held in Brisbane in March 2016. A draft timetable was subsequently prepared to progress the Nywaigi native title application. Connection material was supplied to the State in April 2016, with the State to advise its position concerning connection in the later part of 2016.

### WAKAMAN #3 (QUD146/2015)

In December 2014 the State made an offer to the Port Douglas based property developer Port Bajool Pty Ltd to convert Crystalbrook Station to freehold for a total of \$39,039.13. That's about \$1.15 per hectare.

The offer was subject to native title being addressed by an ILUA or a non-claimant application. On 8 April 2015 Port Bajool Pty Ltd filed a non-claimant application that sought a determination from the Court that native title did not exist on Crystalbrook.

In order to prevent the extinguishment of native title the Wakaman #3 native title claim was filed. The claim was registered with the NNTT on 22 of December 2015. A consultant anthropologist has been engaged to produce a connection report and this is ongoing.

### WARRGAMAY (QUD882/2015)

On 27-28 May 2015, the Warrgamay People authorised an application for a determination of native title to be made in the Court. This followed extensive research by Dr Sandra Pannell and Ray Wood.

Filed on 24 September 2015, the claim was registered on 12 February 2016. Notification period will close on 3 August 2016.

### WIDI #1 (QUD312/2006)

Orders were made that this claim be suspended pending the outcome of the Widi #2 and Barada Barna proceeding (discussed below). The Widi #2 matter having been successfully concluded, it is expected that Widi #1 will come out of suspension and be actively pursued in the new financial year.

### WIDI #2 (QUD412/2013)

The Widi #2 claim area is overlapped by the Barada Barna claim (QUD 380/2008). The Barada Barna Applicant is privately represented. On 22 May 2014 Justice Dowsett made programming orders setting down the Barada Barna claim for trial and this proceeding is known as the 'Barada Barna Proceeding'. The Court made programming orders despite submissions from the Widi #2 Applicant that the Widi #2 claim should not be set down for trial. The trial commenced on 16 November 2015 over a period of five (5) weeks to hear connection evidence and a further three (3) weeks in January 2016 to hear extinguishment evidence.

The Widi #2 Applicant and Barada Barna Applicant have made substantial efforts to resolve the Indigenous issues in dispute and to engage in negotiations with the State in an effort to have the proceeding resolved by consent. During these efforts the parties have been complying with the orders of the Court. Preparation of the material required for trial is essential should progress towards resolution of the matters by consent be possible. The material prepared for trial will form part of the material to be considered by the State in any negotiation that successfully resolves the proceeding. The material prepared for trial is also relevant to the proposed resolution of Widi #1 by consent.

There has been some significant developments from January to the end of the 2016 financial Year, most importantly that the parties progressed the issues in dispute to the point where the Court was persuaded to put the trial off. Intense negotiations and case management ultimately led to an agreement with all parties, including the State and all respondent parties.

Barada Barna had its own private legal representative whereas Widi was represented by NQLC in-house solicitors with each party retaining barristers to assist with the often complex issues.

Ultimately it was agreed that each of Widi and Barada Barna would hold separate but identical native title in the area of the claim.

After all was set and agreed for a determination to be delivered on 29 June members of the Johnson family, with four (4) working days to go, lodged an overlapping claim: Wierdi #2 (QUD 471/2016)

Various members of the Johnson family had, on several previous occasions sought to become respondents to the Widi #2 claim but had failed on each occasion.

The parties had to work quickly and cooperatively to mount a challenge to this claim.

On their own material it was clear that their claim had not properly been authorised and on the day prior to the determination the Court struck out their claim, leaving the way free for the determination to proceed as planned on 29 June 2016.

### YUWIBARA PEOPLE (QUD120/2013)

The Yuwibara native title determination claimant application (Yuwibara Claim) concerns an area of land and waters on the central coast of Queensland which takes in the town of Mackay, the coastal plains and valleys from near Ilbilbie in the South to Midge Point (Midgeton) in the north, and west across the Pioneer Valley to the foothills of the Connors and Clarke Ranges. It covers an area of 6772 square kilometres and incorporates three (3) local government areas- Mackay regional Council, Whitsunday Regional Council and the Isaac regional Council.

On 27 June 2013, the Yuwibura Claim was authorised.

On 29 October 2013, the Yuwibara Claim Form 1 was filed with the Federal Court.

On 9 January 2014, the Yuwibara Claim was accepted for registration under *s190A of the NTA*.

On 29 August 2014 and 17 December 2014, connection material was provided to the State on a confidential basis. On 30 January 2015, the State requested further connection material.

On 4 September 2015, the applicant provided further connection material to the State.

On 22 January 2016 the State requested further material. On 9 June 2016, the applicant provided further connection material to the State;

We anticipate the further materials will satisfy the State on connection and this matter will proceed to substantive negotiations towards a consent determination in due course.

### IMPLEMENTATION OF ILUAS - GENERAL

ILUAs often provide for ongoing activities that occur post determination, these matters can range from land exchange agreements to cultural heritage clearance matters, other areas of ongoing cooperation between Indigenous groups, developers, 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.

### NOTIFICATIONS, FUTURE ACTS AND MINING AGREEMENTS IMPLEMENTATION AND DISPUTE RESOLUTION

Future act notifications fall into two (2) primary categories (i) *section 24* notices where the 'right to comment' is the most common procedural right; and (ii) *section 29* notices where the 'right to negotiate' generally applies.

Processing future act notifications is the core work of the FAME Unit which involves: receiving notifications of proposed activities; examining them for compliance with the *NTA*; assessing the procedural rights available to the affected native title party; notifying the affected native title party/s and assisting the affected groups respond to notices.

As previously reported, section 24 notices are subjected to scrutiny prior to issuing to the affected native title parties with advice related to each notice tailored to the specific circumstances. Such scrutiny and advice has seen an increase in requests to assist the native title party respond to the proposed activity. Also, as PBCs increasingly monitor activity on their country a number of future acts that are not 'notifiable' under the *NTA* are being brought to our attention for examination and assistance.

Where the future act notifications relate to 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 primarily provide for the protection of cultural heritage and an annual administration fee payable to the native title party. Assisting PBCs audit their future act records and pursuing outstanding fees is an ongoing support activity the FAME Unit provides. It is worth reporting that there has been a significant decrease in the exploration notices issued under the expedited procedure regime in the reporting period (62 down from 131 in the previous period) and in the case of one (1) group, approximately 30% of the tenements that were current in the previous period were surrendered before expiration was due or not renewed upon expiration.

Other exploration and mining notifications may trigger the 'right to negotiate' provisions of the *NTA* and the FAME Unit actively represents a number of native title groups in such dealings. In addition to representing the native title groups in their negotiations, the FAME Unit has been progressively working with our client groups to assist them implement the terms of the future act agreements that have been reached.

The benefits provided in an agreement between a native title group and a proponent are compensation to the native title party for their consent for a future act proceeding and the impact that the future act will have on the group's native title rights and interests. Implementation of agreements is critical to ensuring that the full benefit of the compensation terms flow to the native title group and it is an area of concern for both native title parties and the NQLC. The NQLC will continue to work with our clients to ensure implementation and compliance with the terms of agreements.

### ATTENDING TO STATUTORY OBLIGATION TO HANDLE FUTURE ACTS NOTIFICATION WHERE THERE IS NO REGISTERED CLAIM

When a 'right to comment' notice does not affect a registered or determined claim, the NQLC makes all reasonable efforts to identify which native title group/s may have an interest in the area and issue a copy of the notice to them. Although there is no procedural 'right to comment' in these cases, if a group has concerns about the future act affecting an area of significance, NQLC encourages the group to contact the State and request an inspection of



the area to protect cultural heritage.

Of the total mining and exploration notices received 86 in the period, 23 affected lands that were not subject to a native title claim or determination. In circumstances where a *section 29* notice is issued affecting lands not subject to a claim or determination, NQLC writes to the proponent 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*.

#### NATIONAL NATIVE TITLE TRIBUNAL ARBITRATION OF FUTURE ACT DETERMINATION APPLICATION

The *NTA* does not provide for native title parties to say 'no' to future acts affecting their native title rights and interests but in the case of exploration or mining the 'right to negotiate' might apply. In these cases the *NTA* says the native title party, proponent and State must negotiate in good faith to reach an agreement for the future act to go ahead. If the parties do not reach an agreement six (6) months after the notification date, any party can file a 'Future Act Determination Application' (FADA) for an arbitrated decision by the National Native Title Tribunal (NNTT). No FADAs have been filed in this reporting period.

There is also the provision to apply to the NNTT to object to a future act being treated under the expedited procedure regime. NQLC has not had cause to file any objection applications.

#### SMALL SCALE AND OTHER MINING AGREEMENTS

With some exceptions, notably in the Bowen and Galilee Basin areas, the type and size of mining activity within the NQLC boundary are mainly 'small scale' operations. In the 2015-2016 period NQLC received a total of 86 *section 29* notices, of those 62 were subject to the expedited procedure regime and 24 were subject to the right to negotiate provisions.

There are a number of tenements currently subject to the right to negotiate. Negotiations and drafting of agreements are at various stages in the process. During the reporting period two (2) matters subject to the right to negotiate were referred to the National Native Title Tribunal (NNTT) for mediation assistance.

#### DJUNGAN PEOPLE - SMALL SCALE MINING ILUA

As previously reported, the Djungan People Small Scale Mining (SSM) ILUA was authorised in April 2015 and provided to the State in May 2015. The State lodged the SSM ILUA with the National Native Title Tribunal (NNTT) for registration on 16 July 2015. The notification period

was 16 September to 16 December 2015 and as there were no objections raised, the NNTT registered the SSM ILUA on 18 December 2015.

#### IMPLEMENTATION OF ILUAS, MINING AND EXPLORATION

In relation to the ILUAs and other agreements related to mining and exploration, as noted above, a prevailing issue for native title groups is successful and ongoing implementation of the agreement to ensure that all negotiated terms are implemented to their fullest extent.

In the course of our ongoing work with native title groups to implement their agreements, a number of issues were identified as affecting most groups. These included:

- Administrative tools and resources required;
- Better engagement with the State and industry to maximise the value of the benefits being implemented;
- Directing the benefits to meeting the needs and aspirations of the native title group; and
- How/what were other groups doing to get the best out of their agreements.

To address these concerns the FAME Unit designed a number of 'Project' based activities and in the current reporting period the Projects were: Community Planning and a Capacity Building Workshop.

The Community Planning Project is designed to assist native title parties improve their strategic management of assets to meet community aspirations and needs. One (1) Community Plan was completed and another group commenced the process in the reporting period.

Recognising the importance of the groups to share experiences in dealing with the issues impacting on their ILUA/agreement implementation and to facilitate access to external opportunities to maximise the value of the compensation negotiated, the FAME Unit designed a series of Capacity Development Workshops.

As previously reported, one (1) initiative arising from the earlier Workshops was the development of a 'NQLC Template Negotiation Process Document'. The Document sets out the standards/ principles for the negotiation process – it does not address the actual content or terms to be negotiated. The Document is progressively being presented to the groups affected by mining and exploration for their consideration and adoption.

Workshop #4: "Current State Regime and Best Practice for Native Title Parties" was conducted in Townsville on 7 to 10 June 2015. The content of the Workshop was directed to scoping current State practices, including recent and impending policy and legislative amendments, and management models/tools that native title parties could implement to deal with future act activities affecting their native title rights and interests. The participants at Workshop #4 endorsed a proposal to establish a 'FAME

Table 3: Performance according to functions and outputs

FACILITATION AND ASSISTANCE		
The Claims Experience		
CLAIMANT APPLICATIONS		
Active claims represented at 30 June 2015		13
	Plus Claims filed this year by the NQLC	5
	Less Claims Determined 2015.16	6
	Less Claims Dismissed 2015.16	0
	Less Claims Withdrawn 2015-16	0
	Less non native title outcome 2015-16	0
Active Claims represented at 30 June 2015		12
	Number of these registered by National Native Title Tribunal (NNTT) [see note 1]	12
Claims in Development		3
Non-Claimant Applications (as relevant)		2
Compensation Claims (as relevant)		0
The Agreements Experience		
Future Act Notices (FANs) received		950
Response to Future Acts		1,548 (see note 1)
Agreements:	Concluded	2
	In development	1
Indigenous Land Use Agreements (ILUA):	Concluded and registered	2
	In development	8
COMPLAINTS AND DISPUTES		
Complaints	Received	0
	Resolved	0
	Pending	0
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:	Received	0
	Completed	0

Note 1 – 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, represent native title groups in their negotiations and drafting of future act agreements.
- The increase in the number of 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 in the last three reporting periods.

Reference Group' that could engage in future policy and legislative amendments, representing the interests of all groups affected by mining and exploration in the region. The FAME Reference Group will comprise four (4) persons who can demonstrate strong skills and/or knowledge in one or more of the areas of negotiations, economic-business development/wealth strategies, policy development and administration. The selection process (by way of written Expression of Interest) is currently underway.

### 5.3 NARRATIVE DISCUSSION AND ANALYSIS OF PERFORMANCE

#### 5.3.1 TREND INFORMATION

##### COMMUNITY AND PERSONAL HISTORY

The difficulty with the State's Communities and Personal Histories Unit continues with it taking up to 12 months in providing community and personal histories. This continues to negatively impact on the time it takes to construct new native title claims as well as potentially delaying our response to the Federal Court in matters where there are Indigenous parties claiming connection to a particular claim group.

The NQLC acknowledges that this is a result of severe underfunding by the State and does not in any way reflect on the very dedicated and hardworking personnel at the Communities and Personal Histories Unit.

#### 5.3.2 FACTORS, EVENTS OR TRENDS

The NQLC's funding body, the Department of Prime Minister and Cabinet (PM&C), has itself suffered a reduction in resources leading to the loss of a number of staff who had a good understanding of the native title processes and the peculiar difficulties under which native title representative bodies work. The NQLC has found that, as a result, it has been difficult to get timely responses to queries and advice on funding and budgets.

We have been advised that the funding model is changing and during the reporting period have had to prepare budgets for the 2016/17 year based on the new scheme of *Outcomes Based* funding, whereby matters are assessed according to a set of 'milestones' and funding allocated accordingly. The NQLC is concerned that the milestones may not, in practical terms, cover the wide range of work that is involved in getting a native title claim to determination or settling an ILUA, and they are a purely quantitative, not qualitative, measure. PM&C has however advised that next year will be part of the development process of applying the Outcomes Based funding model to NTRBs and the system may be refined as a result of the learning.

One major aspect of the *NTA* that NQLC considers should be changed is the provisions concerning respondent parties. An enormous amount of public money is consumed in dealing with individual respondent parties. Not only is a

lot of the funding provided to NTRBs/NTSPs consumed, but also monies through the Attorney General's respondent funding scheme.

In each of the recent determinations in the NQLC region during the reporting period, the Court when handing down the consent determination has been at pains to make it clear that they are not "granting" anything to the native title holders but simply recognising what is and has always been. Currently, respondent parties are admitted as parties to claims on the basis that they have an interest that will be affected by the determination of native title. The NQLC believes that to be a fallacy. If native title has always existed, then any interest held by a respondent is in fact already affected as native title does not come into effect upon the determination, but already exists.

Unfortunately the current wording of the *NTA* talks in terms of a person's interest being affected, and there is a long line of case law giving an extremely wide interpretation to the nature of the interest which would qualify. NQLC would like to see PM&C support amendments to the *NTA* which would remove these party status provisions - the effect of which would be to save a considerable amount of public monies.

There are other ways in which the *NTA* needs reform – one of which is in relation to non-claimant applications. The ease with which such claims can be lodged contrasted with the enormous amount of work that native title holders have to put in to launch a claim is discriminatory in itself. Native title holders only have three (3) months from the advertised date to respond by lodging a claim to prevent *section 24FA* protection arising. This makes a complete mockery of the requirement that NTRBs have an approved operational plan for the claims they intend to progress each financial year.

With many PBCs now established, as more and more determinations are reached, serious consideration needs to be given to amending the *NTA* to extend timeframes for responding to Future Act notices. Current case law says that 28 days is sufficient. Those cases were run in the days when there were not many determinations. Given that the matters where there are determinations now have to be decided by the relevant PBC, the time frames are insufficient. Especially when the period of notice necessary to call the Board of a PBC together may be 14 or even 21 days in itself.

#### 5.3.3. SIGNIFICANT CHANGES IN NATURE OF PRINCIPAL FUNCTIONS/SERVICES

A significant change during the period that greatly affected the NQLC's ability to deliver its functions and services was the 10% reduction in our funding from PM&C. This resulted in a number of planned claim activities not proceeding, a downsizing of staff, and reductions in the NQLC's capacity to assist the region's traditional owners. Whilst, by the close of this period, the NQLC's budget allocation for 2016/17 has not been provided by PM&C the NQLC is hopeful that it will be spared from such a significant cut again.

### 5.3.4 PERFORMANCE AGAINST SERVICE CHARTER/ STANDARDS, COMPLAINTS DATA AND THE NQLC'S RESPONSE TO COMPLAINTS

There were no formal complaints received during the reporting period.

## 5.4 DISCUSSION AND ANALYSIS OF THE NQLC'S FINANCIAL PERFORMANCE AGAINST BUDGET

During the 2015-2016 financial year, the NQLC received approval from the PM&C to use its carry over surplus from previous financial years involving two (2) efficiency improvement projects, being:

- Cairns Head Office refurbishment, resulting in future savings from lease rentals; and
- Document and business management systems upgrade.

As at the end of the financial year, several external anthropological contracts were still outstanding, however these contracts were committed from the 2015-2016 grant funds.

Unbudgeted Annual Generated Income (AGI) from meeting contributions and sale of assets enabled the purchase of necessary unfunded capital items.

The NQLC has achieved an 'unqualified audit opinion' from our auditors, Grant Thornton Audit Pty Ltd.

### 5.4.1 DISCUSSION OF ANY SIGNIFICANT CHANGES FROM THE PRIOR YEAR OR FROM BUDGET

The NQLC was principally funded by PM&C during 2015-2016. A comparison of funding received with the previous financial year is summarised below:

Revenue from PM&C decreased by approximately 11.71%,

Table 4: Budgets/Actual by main heads of expenditure and revenue

NTRB FUNCTIONS (FUNDS UTILISED UNDER NATIVE TITLE FUNDING AGREEMENT)	(1) ACTUAL 2014-15 \$'000	(2) BUDGET 2015-16 (BUDGET) \$'000	(3) ACTUAL 2015-16 \$'000	(4) VARIATION (COLUMN 3 MINUS COLUMN 2)
<b>EXPENDITURE</b>				
Capital	100,174	0	46,999	46,999
Activities	6,082,715	6,091,503	5,069,503	-1,022,000
Corporate	2,386,119	2,382,587	2,501,894	119,307
<b>Total</b>	<b>8,569,008</b>	<b>8,474,090</b>	<b>7,618,396</b>	<b>-855,694</b>
<b>INCOME</b>				
PMC Funding	9,521,000	8,406,090	8,406,090	0
Activity Generated Income				0
- Administration Fees	27,524	8,000	13,036	5,036
- Bank Interest	30,104	20,000	24,627	4,627
- Meeting Contributions		0	2,336	2,336
- Project Proponent Income	86,825	40,000	26,895	-13,105
- Provision of Services	17,463	0	38,010	38,010
- Sale of Assets	14,918	0	19,053	19,053
Other Income	536,923	0	61	61
<b>Total</b>	<b>10,234,757</b>	<b>8,474,090</b>	<b>8,530,108</b>	<b>-56,018</b>



and overall (excluding carry over surplus) decreased by approximately 12% due to a lower AGI in 2015-2016.

During the 2015-2016 financial year, overall funding for native title representative bodies and service providers was reduced.

In addition, a downturn in the mining industry had an adverse effect on the organisation's capacity to earn AGI.

#### 5.4.2 SUMMARY OF RESOURCES BY OUTPUTS, BUDGET/ACTUAL BY MAIN HEADS OF EXPENDITURE AND REVENUE

Refer to Table 4.

#### 5.5 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 PM&C is guaranteed until 30 June 2018, and our NTRB recognition is for the same period. As from 01 July 2016, a new outcomes-based funding arrangement under the IAS was introduced for all native title representative bodies and service providers. Performance reporting will be measured against achieving agreed half yearly and yearly milestones.

Ongoing funding will be provided on the achievement of agreed outcomes, with an increased emphasis on performance management, measurement and reporting. PM&C says the move *"is driven by the principles of enhanced transparency and accountability for outcomes and of maximising progress against outcomes through the flexible allocation of resources."*

Widi #2 Native Title Consent Determination (June 2016)







b.

## corporate Governance

### 6.1 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 provides 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 or the conditions set out in any PFA;
- Appointment of auditors in accordance with the Rules;
- Appointment of a CEO;
- Setting, running and keeping records of all Annual General Meetings, all General Meetings and all Ward Meetings of the Corporation;
- Appointment of a Public Officer or Secretary as required by the *CATSI Act*;
- 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 Rules also provides that the function of the CEO is as follows:

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

The CEO is responsible for:

- The day to day management and administration of the NQLC in accordance with the Policy and Procedure Manuals;
- Implementing decisions of the Board;
- Managing the day to day financial resources of the organisation within PM&C 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 performance of the functions of the NTRB;
- Identifying funding sources and in kind support from Government and non-Government agencies;
- Ensuring that native title groups within the gazetted area of the NQLC are aware of the functions and framework of the organisation;
- Ensuring the operations of the organisation are integrated with and complimentary to the operation of other indigenous organisations within the region;
- Promoting the role of the NQLC at a local, regional and national level;
- Developing advocacy positions and submissions on behalf of the NQLC.

In addition, NQLC policy dictates that at all times the mode of communication between Board Members and the administration is via the CEO. Nothing in this clause shall prevent a Staff Member from communicating with an Individual Board Member about a private or cultural matter.

## 6.2 NAME OF THE SENIOR EXECUTIVE AND THEIR RESPONSIBILITIES

NQLC's Chief Executive Officer (CEO) is Mr Steve Ducksbury. The responsibilities of the CEO are as described in Section 6.1.

## 6.3 SENIOR MANAGEMENT COMMITTEES AND THEIR ROLES - SEPARATION OF POWERS

NQLC's Separation of Powers principles are described in Section 6.1.

The NQLC is controlled by a Board of Directors 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 of two (2) years, holding office from the end of one (1) Annual General Meeting (AGM) until the AGM following in two (2) years.

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. No formal sub-committees were created in the financial year.

In addition, the Rules provide as follows:

### 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 (4) 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 (2) 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.*
- (c) *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 (1) of its members to be responsible for calling meetings of the sub-committee and inform the CEO of the name of the responsible person.*
- (11) *Meetings of the Executive Committee or of a sub-committee may be held at two (2) 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).*

### 6.3.1 NUMBER OF BOARD OF DIRECTORS MEETINGS, ATTENDANCE BY MEMBERS

In this financial year there were six (6) Board Meetings and two (2) Executive Meetings. At the conclusion of the Annual General Meeting in October 2015, there were 12 directors (four (4) newly elected and three (3) not returned). A number of meetings were attended by the Chair and/or other Directors (see Table 6).

### 6.3.2 TRAINING ARRANGEMENTS FOR BOARD OF DIRECTOR MEMBERS

The Board members attendance of training is shown in Table 7.

## 6.4 CORPORATE AND OPERATIONAL PLANNING AND ASSOCIATED PERFORMANCE REPORTING AND REVIEW

The Board aims to have a minimum of four (4) 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 Chief Executive Officer (CEO);
- the Principal Legal Officer (CFO) (including claims report); and
- Chief Financial Officer (CFO) (Financial Statements).

In accordance with PM&C requirements, the NQLC prepares, on a yearly basis an Operational Plan for approval by PM&C and attends to changes of that Operational Plan during the financial year as required. In accordance with PM&C requirements, the NQLC reports on its operational and financial performance twice a year.

## 6.5 APPROACH ADOPTED TO IDENTIFYING AREAS OF SIGNIFICANT FINANCIAL OR OPERATIONAL RISK AND ARRANGEMENTS IN PLACE TO MANAGE RISKS

The NQLC, as per PM&C's Terms and Conditions Native Title Agreement, for agreements commencing on or after 1 July 2013, employs an in-house Certified Practising Accountant. The NQLC has external auditors who undertake its 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;
- The PLO and other lawyers maintaining a professional relationship with the Registrars of the Federal Court and when appropriate, discussing prioritisation needs; and
- 12 monthly overview and forward strategic planning meetings.

The NQLC has a fraud Prevention Policy in place which is designed to protect public funds and other assets, protect the integrity, security and reputation of NQLC and its employees and assist in maintaining high level of services to the community. NQLC is committed to protecting its revenue, expenditure, assets and property from any attempt by anyone, to gain by deceit, financial or other benefits.

The NQLC requires its Board members and staff to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority. Board members and staff are required to declare any conflicts of interest upon appointment and annually, and also advise of any changes as they arise.

Internal financial management reports and budget variance analysis reports are produced and analysed on a regular monthly basis. The NQLC maintains a secure record of all its financial transactions, and regular account reconciliations are performed.



## 6.6 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 6.1).

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 adhere to the policies outlined in the NQLC Policy Manual. The NQLC Policy Manual includes:

- Separation of powers;
- Code of conduct;
- Conflict of Interest;
- Employment and financial decision making;
- Receiving of gifts, benefits and hospitality;
- Internal review process;
- Harassment in the workplace;
- Confidentiality; and
- Privacy.

The NQLC adhere to the procedures outlined in the NQLC Administrative Procedures Manual. The NQLC Administrative Procedures Manual includes:

- Complaints and grievances;
- Usage of telecommunications and social media;
- Workplace health and safety;
- Statutory obligations;
- Financial responsibilities including purchasing, procurement and the appointment of consultants; and
- Meeting processes including travel and payment of travel allowance.

## 6.7 NATURE AND AMOUNT OF REMUNERATION FOR SENIOR MANAGEMENT AND HOW IT IS DETERMINED

Subject to adequate funding from PM&C, the Board of Directors determines the salary of the CEO. Remuneration for senior management is based on the salary scales contained in NQLC's Enterprise Agreement 2011-14.

Current salary rates are based on previously negotiated Enterprise Agreement conditions, together with market and industry analysis.

NQLC consults PM&C on all senior management appointments and remuneration as per the Terms and Conditions of the Program Funding Agreement.

WARD	NO. OF REPRESENTATIVES
Cairns	2
Hughenden/Charters Towers	1
Innisfail	1
Mount Garnet Ward	1
Proserpine/Mackay	1
Tableland	2
Townsville/Ayr	1
Tully/Palm Island	1
Yarrabah	2

Table 5: Number of Representatives on Board of Directors per Ward to be elected in September 2015

BOARD OF DIRECTOR MEETINGS				
No.	Type of Meeting	Dates	No. Attending	Location
1	Face to Face	14 Aug 2015	8	Townsville
2	Face to Face	16 October 2015	11	Cairns
3	Face to Face	7 November 2015	12	Cairns
4	Face to Face	1 February 2016	10	Cairns
5	Face to Face (half Day)	4 February 2016	8	Cairns
6a	Face to Face	27 April 2016	10	Cairns
6b	Face to Face	28 April 2016	10	Cairns

Table 6: Meetings attended by the NQLC Board of Directors during the 2015-2016 reporting period.

Table 6: Meetings attended by the NQLC Board of Directors during the 2015-2016 reporting period (continued).

OFFICE BEARER MEETINGS				
1	Face to Face (1 x tele link)	19-Jul	6	Cairns
2a,b	Teleconference/Video Link	22 & 24 Feb	4	Cairns
2c,d	Teleconference/Video Link	3 & 10 March	4	Cairns
OTHER MEETINGS ATTENDED BY DIRECTORS				
1	CEO Vacancy Business	29 August 2015	Madam Chair + 1	Cardwell
2a	CEO Selection Panel. Shortlisting of Applicants	5 September 2015	Executive Committee	Cairns
2b	CEO Selection Panel. Conducting interviews	21 - 22 September 2015	Executive Committee	Cairns
2c	CEO Selection Panel. Recommendation process	24 September 2015	Executive Committee	Cairns
3	Ward Elections. Four (4) new Directors elected	18 September 2015	12	NQLC Service Region
4	AGM	24 October 2015	Membership	Cairns
5	NNTC Meeting	10 December 2015	Madam Chair	Melbourne
6	QRBA/Stakeholders Workshop	29 January 2016	Madam Chair	Brisbane
7	Choorechillum PBC Meeting	27 February 2016	Madam Chair	Tablelands
8	NNTC Meeting	16-17 May 2016	Madam Chair	Melbourne
9	NT Conference	1-3 June 2016	9	Darwin
10	Bar Barrum Determination	6 June 2016	Madam Chair	Dimbulah
11	Bindal Meeting	16 & 24 June 2016	Madam Chair + 1	Townsville
12	Widi Determination	29 June 2016	1	Moranbah
13	AIATSIS Referendum Forum	28-29 June 2016	Madam Chair + 1	Broome

Table 7: Training attended by the NQLC Board of Directors during the 2014-2015 reporting period

BOARD OF DIRECTOR TRAINING				
No.	Type of Meeting	Dates	No. Attending	Location
1	AILC Certificate II in Leadership	26 - 30 November 2015	Madam Chair + 1	Canberra
2	NQLC Operational Workshop	18 December 2015	8	Cairns
3	Shane Carroll Corporate Governance	2 February 2016	9	Cairns
4	NQLC Policy Workshop (1 and 1/2 Days)	3 & 4 February 2016	8	Cairns
5	NQLC Strategic Plan Workshop	25 & 26 February 2016	8	Port Douglas
6	Conflict Mediation Course	4 March 2016	Madam Chair	Cairns
7	AILC Certificate III in Leadership	14 - 18 March 2016	Madam Chair	Perth
8	NQLC Directors Portfolio/Other Workshop	10-11 May 2016	10	Cairns
9	AILC Certificate III in Leadership	23-27 May 2016	Madam Chair	Perth

Image: Board of Director's Strategic Planning Workshop [L-R: Martin Dore, Annette King, Jim Petrich (Facilitator), Patricia Dallachy, Victor Maund, Phil Rist, Kaylene Malthouse, Steve Ducksbury, Annette Hooligan, Suzanne Lane and Gary Mooney.





1.

## External scrutiny

### 7.1 SIGNIFICANT DEVELOPMENTS IN EXTERNAL SCRUTINY

There have been no developments in external scrutiny from previous years. The NQLC continues to have its finances audited in accordance with the requirements of the Terms and Conditions Native Title Agreement, and in accordance with Australian accounting standards

NQLC is registered as a charity with the Australian Charities and Not-for-profits Commission however our corporate regulator remains The Office of the Registrar of Indigenous Corporations [ORIC].

### 7.2 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.

### 7.3 EVALUATION AND/OR AUDIT REPORTS - FINDINGS AND RESPONSES

The audit of the NQLC's finances was unqualified.

### 7.4 OTHER EXTERNAL REVIEWS

Nil

Contract Type	No. of Contracts Let 2015/16	Total Expenditure
Corporate and General	13	141,472
Anthropological	11	268,556
Legal	26	428,277
<b>TOTAL</b>	<b>50</b>	<b>\$838,305</b>

Table 8: Consultancy information 2015-2016 Financial Year.

8.

## competitive Tendering

### 8.1 COMPETITIVE TENDERING AND CONTRACTING PRACTICES

In addition to the services provided by 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 NTRB. 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 PM&C's Terms and Conditions Native Title Agreement, for agreements commencing on or after 01 July 2013.

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

External consultants providing anthropological services to the NQLC are provided with formal written contracts detailing terms and conditions of services, including reporting time frames, number of contract days, fee scales and fixed figure contracts.

Contracts for legal consultants tend to be written for two (2) 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 include areas involving Human Resources, Industrial Relations, audit and accounting.

During the reporting period, the NQLC's expenditure from PM&C funds for these contract categories are listed in Table 8.



1.

# Management of Human Resources

## 9.1 WORKFORCE PLANNING, STAFF TURNOVER AND RETENTION

As at 30 June 2016 NQLC had 40 staff, of which 45% were Indigenous.

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

During this reporting period there was a turnover of nine (9) staff. Five (5) staff resigned, one (1) fixed contract expired, one (1) contract was not renewed and two (2) staff took redundancies. During this reporting period, in addition to the two redundant positions, a further position was not back filled.

## 9.2 TRAINING AND DEVELOPMENT UNDERTAKEN AND ITS IMPACT

Throughout the year staff have attended Aurora training. The courses included Strategic Leadership, Native Title Law and ILUAs and Foundations of Native Title (FoNT). Staff also attended legal wise training and participated in Law Society webinars and training DVDs. Other Conferences and Forums attended by staff included Land Access Forum, Native Title Anthropology Conference, Australian Anthropological Society Conference, and the National Native Title Conference.

Finance seminars attended included taxation and payroll, and FBT courses.

During the year, Management attended a Conflict Resolution seminar.

Other training throughout the year included project management and first aid programmes.

## 9.3 IMPACT AND FEATURES OF ENTERPRISE AGREEMENTS

The remuneration scale prescribed in NQLC's Enterprise Agreement 2011-14 has enabled the NQLC to attract and retain experienced staff and provides security for these staff in relation to their rates of pay. The agreement also provides a number of protections for staff in relation to conditions of employment.

The NQLC is yet to negotiate a new Enterprise Agreement. The current agreement remains in place until a new agreement is registered.

## 9.4 WORKPLACE HEALTH AND SAFETY PERFORMANCE

The NQLC maintains a Workplace Health and Safety (WH&S) Committee and abides by the Queensland Work Health and Safety Act 2011. The elected WH&S Representatives partake in refresher training and hold meetings to ensure currency of and commitment to WH&S obligations within the workplace.

The NQLC maintains appropriate Workers' Compensation Insurance with WorkCover Queensland.

The NQLC undertakes an annual audit of its first aid kits.



## 9.5 STATISTICS ON STAFFING

Refer to Table 9 for a comparison on staffing numbers for the 2015-2016 and 2014-2015 reporting period. See also Figure 2 for the current staff structure as at 30 June 2016 and section 8.1, Workforce Planning, Staff Turnover and Retention.

## 9.6 INDEMNITIES AND INSURANCE PREMIUMS FOR OFFICERS

The NQLC holds Professional Indemnity Insurance cover up to ten million dollars, at a premium of \$38,811.50 per annum. This insurance covers Directors and Officers. During this period there have been no claims made under this policy.

Table 9: Comparison on staffing numbers for the 2015-2016 and 2014-2015 reporting period.

POSITION	NO. OF STAFF 2015-16 (AS AT 30 JUNE 2016)	NO. OF STAFF 2014/15 (AS AT 30 JUNE 2015)
Chief Executive Officer	1	1
Principal Legal Officer	1	1
Chief Financial Officer	1	1
Lawyers	10	9
Anthropologists	4	4
Project Officers	8	10
Administration & other Officers	15	19
<b>TOTAL NUMBER OF STAFF</b>	<b>40</b>	<b>45</b>



## Native Title consent Determinations

### 10.1 SUMMARY OF NATIVE TITLE DETERMINATIONS REPRESENTED BY NQLC IN 2015-2016

During the 2015-2016 reporting period, NQLC had six (6) Native Title Consent Determinations. Widi People Of The Nebo Estate #2; Barada Barna People And Widi People Of The Nebo Estate #2 Shared-Country; Bar Barrum People #2; Bar Barrum People #3; Bar Barrum People #4 and Bar Barrum People #6.

#### WIDI PEOPLE OF THE NEBO ESTATE #2

Federal Court file no(s)	QUD380/2008, QUD492/2013
Short name	Barada Barna People And Widi People Of The Nebo Estate #2 Shared-Country
Case name	Les Budby And Cecil Brown Jnr & Ors On Behalf Of The Barada Barna People; and Eileen Beryl Pegler & Ors On Behalf Of The Widi People Of The Nebo Estate #2 v State of Queensland
Determination type	Claimant
State or Territory	Queensland
Legal process	Consent
Determination outcome	Native title exists in parts of the determination area
Representative A/TSI body area(s)	Northern Queensland Region
Local government area(s)	Isaac Regional Council
Determination date	29/06/2016
Date/s of effect	30/08/2016
Registered Native Title Body Corporate	Barada Barna Aboriginal Corporation, Gangali Narra Widi Aboriginal Corporation

**WIDI PEOPLE OF THE NEBO ESTATE #2**

Federal Court file no(s)	QUD492/2013
Short name	Widi People Of The Nebo Estate #2
Case name	Eileen Beryl Pegler & Ors On Behalf Of The Widi People Of The Nebo Estate #2 v State of Queensland
Determination type	Claimant
State or Territory	Queensland
Legal process	Consent
Determination outcome	Native title exists in parts of the determination area
Representative A/TSI body area(s)	Northern Queensland Region
Local government area(s)	Isaac Regional Council
Determination date	29/06/2016
Date/s of effect	29/06/2016
Registered Native Title Body Corporate	Gangali Narra Widi Aboriginal Corporation

**BAR BARRUM PEOPLE #2**

Federal Court file no(s)	QUD6015/2001
Short name	Bar Barrum People #2
Case name	Congoo on behalf of the Bar Barrum People #2 v State of Queensland
Determination type	Claimant
State or Territory	Queensland
Legal process	Consent
Determination outcome	Native title exists in the entire determination area
Representative A/TSI body area(s)	Northern Queensland Region
Local government area(s)	Mareeba Shire Council
Determination date	10/06/2016
Date/s of effect	10/06/2016
Registered Native Title Body Corporate	Mbabaram Aboriginal Corporation



**BAR BARRUM PEOPLE #3**

Federal Court file no(s)	QUD6017/2001
Short name	Bar Barrum People #3
Case name	Congoo on behalf of the Bar Barrum People #3 v State of Queensland
Determination type	Claimant
State or Territory	Queensland
Legal process	Consent
Determination outcome	Native title exists in the entire determination area
Representative A/TSI body area(s)	Northern Queensland Region
Local government area(s)	Mareeba Shire Council
Determination date	10/06/2016
Date/s of effect	10/06/2016
Registered Native Title Body Corporate	Mbabaram Aboriginal Corporation

**BAR BARRUM PEOPLE #4**

Federal Court file no(s)	QUD6030/2001
Short name	Bar Barrum People #4
Case name	Congoo on behalf of the Bar Barrum People #4 v State of Queensland
Determination type	Claimant
State or Territory	Queensland
Legal process	Consent
Determination outcome	Native title exists in the entire determination area
Representative A/TSI body area(s)	Northern Queensland Region
Local government area(s)	Mareeba Shire Council
Determination date	10/06/2016
Date/s of effect	10/06/2016
Registered Native Title Body Corporate	Mbabaram Aboriginal Corporation

**BAR BARRUM PEOPLE #6**

Federal Court file no(s)	QUD6032/2001
Short name	Bar Barrum People #6
Case name	Malthouse on behalf of the Bar Barrum People #6 v State of Queensland (No 2)
Determination type	Claimant
State or Territory	Queensland
Legal process	Consent
Determination outcome	Native title exists in the entire determination area
Representative A/TSI body area(s)	Northern Queensland Region
Local government area(s)	Mareeba Shire Council
Determination date	10/06/2016
Date/s of effect	10/06/2016
Registered Native Title Body Corporate	Mbabaram Aboriginal Corporation

*Bar Barrum #2, #3, #4 & #6 Native Title Consent Determination (June 2016)*

## 10.2 SUMMARY OF NATIVE TITLE DETERMINATIONS REPRESENTED BY NQLC

As at June 30 2016, NQLC have had 45 Native Title Consent Determinations.

DATE OF DETERMINATION	FEDERAL COURT NUMBER	NAME	NAME OF REGISTERED NATIVE TITLE BODY CORPORATE
29 June 2016	QUD492/2013	Widi People Of The Nebo Estate #2	Gangali Narra Widi Aboriginal Corporation
29 June 2016	QUD380/2008 QUD492/2013	Barada Barna People And Widi People Of The Nebo Estate #2 Shared-Country	Gangali Narra Widi Aboriginal Corporation
10 June 2016	QUD6015/2001	Bar Barrum People #2	Mbabaram Aboriginal Corporation
10 June 2016	QUD6017/2001	Bar Barrum People #3	Mbabaram Aboriginal Corporation
10 June 2016	QUD6030/2001	Bar Barrum People #4	Mbabaram Aboriginal Corporation
10 June 2016	QUD6032/2001	Bar Barrum People #6	Mbabaram Aboriginal Corporation
22 June 2015	QUD 554/2010	Juru People (Part B)	Kyburra Munda Yalga Aboriginal Corporation
11 July 2014	QUD 554/210	Juru People (Part A)	Kyburra Munda Yalga Aboriginal Corporation
18 March 2014	QUD80/2005	Gudjala People	Ngrragoonda Aboriginal Corporation RNTBC
18 March 2014	QUD147/2006	Gudjala People #2	Ngrragoonda Aboriginal Corporation RNTBC
26 November 2013	QUD6009/1999	Ewamian People #2	Tatampi Puranga Aboriginal Corporation RNTBC
26 November 2013	QUD6018/2001	Ewamian People #3	Tatampi Puranga Aboriginal Corporation RNTBC
1 November 2013	QUD6014/2001	Mamu People	Mamu Aboriginal Corporation RNTBC
24 September 2013	QUD6008/1999	Western Yalanji #4	Western Yalanji Aboriginal Corporation RNTBC
24 September 2013	QUD6003/2001	Western Yalanji Combined #5 and #7	Western Yalanji Aboriginal Corporation RNTBC
23 September 2013	QUD111/2004	Warrungu People #2	Goondaloo Aboriginal Corporation RNTBC
26 March 2013	QUD208/2004	Tableland Yidinji People #3	Wadjanbarra Tableland Yidinji Aboriginal Corporation



DATE OF DETERMINATION	FEDERAL COURT NUMBER	NAME	NAME OF REGISTERED NATIVE TITLE BODY CORPORATE
14 December 2012	QUD6030/1999	Tableland Yidinji People	Wadjanbarra 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	QUD6016/2001	Combined Mandingalbay Yidinji - Gunggandji	Gunggandji-Mandingalbay Yidinji Peoples PBC Aboriginal Corporation RNTBC
2 August 2012	QUD208/1997	Djungan People #1	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
2 August 2012	QUD6022/1998	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	Gugu 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 November 2011	QUD6208/1998	Muluridji People	Muluridji Tribal Aboriginal Corporation RNTBC
1 September 2011	QUD6003/2003	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

DATE OF DETERMINATION	FEDERAL COURT NUMBER	NAME	NAME OF REGISTERED NATIVE TITLE BODY CORPORATE
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	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	Mandingalbay Yidinji People	Mandingalbay 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

II.

## Financials

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

**Annual financial report  
For the year ended 30 June 2016**



**North Queensland Land Council Native Title Representative Body Aboriginal Corporation  
Annual financial report for the year ended 30 June 2016**

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## Abbreviations

ATSIC	Aboriginal and Torres Strait Islander Commission
PM&C	The Department of Prime Minister and Cabinet

## Directors' report

The directors present their report together with the financial statements of North Queensland Land Council Native Title Representative Body Aboriginal Corporation (the "Corporation") for the financial year ended 30 June 2016 and the auditor's report thereon.

### 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.

<b>Kaylene Malthouse</b>	<b>Chairperson and Director</b>
Qualifications	Certificate IV in Business Governance Certificate II in Indigenous Leadership AILC 2015 Certificate IV in Indigenous Leadership AILC 2016
Experience	Past Representative for the Standing Independent Selection Panel Employed by the Department of Communities
Ward	Tablelands
Traditional Owner	Upper Malamburra/Yidinji
<b>Phil Rist</b>	<b>Deputy Chairperson and Director</b>
Qualifications	Certificate IV in Business Governance
Experience	First Indigenous Marine Park Inspector for QLD Parks & Wildlife Service Founding Member and current CEO of Girringun Aboriginal Corporation
Ward	Tully/Palm Island
Traditional Owner	Nywaigi
<b>Errol Neal</b>	<b>Director</b>
Qualifications	Certificate IV in Business Governance
Experience	Indigenous Cultural Educator and Performer Mayor of Yarrabah Aboriginal Shire Council Qld (2012 – 2016) 30 Years Activist on the issues of Social Justice and Land Rights Chairperson of NQLC Board (2012 – 2015)
Ward	Yarrabah
Traditional Owner	Gunggandji/Djungan
<b>Patricia Dallachy</b>	<b>Director</b>
Qualifications	TAFE Certificate IV in Business Governance Completed a short course in Archaeology and Anthropology
Experience	Treasurer NQLC Board (2013 – 2015)
Ward	Hughenden/Charters Towers
Traditional Owner	Gudjala

<b>Gary Mooney</b>	<b>Correspondence Secretary and Director</b>
Qualifications	Certificate IV in Business Governance
Experience	19 years of involvement with Murri Watch 3.5 years as a Police Liaison Officer as well as experience in the Housing Co-operative
Ward	Proserpine/Mackay
Traditional Owner	Yuibera
<b>Angelina Akee</b>	<b>Treasurer and Director</b>
Experience	Chairperson – ATSI Cultural Centre Trust Chairperson - Townsville ATSI Corporation for Women Chairperson - Kyburra Munda Yalga Prescribed Body Corporate Deputy Chairperson – ABIS Housing Co-operative Society Ltd
Ward	Townsville/Ayr
Traditional Owner	Bindal/Juru
<b>Prunella Harris</b>	<b>Director - Ceased 24 October 2015</b>
Experience	Has lived in both Yarrabah and Charters Towers Qld
Ward	Yarrabah
Traditional Owner	Gurubana Gunggandji/Gudjala
<b>Annette Hooligan</b>	<b>Director</b>
Qualifications	Certificate III in Addictions Management and Community Development Certificate III in Aged Care and Disabilities Social Worker for Home & Community Care (HACC) for Aged, Frail and Disabled Persons
Experience	Community Justice Representative for the Magistrates' Court in Mt Garnet and Atherton Areas Chairperson - Mt Garnet/Gunbil-Badan Aboriginal Land Trust
Ward	Mt Garnet
Traditional Owner	Tableland Yidinji/Warrungu
<b>Tracey Heenan</b>	<b>Director</b>
Experience	Previous Director of NQLC (2008-2010) Secretary of Bidji Bidji Community Advancement Co-operative Society Ltd
Ward	Tablelands
Traditional Owner	Tableland Yidinji
<b>Henry Epong</b>	<b>Director - Ceased 24 October 2015</b>
Experience	President of Mandubarra Land & Sea Corporation Monitor & Maintenance of Mandubarra Turtle Rehab
Ward	Innisfail
Traditional Owner	Mamu



**North Queensland Land Council Native Title Representative Body Aboriginal Corporation**  
**Annual financial report for the year ended 30 June 2016**

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<b>Colin Enoch</b>	<b>Director - Ceased 24 October 2015</b>
Experience	Founding Member of NQLC Served as a Director, Treasurer and Deputy Chairperson from 1994-2002 Past Director of Njilki Jowan Legal Service 25 years of involvement Current Chairperson of Wangetti Trust
Ward	Cairns
Traditional Owner	Yirrigandji
<b>Terry O'Shane</b>	<b>Director - Elected 24 October 2015</b>
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 National Coalition of Aboriginal Organisation Representative in UN
Ward	Cairns
Traditional Owner	Western Yalanji
<b>Vana O'Shane</b>	<b>Director - Elected 24 October 2015</b>
Qualifications	Certificate IV in Business Governance
Experience	Director of North Queensland Land Council (2009 – 2013)
Ward	Cairns
Traditional Owner	Western Yalanji
<b>Victor Maund</b>	<b>Director - Elected 24 October 2015</b>
Experience	Association with the Mandubarra Turtle Rehab (Funded by PM&C)
Ward	Innisfail
Traditional Owner	Mamu
<b>Les Murgha</b>	<b>Director - Elected 24 October 2015</b>
Ward	Yarrabah
Traditional Owner	Gunggandji

**Corporation secretary**

Mr Martin Dore was appointed to the position of Corporation Secretary on 3 November 2005. He holds the qualifications of Bachelor of Laws (LLB) and Graduate Diploma Legal Practice. He has more than 30 years of 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 the Corporation during the course of the financial year was to provide high quality Native Title services to traditional owner groupings throughout the North Queensland region.

There were no significant changes in the nature of the activities of the Corporation during the financial year.

**Operating results**

The net deficit from ordinary activities after income tax amounted to \$74,352 (2015: Deficit \$167,827).

**State of affairs**

There were no significant changes in the Corporation's state of affairs 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 subsequent to reporting date**

There has not arisen in the interval between the end of the financial year and the date of this report any matter or circumstance that has 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.

**Likely developments**

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

**Environmental regulation**

The Corporation's operations are not subject to any particular and significant environmental regulations under either Commonwealth or State legislation. However, the Board believes that the Corporation has adequate systems in place for the management of its environmental requirements and is not aware of any breach of those environmental requirements as they apply to the Corporation.

**Directors' meetings**

During the financial year, 6 board meetings and 2 executive meetings of directors were held. Prior to the AGM on 24 October 2015 there were 11 directors. At the conclusion of the AGM there were 12 directors (4 newly elected and 3 not returned).

### Directors' meetings continued

The number of meetings attended by each of the directors of the Corporation during the financial year is:

Director	No of board meetings attended	No of board meetings eligible to attend	No of executive meetings attended	No of executive meetings eligible to attend
Kaylene Malthouse	6	6	2	2
Phil Rist	5	6	2	2
Errol Neal	6	6	1	1
Patricia Dallachy	6	6	1	1
Gary Mooney	5	6	2	2
Angie Akee	6	6	1	1
Prunella Harris	2	2	-	-
Annette Hooligan	6	6	-	-
Tracey Heenan	3	6	-	-
Henry Epong	1	2	-	-
Colin Enoch	1	2	-	-
Terry O'Shane	4	4	-	-
Vana O'Shane	4	4	-	-
Victor Maund	4	4	-	-
Les Murgha	1	4	-	-



#### **Proceedings on behalf of the corporation**

During the year, no person has made application for leave in respect of the Corporation under section 169-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the "Act").

During the year, no person has brought or intervened in proceedings on behalf of the Corporation with leave under section 169-5 of the Act.

#### **Auditor's independence declaration**

At no time during the financial year ended 30 June 2016 was an officer of the Corporation the auditor, a partner in the audit firm, or a director of the audit company that undertook the audit of the Corporation for that financial year.

The lead auditor's independence declaration in accordance with section 339.5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* is set out on the following page and forms part of the directors' report for the financial year ended 30 June 2016.

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

K. E. Mattheuse  
Director

Dated at Cairns this 6<sup>th</sup> day of October 2016



## Auditor's independence declaration

Cairns Corporate Tower  
15 Lake Street  
Cairns QLD 4870  
Correspondence to:  
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Cairns QLD 4870

T +61 7 4046 8888  
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E [info.cairns@au.gt.com](mailto:info.cairns@au.gt.com)  
W [www.grantthornton.com.au](http://www.grantthornton.com.au)

### **Auditor's independence declaration to the directors of North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

In accordance with the requirements of section 339-50 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, as auditor for the audit of North Queensland Land Council Native Title Representative Body Aboriginal Corporation for the year ended 30 June 2016, I declare that, to the best of my knowledge and belief, there have been:

- No contraventions of the auditor independence requirements of 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.

GRANT THORNTON AUDIT PTY LTD

Chartered Accountants

Gerry Mier

Partner – Audit & Assurance

Cairns, 6 October 2016

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# Statement of profit or loss and other comprehensive income

## For the year ended 30 June 2016

	Note	2016 \$	2015 \$
<b>Income</b>			
Revenue	5	7,654,200	8,554,090
Gain on sale of property, plant and equipment		19,053	14,918
<b>Total income</b>		<b>7,673,253</b>	<b>8,569,008</b>
<b>Expenses</b>			
Administration expenses		482,751	667,371
Catering expenses		76,014	222,147
Computer & software expenses		7,544	48,690
Consulting and professional fees		813,943	1,243,085
Employee expenses	6	3,988,800	4,156,387
Depreciation and amortisation		141,442	224,430
Insurance		66,647	88,433
IT and internet costs		357,420	254,406
Meeting expenses		6,215	30,919
Motor vehicle expenses		25,856	43,158
Native title expenses		819,476	873,398
Rent		337,150	334,823
Travel expenses		402,361	292,940
Training expenses		13,552	29,468
Other expenses		208,434	227,180
<b>Total expenses</b>		<b>7,747,605</b>	<b>8,736,835</b>
<b>Net surplus (deficit) before tax</b>		<b>(74,352)</b>	<b>(167,827)</b>
Income tax expense	4e	-	-
<b>Surplus (deficit) for the year</b>		<b>(74,352)</b>	<b>(167,827)</b>
Other comprehensive income		-	-
<b>Total comprehensive income (loss)</b>		<b>(74,352)</b>	<b>(167,827)</b>

*This statement should be read in conjunction with the notes to the financial statements.*



North Queensland Land Council Native Title Representative Body Aboriginal Corporation  
Annual financial report for the year ended 30 June 2016

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## Statement of financial position

### As at 30 June 2016

	Note	2016 \$	2015 \$
<b>Assets</b>			
Cash and cash equivalents	7	3,007,430	2,588,287
Investments	4h	53,419	53,419
Receivables	8	229,618	95,897
Prepayments	9	105,588	40,680
<b>Total current assets</b>		<b>3,396,055</b>	<b>2,778,283</b>
Property, plant and equipment	10	830,149	903,699
<b>Total non-current assets</b>		<b>830,149</b>	<b>903,699</b>
<b>Total assets</b>		<b>4,226,204</b>	<b>3,681,982</b>
<b>Liabilities</b>			
Trade and other payables	11	610,751	867,992
Employee benefits	12	389,950	380,832
Grants unexpended, repayable or received in advance	5	2,522,604	1,665,749
Other liabilities	13	19,648	-
<b>Total current liabilities</b>		<b>3,542,953</b>	<b>2,914,573</b>
Employee benefits	12	103,884	113,690
<b>Total non-current liabilities</b>		<b>103,884</b>	<b>113,690</b>
<b>Total liabilities</b>		<b>3,646,837</b>	<b>3,028,263</b>
<b>Net assets</b>		<b>579,367</b>	<b>653,719</b>
<b>Equity</b>			
Retained surplus		579,367	653,719
<b>Total equity</b>		<b>579,367</b>	<b>653,719</b>

*This statement should be read in conjunction with the notes to the financial statements.*

North Queensland Land Council Native Title Representative Body Aboriginal Corporation  
Annual financial report for the year ended 30 June 2016

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## Statement of changes in equity

### For the year ended 30 June 2016

	2016 \$	2015 \$
<b>Retained surplus</b>		
Balance at 1 July	653,719	821,546
Net surplus (deficit) for the year	(74,352)	(167,827)
Total other comprehensive income for the year	-	-
<b>Balance at 30 June</b>	<b>579,367</b>	<b>653,719</b>

*This statement should be read in conjunction with the notes to the financial statements.*

## Statement of cash flows

### For the year ended 30 June 2016

	Note	2016 \$	2015 \$
<b>Cash flows from operating activities</b>			
Receipts from government grants		9,198,258	8,006,663
Payments to suppliers and employees		<u>(8,835,241)</u>	<u>(9,005,012)</u>
Cash generated from operating activities		363,017	(998,349)
Interest received		24,627	30,104
Other receipts		<u>80,338</u>	<u>131,812</u>
<b>Net cash from/(used in) operating activities</b>	15	<u><b>467,982</b></u>	<u><b>(836,433)</b></u>
<b>Cash flows from investing activities</b>			
Proceeds from sale of property, plant and equipment		51,980	14,918
Acquisition of property, plant and equipment		(100,819)	(100,173)
Acquisition of term deposit		<u>-</u>	<u>(53,419)</u>
<b>Net cash from /(used in) investing activities</b>		<u><b>(48,839)</b></u>	<u><b>(138,674)</b></u>
<b>Cash flows from financing activities</b>			
Proceeds from borrowings		-	-
Repayment of borrowings		-	-
Payment of finance lease liabilities		<u>-</u>	<u>-</u>
<b>Net cash from/(used in) financing activities</b>		<u>-</u>	<u>-</u>
Net increase (decrease) in cash and cash equivalents		419,143	(975,107)
Cash and cash equivalents at 1 July	7	<u>2,588,287</u>	<u>3,563,394</u>
<b>Cash and cash equivalents at 30 June</b>	7	<u><b>3,007,430</b></u>	<u><b>2,588,287</b></u>

*This statement should be read in conjunction with the notes to the financial statements.*



# Notes to the financial statements

## For the year ended 30 June 2016

### 1 Reporting entity

North Queensland Land Council Native Title Representative Body Aboriginal Corporation (the “Corporation”) is an Aboriginal Corporation domiciled in Australia. The address of the Corporation’s registered office is 61 Anderson Street, Cairns QLD 4870. The Corporation is a not-for-profit entity and primarily is involved in Native Title Services.

### 2 Basis of preparation

#### a Statement of compliance

The financial statements are general purpose financial statements which have been prepared in accordance with Australian Accounting Standards – Reduced Disclosure Requirements (“AASBs”) adopted by the Australian Accounting Standards Board (“AASB”); the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; *Native Title Act 1993* and the *Australian Charities and Not-for-profits Commission Act 2012*. The financial statements of the Corporation do not comply with International Financial Reporting Standards (“IFRSs”) adopted by the International Accounting Standards Board. They were authorised for issue by the Board of Directors on the date shown on the directors’ declaration.

#### b Basis of measurement

The financial statements have been prepared on the historical cost basis.

#### c Functional and presentation currency

These financial statements are presented in Australian dollars, which is the Corporation’s functional currency.

#### d Use of judgements and estimates

In preparing these financial statements, management has made judgements, estimates and assumptions that affect the application of the Corporation’s accounting policies and the reported amounts of assets, liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and other various factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgments. Actual results may differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to estimates are recognised prospectively.

#### Judgements

The Corporation has entered into leases of premises as disclosed in Note 14. Management has determined that all of the risks and rewards of ownership of these premises and equipment remain with the lessor and has therefore classified the leases as operating leases.

#### Assumptions and estimation uncertainties

Management is not aware of any assumptions and estimation uncertainties that have a significant risk of resulting in a material adjustment within the next financial year.

### **e Changes in accounting policies**

The Corporation has consistently applied the accounting policies set out in Note 4 to all periods presented in these financial statements.

### **f Economic dependency and going concern**

The financial statements have been prepared on a going concern basis, which contemplates continuity of normal business activities and the realisation of assets and settlement of liabilities in the ordinary course of business.

As at 30 June 2016, current liabilities amounted to \$3,542,953 (2015: \$2,914,573) and current assets amounted to \$3,396,055 (2015: \$2,778,283) leaving a shortfall in working capital of \$146,898 (2015: \$136,290). Current liabilities include substantial amounts provided in respect of staff entitlements. The Corporation expects that the payment of employee entitlements will be discharged in the normal course of business from future funding in the year when leave is taken by staff members.

The Corporation is a not-for-profit entity and is reliant on government funding in order to continue its operations. Management has no reason to believe that the required funding will not be forthcoming for the foreseeable future. However, should future government funding be significantly reduced or curtailed, the Corporation would be unlikely to be able to continue its operations.

## **3 New and amended accounting standards**

### **a New and amended standards adopted**

The Corporation has adopted all the amendments to Australian Accounting Standards issued by the AASB which are relevant to, and effective for, the Corporation's financial statements for the annual period beginning 1 July 2015. None of the amendments have had a significant impact on the Corporation.

### **b New standards and interpretations not yet adopted**

A number of new standards and amendments to standards are effective for annual periods beginning after 1 July 2015, and have not been applied in preparing these financial statements. The following new standards may have an impact on the Corporation's financial statements, although any such impact has not yet been assessed:

AASB 9 *Financial Instruments* becomes mandatory for annual periods beginning on or after 1 January 2018 (with early adoption permitted) and includes revised guidance on the classification and measurement of financial instruments, a new revised credit loss model for calculating impairment on financial assets and new general hedge accounting requirements. It also carries forward the guidance on recognition and derecognition of financial instruments from AASB 139.

AASB 16 *Leases* becomes mandatory for annual periods beginning on or after 1 January 2019 (with early adoption permitted) and in essence requires a lessee to:

- recognise all lease assets and liabilities (including those currently classed as operating leases) on the statement of financial position, initially measured at the present value of unavoidable lease payments;
- recognise amortisation of lease assets and interest on lease liabilities as expenses over the lease term; and
- separate the total amount of cash paid into a principal portion (presented within financing activities) and interest (which entities can choose to present within operating or financing activities consistent with presentation of any other interest paid) in the statement of cash flows.

The Corporation does not plan to adopt these standards early.

#### **4 Significant accounting policies**

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

##### **a Revenue**

###### **Rendering of services**

Revenue from rendering of services is recognised in proportion to the stage of completion of the transaction at the reporting date. If the stage of completion cannot be reliably measured then revenue is recognised to the extent of expenses recognised that are recoverable.

##### **b Government grants and other contributions of assets**

Government grants and other contributions of assets are accounted for in accordance with AASB 1004 *Contributions* based on whether they are reciprocal or non-reciprocal in nature and are measured at the fair value of the contributions received or receivable.

Reciprocal transfers are those where approximately equal value is exchanged in the transfer between the transferor (grantor) and the transferee (grantee). Non-reciprocal transfers are those where equal value is not exchanged.

###### **i Reciprocal transfers**

Where grants and other contributions are received that are reciprocal in nature, revenue is recognised over the term of the funding arrangements. The Corporation currently does not have any reciprocal grants.

###### **ii Non-reciprocal transfers**

Revenue from a non-reciprocal grant that is not subject to conditions is recognised when the Corporation obtains control of the funds, economic benefits are probable and the amount can be measured reliably. Where a grant may be required to be repaid if certain conditions are not satisfied, a liability is recognised at year end to the extent that conditions remain unsatisfied.

Where the Corporation receives a non-reciprocal contribution of an asset from a government or other party for no or nominal consideration, the asset is recognised at fair value and a corresponding amount of revenue is recognised.

##### **c Finance income and finance costs**

Finance income and finance costs include interest income and interest expense. Interest income or expense is recognised using the effective interest method.

##### **d Employee benefits**

###### **i Short-term benefits**

Short-term employee benefits are expensed as the related service is provided. A liability is recognised for the amount expected to be paid if the Corporation has a present legal or constructive obligation to pay this amount as a result of past service provided by the employee and the obligation can be estimated reliably.

###### **ii Superannuation contributions**

Obligations for contributions to superannuation are expensed as the related service is provided. The contributions made by the Corporation for the year ended 30 June 2016 were \$502,553 (2015: \$535,516).



#### **d Employee benefits continued**

##### **iii Other long-term employee benefits**

The Corporation's net obligation in respect of long-term employee benefits is the amount of future benefit that employees have earned in return for their service in the current and prior periods. In determining the liability, consideration is given to employee wage increases and the probability that the employee may satisfy vesting requirements. That benefit is discounted using market yields on national government bonds with terms to maturity that match the expected timing of cash flows. The Corporation's obligation for long-term employee benefits is presented as non-current provisions in the statement of financial position.

Re-measurements are recognised in expenses in the period in which they arise.

##### **iv Termination benefits**

Termination benefits are expensed at the earlier of when the Corporation can no longer withdraw the offer of those benefits and when the Corporation recognises costs of restructuring. If the benefits are not expected to be settled wholly within 12 months at the end of the reporting period, then they are discounted.

#### **e Income tax**

The Corporation has been granted exemption from income tax under Division 50 of the *Income Tax Assessment Act 1997*.

#### **f Property, plant and equipment**

##### **i Recognition and measurement**

Items of property, plant and equipment are measured at cost less accumulated depreciation and any accumulated impairment losses. Items with a cost or other value equal to or in excess of \$5,000 are recognised for financial reporting purposes in the year of acquisition. Items with a lesser value are expensed in the year of acquisition.

If significant parts of an item of property, plant and equipment have different useful lives, then they are accounted for as separate items (major components) of property, plant and equipment. Any gain or loss on disposal of an item of property, plant and equipment is recognised in income or expenses.

##### **ii Subsequent expenditure**

Subsequent expenditure is capitalised only when it is probable that the future economic benefits associated with the expenditure will flow to the Corporation.

##### **iii Depreciation**

Depreciation is calculated to write off the cost of property, plant and equipment less their estimated residual values using the straight line basis over their estimated useful lives and is generally recognised in expenses. Leased assets are depreciated over the shorter of the lease term and their useful lives unless it is reasonably certain that the Corporation will obtain ownership by the end of the lease term. Land is not depreciated.

The depreciation rates used for each class of depreciable asset are as follows:

• Buildings	2.5% - 5%
• Furniture, fixtures and fittings	4% - 33.33%
• Motor vehicles	22.5% - 25%
• Office equipment	10% - 33.33%
• Leasehold improvements	18.18% - 20%

Depreciation methods, useful lives and residual values are reviewed at each reporting date and adjusted if appropriate.

**g Comparative figures**

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

**h Rental Bond**

The Corporation has guaranteed, as part to their operating lease, the payment of rentals in accordance with the signed agreement for the specified lease term. The terms of the lease agreement required the Corporation to secure a bank guarantee of \$53,419 as minimum compensation payments to the lessor in the event of default. The lease term is due to expire by 1 May 2018 with a 3 year option to renew. The directors considered no liability is required to be recognised in respect of this guarantee as the Corporation is in compliance with the lease agreement. A term deposit to secure the bank guarantee has been established.

**i Financial instruments****i Non-derivative financial assets and financial liabilities – Recognition and de-recognition**

The Corporation initially recognises loans and receivables on the date that they are originated. All other financial assets and financial liabilities are initially recognised on the trade date.

The Corporation derecognises a financial asset when the contractual rights to the cash flows from the asset expire, or it transfers the rights to receive the contractual cash flows in a transaction in which substantially all of the risks and rewards of ownership of the financial asset are transferred, or it neither transfers nor retains substantially all of the risks and rewards of ownership and does not retain control over the transferred asset. Any interest in transferred financial assets that is created or retained by the Corporation is recognised as a separate asset or liability.

The Corporation derecognises a financial liability when its contractual obligations are discharged or cancelled, or expire.

Financial assets and financial liabilities are offset and the net amount presented in the statement of financial position when, and only when, the Corporation has a legal right to offset the amounts and intends either to settle on a net basis or to realise the asset and settle the liability simultaneously.

**ii Non-derivative financial assets – Measurement*****Loans and receivables***

Loans and receivables are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, they are measured at amortised cost using the effective interest method. Loans and receivables comprise cash and cash equivalents and receivables.

**iii Non-derivative financial liabilities – Measurement**

Non-derivative financial liabilities are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, these financial liabilities are measured at amortised cost using the effective interest method. The Corporation's non-derivative financial liabilities include trade and other payables.

## **j Impairment**

### **i Non-derivative financial assets**

Financial assets are assessed at each reporting date to determine whether there is any objective evidence of impairment.

Objective evidence that financial assets are impaired can include default or delinquency by a debtor, restructuring of an amount due to the Corporation on terms that the Corporation would not consider otherwise, or indications that a debtor or issuer will enter bankruptcy.

The Corporation considers evidence of impairment for financial assets measured at amortised cost (loans and receivables) at a specific asset level.

An impairment loss in respect of a financial asset measured at amortised cost is calculated as the difference between its carrying amount and the present value of the estimated future cash flows discounted at the asset's original effective interest rate. Losses are recognised in expenses and reflected in an allowance account. When the Corporation considers that there are no realistic prospects of recovery of the asset, the relevant amounts are written off. If the amount of impairment loss subsequently decreases, and the decrease can be related objectively to an event occurring after the impairment was recognised, the previously recognised impairment loss is reversed through other income.

### **ii Non-financial assets**

At each reporting date, the Corporation reviews the carrying amounts of its non-financial assets to determine whether there is any indication of impairment. If any such indication exists then the asset's recoverable amount is estimated.

The recoverable amount of an asset is the greater of its value in use and its fair value less costs to sell. As the Corporation is a not-for-profit entity, value in use is the depreciated replacement cost of an asset as the future economic benefits of the asset are not primarily dependent on the asset's ability to generate net cash inflows and as the entity would, if deprived of the asset, replace its remaining future economic benefits.

An impairment loss is recognised if the carrying amount of an asset exceeds its recoverable amount.

Impairment losses are recognised in expenses.

An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

## **k Provisions**

Provisions are recognised when the Corporation has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.



**I Leases****i Determining whether an arrangement contains a lease**

At inception of an arrangement, the Corporation determines whether the arrangement is or contains a lease.

At inception or on reassessment of an arrangement that contains a lease, the Corporation separates payments and other consideration required by the arrangement into those for the lease and those for other elements on the basis of their relative fair values. If the Corporation concludes for a finance lease that it is impracticable to separate the payments reliably, an asset and a liability are recognised at an amount equal to the fair value of the underlying asset. Subsequently the liability is reduced as payments are made and an imputed finance cost on the liability is recognised using the Corporation's incremental borrowing rate.

**ii Leased assets**

Assets held by the Corporation under leases which transfer to the Corporation substantially all of the risks and rewards of ownership are classified as finance leases. The leased assets are measured at an amount equal to the lower of their fair value and the present value of the minimum lease payments. Subsequent to initial recognition, the assets are accounted for in accordance with the accounting policy applicable to that asset.

Assets held under other leases are classified as operating leases and are not recognised in the Corporation's statement of financial position.

**iii Lease payments**

Payments made under operating leases are recognised in expenses on a straight-line basis over the term of the lease. Lease incentives received are recognised as an integral part of the total lease expense, over the term of the lease.

Minimum lease payments made under finance leases are apportioned between the finance costs and the reduction of the outstanding liability. The finance costs are allocated to each period during the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability.

	2016 \$	2015 \$
<b>5 Revenue</b>		
Grant received – PM&C	8,406,090	7,910,284
	8,406,090	7,910,284
Grant balances at 1 July	1,665,749	2,147,639
Grant balances at 30 June	(2,522,604)	(1,665,749)
	7,549,235	8,392,174
Fee income	80,338	131,812
Interest income	24,627	30,104
	<b>7,654,200</b>	<b>8,554,090</b>

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	2016 \$	2015 \$
<b>6 Employee expenses</b>		
Wages, salaries	3,325,829	3,593,902
Workers compensation insurance	19,019	-
Superannuation	502,553	535,516
Employee benefit provisions	141,399	26,969
	<b>3,988,800</b>	<b>4,156,387</b>
<b>7 Cash and cash equivalents</b>		
Cash on hand	6,779	6,551
Cash at bank	3,000,651	2,581,736
Cash and cash equivalents	<b>3,007,430</b>	<b>2,588,287</b>
<b>8 Receivables</b>		
Current		
Receivables	61,777	9,751
Deposits	20,200	20,000
Other	27,563	14,700
GST receivable	120,078	51,446
	<b>229,618</b>	<b>95,897</b>
<b>9 Prepayments</b>		
Insurance	73,954	24,019
Rent	29,417	11,369
Other	2,217	5,292
	<b>105,588</b>	<b>40,680</b>

## 10 Property, plant and equipment

### a Reconciliation of carrying amount

	Land	Buildings	Furniture, Fixtures and Fittings	Motor Vehicles	Office Equipment	Leasehold Improvements	Total
	\$	\$	\$	\$	\$	\$	\$
<b>Cost</b>							
Balance at 1 July 2014	290,000	448,373	127,856	495,764	699,921	222,133	2,284,047
Additions	-	-	-	40,181	59,992	-	100,173
Disposals	-	-	-	(46,492)	-	-	(46,492)
Balance at 30 June 2015	290,000	448,373	127,856	489,453	759,914	222,133	2,337,729
Balance at 1 July 2015	290,000	448,373	127,856	489,453	759,914	222,133	2,337,729
Additions	-	20,090	-	34,167	40,461	6,100	100,818
Disposals	-	-	(38,888)	(138,975)	(441,499)	(48,855)	(668,217)
Balance at 30 June 2016	290,000	468,463	88,968	384,645	358,876	179,378	1,770,330
<b>Depreciation and impairment</b>							
Balance at 1 July 2014	-	(150,484)	(104,214)	(344,435)	(541,509)	(115,449)	(1,256,091)
Depreciation for the year	-	(14,377)	(9,425)	(52,723)	(103,479)	(44,426)	(224,430)
Disposals	-	-	-	46,491	-	-	46,491
Balance at 30 June 2015	-	(164,861)	(113,639)	(350,667)	(644,988)	(159,875)	(1,434,030)
Balance at 1 July 2015	-	(164,861)	(113,639)	(350,667)	(644,988)	(159,875)	(1,434,030)
Depreciation for the year	-	(14,377)	(6,420)	(46,568)	(39,546)	(34,531)	(141,442)
Disposals	-	-	38,744	138,975	437,215	20,357	635,291
Balance at 30 June 2016	-	(179,238)	(81,315)	(258,260)	(247,319)	(174,049)	(940,181)
<b>Carrying amounts</b>							
At 1 July 2014	290,000	297,889	23,642	151,329	158,412	106,684	1,027,956
At 30 June 2015	290,000	283,512	14,217	138,786	114,926	62,258	903,699
At 30 June 2016	<b>290,000</b>	<b>289,225</b>	<b>7,653</b>	<b>126,385</b>	<b>111,557</b>	<b>5,329</b>	<b>830,149</b>

**10 Property, plant and equipment (continued)****b Caveat**

The title of the land and building situated at 61 Anderson Street, Cairns which is owned by the Corporation and which has a carrying value of \$579,225 (2015: \$573,513) is subject to a caveat in favour of the Commonwealth Government (via ATSIC, a former statutory body of the Commonwealth Government).

	2016 \$	2015 \$
<b>11 Trade and other payables</b>		
Trade payables	143,793	290,977
Annual leave entitlements	255,710	276,315
Payroll liabilities	188,566	278,018
Revenue received in advance	22,682	22,682
<b>Total trade and other payables</b>	<b>610,751</b>	<b>867,992</b>
<b>12 Employee benefits</b>		
Current		
Long service leave	389,950	380,832
Non-current		
Long service leave	103,884	113,690
Balance at 1 July	494,522	451,041
Provisions made during the year	68,197	69,192
Provisions used during the year	(68,885)	(25,711)
<b>Balance at 30 June</b>	<b>493,834</b>	<b>494,522</b>

**Long service leave**

The provision for long service leave represents the Corporation's best estimate of the future benefit that employees have earned. The amount and timing of the associated outflows is uncertain and dependant on employees attaining the required years of services. Where the Corporation no longer has the ability to defer settlement of the obligation beyond 12 months from the reporting date, liabilities are presented as current. This would usually occur when employees are expected to reach the required years of service in the 12 months from reporting date. The discount rate used to determine the present value of future benefits at 30 June 2016 was 2.01% (2015: 2.79%).



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	2016 \$	2015 \$
<b>13 Other liabilities</b>		
Current		
Aspiced grant funds	19,648	-
<b>Total other liabilities</b>	<b>19,648</b>	<b>-</b>

## 14 Operating leases

### Leases as lessee

The Corporation leases its Cairns office at 63 Anderson Street, its Townsville office at 61-73 Sturt Street and its Mackay office at 38 Macalister Street under operating leases. The leases range from a period of one to three years, one with an option to renew the lease and two with no further option to renew. Lease payments are increased each year. The leases are based on CPI. None of the leases include contingent rentals.

During the year ended 30 June 2016, \$315,463 was recognised as an expense in respect of operating leases (2015: \$320,738).

At reporting date, the future minimum lease payments under non-cancellable leases were payable as follows:

Less than one year	266,090	297,727
Between one and five years	713,150	326,997
More than five years	-	-
	<b>979,240</b>	<b>624,724</b>

## 15 Reconciliation of cash flows from operating activities

Net surplus (deficit)	(74,352)	(167,827)
<i>Adjustments for:</i>		
Depreciation	141,442	224,430
Gain on sale of property, plant and equipment	(19,053)	(14,918)
	48,037	41,685
<i>Changes in:</i>		
Trade and other receivables	(133,721)	(16,481)
Trade and other payables	(257,241)	(431,003)
Prepayments	(64,908)	7,775
Provisions and employee benefits	(688)	43,481
Income/revenue in advance, including government grants	876,503	(481,890)
<b>Net cash from operating activities</b>	<b>467,982</b>	<b>(836,433)</b>

## 16 Related parties

The Corporation's main related parties are the key management personnel and their related parties.

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated.

### Transactions with key management personnel

#### Key management personnel compensation

Any person(s) having authority and responsibility for planning, directing and controlling the activities of the Corporation, directly or indirectly, including any director (whether executive or otherwise) of the Corporation is considered key management personnel.

The key management personnel compensation comprised the following:

	2016 \$	2015 \$
Short-term employee benefits	529,410	514,643
Post-employment benefits	79,474	74,232
Long term benefits	5,837	4,496
	<u>614,720</u>	<u>593,371</u>

Compensation of the Corporation's key management personnel includes salaries, non-cash benefits and contributions to a post-employment defined contribution plan.

## 17 Expenditure commitments

The Corporation has operational expenditure commitments of \$441,275 at reporting date but not provided for in the financial statements which relate to Anthropological research into potential claimants for application of native title.

## 18 Subsequent events


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.

## Directors' declaration

In the opinion of the directors of North Queensland Land Council Native Title Representative Body Aboriginal Corporation (the "Corporation"):

- a the financial statements and notes are in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007*, including:
  - i giving a true and fair view of the Corporation's financial position as at 30 June 2016 and of its performance for the financial year ended on that date; and
  - ii complying with Australian Accounting Standards – Reduced Disclosure Requirements 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 *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; and
- b there are reasonable grounds to believe that the Corporation will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the directors:

  
Director

Dated the 6<sup>th</sup> day of October 2016



## Independent auditor's report

### **Independent auditor's report to the members of North Queensland Land Council Native Title Representative Body Aboriginal Corporation**

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We have audited the accompanying financial report of North Queensland Land Council Native Title Representative Body Aboriginal Corporation (the "Corporation"), which comprises the statement of financial position as at 30 June 2016, and the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes 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 – Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the *Native Title Act 1993* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

### **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. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about 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

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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 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* and the *Native Title Act 1993*.

### **Auditor's opinion**

In our opinion, the financial report of North Queensland Land Council Native Title Representative Body Aboriginal Corporation is in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the *Native Title Act 1993*, including:

- a giving a true and fair view of the Corporation's financial position as at 30 June 2016 and of its performance for the year ended on that date; and
- b complying with Australian Accounting Standards – Reduced Disclosure Requirements 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.

A handwritten signature in dark ink, appearing to read "Grant Thornton", with a long horizontal flourish extending to the right.

GRANT THORNTON AUDIT PTY LTD  
Chartered Accountants

A handwritten signature in dark ink, appearing to read "Gerry Mier", with a long horizontal flourish extending to the right.

Gerry Mier  
Partner – Audit & Assurance

Cairns, 6 October 2016

# Glossary and Acronyms

ACHA	Aboriginal Cultural Heritage Act 2003 (Qld)
ADJR Act	Administrative Decisions (Judicial Review) Act 1977
AgForce	AgForce Queensland
AGI	Activity Generated Income
AGM	Annual General Meeting
AIATSIS	Aboriginal Institute of Aboriginal and Torres Strait Islander Studies
ALA	Aboriginal Land Act 1991
ATSLIP	Aboriginal Torres Strait Islander Implementation Program
Aurora	The Aurora Project is the collective name for a number of programs that work with Australia's Indigenous communities and organisations to facilitate prosperity through capacity building. Aurora Project was established in 2006 following the Report into professional development needs of the Native Title Representative Body lawyers in April 2005.
AWAs	Australian Workplace Agreements
the Board	The Board of Directors of NQLC
CATSI Act	Corporations (Aboriginal and Torres Strait Islander) Act 2006
Chairperson	Chairperson (of NQLC)
the Court	The Federal Court of Australia
Cth	The Commonwealth of Australia
CQLCAC	Central Queensland Land Council Aboriginal Corporation
DERM	Department of Environment and Resource Management
DOGIT	Deed of Grant in Trust
EO	Executive Officer (of NQLC)
Ergon	Ergon Energy Corporation Limited
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FADA	Future Act Determination Application
FAME	Future Act, Mining and Exploration (FAME) Unit
FANs	Future Act Notices
FCA	Federal Court of Australia
Hon.	Honourable
IAS	Department of the Prime Minister and Cabinet's Indigenous Advancement Strategy
ILUA	Indigenous Land Use Agreement
MoU	Memorandum of Understanding
MP	Minister of Parliament
NNTT	National Native Title Tribunal
NQLC	North Queensland Land Council Native Title Representative Body Aboriginal Corporation
NQMA	North Queensland Miners Association
NTA	Native Title Act 1993 (Cwth)
NTPC	Native Title Protection Conditions
NTRB	Native Title Representative Body
NTSP	Native Title Service Providers
NTSU	Native Title Services Unit (of NQLC)
PFA	Programme Funding Agreement
PBC	Prescribed Body Corporate
PM&C	Department of the Prime Minister and Cabinet
RNTBC	Registered Native Title Body Corporate
RNTRB	Registered Native Title Representative Body
s.	section of an Act
SP	Service Provider
SSM	Small Scale Mining
the State	The State Government of Queensland
USL	Unallocated State land







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