



North Queensland Land Council

Annual  
Report

**2016/17**



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

*Preparation of this report is funded by the Department of Prime Minister and Cabinet.*

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## Cover Art



**'Life Cycle of the Dragonfly'  
by Taritah Von Roehl**

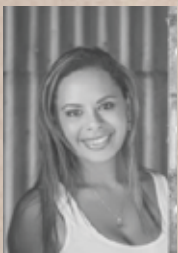
Year: June 2015

Medium: Acrylic

Dimensions: 67.5cm x 66cm

Price: \$1,350 (framed)

Story from the Artist: *"This painting is a contemporary story of my personal attraction to dragonflies, as a Yidingi woman from the Cairns area I have a spiritual connection with the creeks and lush rainforest; with that comes these magnificent insects swarming in abundance. From right to left this painting shows the life cycle of the dragonfly. Camouflaged are 14 dragonflies and 4 nymph, can you find them?"*



**About the Artist:** Born in 1986 Taritah Von Roehl is connected with the Aboriginal language groups of Mt Garnet and Mossman Gorge regions. Taritah spent her childhood growing up with family in the town of Innisfail where she later moved to Cairns to undertake high school. Taritah works predominantly in the medium of acrylic painting.

Taritah was fond of painting from a young age but it was later in life where Taritah found a passion for painting artworks that represented the animals and environments of Far North Queensland. Over some time Taritah soon developed a style of painting that helped her to express herself as an artist with a very unique style of painting that seemed to be very different from other artists in her family and artists from the same region.

Taritah has been fortunate to sell her artworks locally, interstate, nationally and internationally to many private buyers from around the world. Taritah has also applied images of her artworks to souvenirs and clothing, making Taritah's art very versatile.

To view or purchase more of Taritah Von Roehl's work, contact [firstnationsart@yahoo.com](mailto:firstnationsart@yahoo.com) or the Media Officer at North Queensland Land Council.





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# 1. 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 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:

- a. 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. Refer to Prescribed Body Corporate section of Section 5.2 of this Report.

### 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.

## 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, Research and the Engagement & Development Support 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.

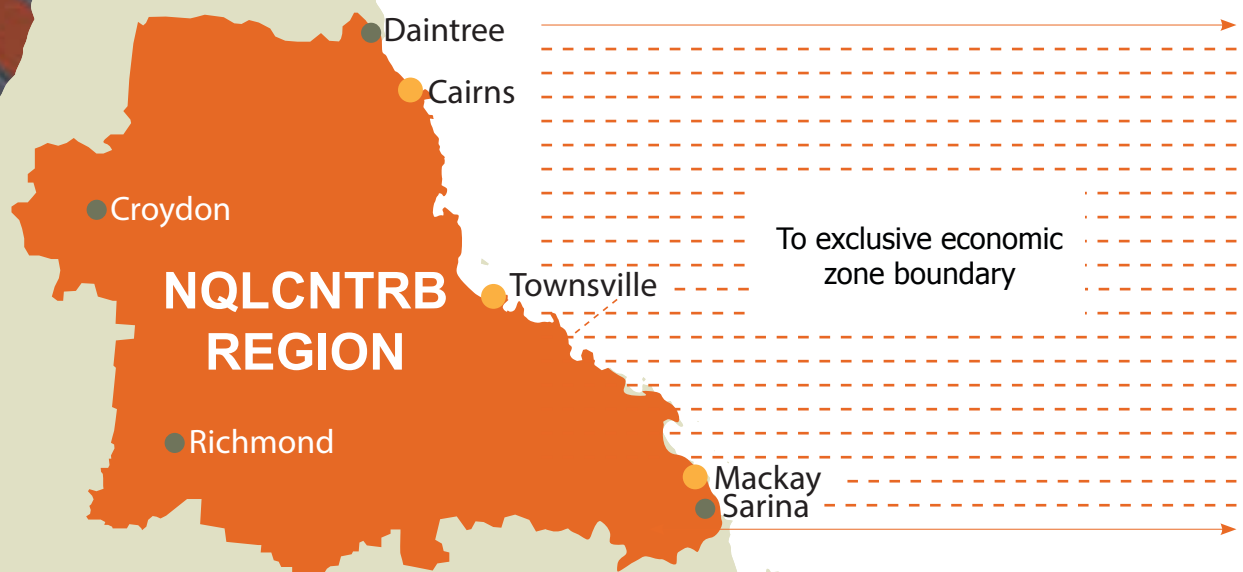


Figure 1: The area of responsibility of the NQLC Representative Body



## 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.



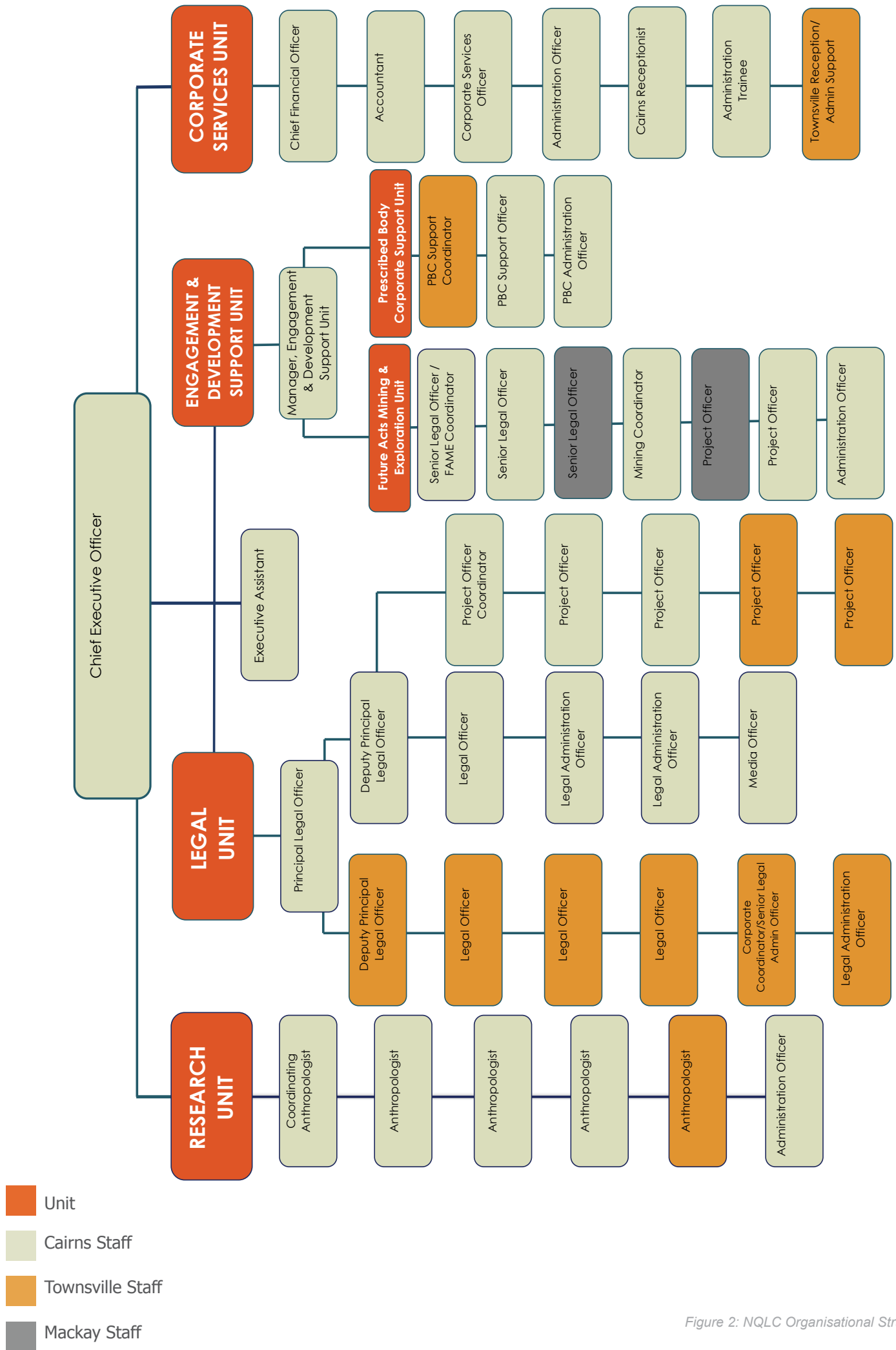


Figure 2: NQLC Organisational Structure



## 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 years, holding office from the end of one Annual General Meeting (AGM) until the AGM following in two years. During this reporting period, no ward elections took place. The next Ward election is due to take place in the fourth quarter of 2017. Figure 3 outlines the directors who held office as at 30 June 2017.

Figure 3: Board of Directors who held office as at 30 June 2017



**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/Ayr 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**  
Djungun Traditional Owner  
Yarrabah Ward



### 3. From the Chair

As I commence the Annual report it is culturally appropriate that I start by acknowledging the traditional custodians of the lands on which the NQLC has representation. Their elders, past, present and future. I would also like to acknowledge the passing of our peoples in our footprint and their contribution and input into their families, clans, tribe and organisations, ensuring the legacy lives on.

During the 2016-2017 reporting period, myself and fellow Board Members attended several external meetings in addition to our five scheduled Board of Director Meetings.

In July 2016, Deputy Chair Phil Rist, fellow Director Patricia Dallachy and I attended the Garma Festival in Nhulunbuy (Gove), Northern Territory. At this festival we were once again able to participate in discussions around issues that were affecting our people.

A positive outcome from the pressure that was applied by the contingent of traditional owners gathered at Garma resulted in Minister Scullion later making a decision to continue funding the Work on Country Program until 2018. Whilst in the Northern Territory, the Deputy Chair and I attended a Commonwealth Marine Reserve workshop in Darwin. Once again, NQLC was able to play a role in bringing this to our traditional owner groups and the regional stakeholders Indigenous Reef Advisory Committee (IRAC), and then onto the QRBA.

In August 2016 the Deputy Chair and I were invited to attend a Referendum Council meeting in Broome WA, this meeting was inclusive of all Native Title Representative Bodies across Australia. From this meeting a relationship began between NQLC and the Referendum Council. Wherein the NQLC co-hosted the Constitutional Reform Regional Dialogues in Cairns in March 2017, alongside the Referendum Council. The Regional Dialogues were a series of meetings held around the country with a purpose to reach broad agreement on whether, and if so, how, to 'recognise' Indigenous Australians in the Australian Constitution. At the completion of the Regional Dialogues I, Terry O'Shane and Phil Rist from NQLC traveled to Uluru in May 2017 for the National Constitution Convention, along with elected peoples from the Regional Dialogue. Mobs traveled from all over Australia to Uluru, with over 250 delegates taking part in the making of the historic 'Uluru Statement from the Heart' in the hope of improving the lives of future generations. The conversation at Uluru built on six months of discussions from the regional dialogues held around the country. Aboriginal and Torres Strait Islander people considered options presented in the Referendum Council's discussions and didn't want a minimal approach if it means a simple acknowledgment, but rather constitutional reform that makes a real difference in our communities.

The Statement calls for the establishment of a First Nations voice enshrined in the



Participants at the Uluru National Constitution Convention in May 2017 (credit: Referendum Council)



Kaylene Malthouse welcoming delegates to the 2017 National Native Title Conference

Gail Mabo and Kaylene Malthouse at the 2017 National Native Title Conference

Kaylene Malthouse and June Oscar AO at the 2017 National Native Title Conference

Constitution and an establishment of a Makarrata Commission to supervise a process of agreement-making between governments and First Nations, that includes the truth telling about Aboriginal and Torres Strait Island People's history.

At the time of writing this report, we are awaiting a response from the Prime Minister and Leader of the Opposition.

The Board had workshops in September, October and December 2016 wherein we broke down native title matters concerning our mobs into working groups and workshopped that the Board would be across those issues. At this time the Board also looked into economic development in our footprint for PBCs. The October workshop was a look at leadership development and leadership behaviours at the Board level. This enabled the Board to identify their Leadership attitudes and work in a more respectful, efficient and professional manner. The December workshop was an all-inclusive NQLC Board and Staff workshop. This workshop gave everyone the opportunity to come together in a neutral environment with a facilitator, to map a pathway forward for the organisation.

In June we celebrated 25 years since the Mabo decision at the National Native Title Conference, which was held in Townsville. A place where Eddie Koiki Mabo spent much of his life. We co-hosted this year's event on Gurumbilbarra Wulgurukaba country, along with other Traditional Owners from the Townsville area and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), theme being 'Our Land is our Birth Right: Mabo25 and Beyond'. The Conference was another great success, and included 160 different representative groups from across Australia.

During the 2016-2017 reporting period there were no scheduled ward elections. The next ward elections are due to take place in September 2017, which will determine the Board of Directors for the 2017-2019 term. Refer to Section 2. Board of Directors and Section 6. Corporate Governance for the full list of Board Members and more information on the Board's responsibilities.

In closing, I would like to extend my congratulations to the Gudjula People and the Bar Barrum People on their December 2016 native title consent determinations.

### **Kaylene Malthouse**

Chairperson

North Queensland land Council





### 3. From the CEO

This year has continued to be another full one for the NQLC, with the Corporation continuing to make positive gains in the native title space. Three native title determinations were achieved in the period – being Bar Barrum People #5 and Gudjula People's #1 & #2 (parts B) taking the number of determinations achieved by the NQLC to 48 and maintaining its position as a leading Representative Body nationally. Three new claims were filed during the period and work continues at a steady pace on our currently active matters, along with a number of new matters going through the research phase. I refer you to Section 5 of this Report 'Report on Performance' (commencing on page 16) for more detail on the NQLC's claims management.

Registered Native Title Body Corporate (PBC) support and development continues to be a significant and expanding component of the NQLC's business (with 25 PBCs in the region) and the NQLC's Future Act Mining and Exploration (FAME) Unit and PBC Support Unit are the only units of NQLC that regularly and consistently provide services to native title holders post determination. n recognising that both units provide similar capacity development and support services to a similar client base, during this reporting period management reviewed the type and delivery of services of the two units and decided that particularly in respect of the capacity development activities, it would be most efficient if they worked closer together.

In these circumstances NQLC established the Engagement and Development Support Team (EDST), which comprises both units. However, each unit offers very specific services and requires different expertise so for this reason the FAME and PBC Units retain their unique identities and services specific to their operations - but will work cooperatively on those capacity development services where there is a degree of overlap. This combined workforce has resulted in more efficient work practices when assisting the region's PBCs, greater economies of scale for the NQLC in delivering capacity building programmes, and an increase in the level of service the NQLC is providing to its clients. Again, I refer you to Section 5 of this Report where the EDST activities are reported in greater detail.

During the reporting period the NQLC had a number of research consultancy projects nearing completion including the Silver Valley area (near Chillagoe), the Gia and Ngara area (Whitsundays) and the Bindal area (Townsville). These projects will be completed in the coming year, with three more scheduled to commence. The NQLC's Research Unit also completed a thorough audit of the NQLC's collection of multi-media records and Tindale collection, and will be focusing now on preparing the hundreds of documents to be moved. The Unit continues to build its collection of research materials and has been gathering records from the James Cook University (JCU) library and AIATSIS to expand the collection.

The NQLC continues to play an active part in the Queensland Representative Body Alliance (QRBA) and participated in a number of meetings and workshops held by the Alliance during the period. Along with other QRBA members, the NQLC also had two very constructive meetings with the Minister for Natural Resources and Mines, Dr Anthony Lynham and his senior Departmental staff as part of a regular meeting schedule. As a result of these meetings, we have this year - in partnership with relevant State & Federal agencies, progressed a Native Title and Land Titling Integration Project (whereby native title determinations and ILUAs would be shown on Land Titles as an interest over the land) and a Schedule of Fees for PBCs to use when considering Future Act notices issued by the State. Work continues on these matters and I am confident that they will both be in place in the coming year.

The NQLC also maintains active membership of the National Native Title Council (the peak body for native title organisations in Australia) and the Chair and I attended a number of Council meetings throughout the period. An important development this year, supported



Wulgurukaba Dancers at the 2017 National Native Title Conference

by the NQLC, saw the Council amend its constitution to allow for broader membership to include PBCs and traditional owner corporations. I believe this to be a very positive step forward for native title interests nationally and the NQLC is working in partnership with the PBCs in its region to develop suitable models for their membership of and representation on the Council.

This period also saw the completion of the NQLC's Cairns office redevelopment project, with all the NQLC's Cairns staff now housed in the one building. The NQLC also commenced an Electronic Data and Records Management project, again to increase internal efficiencies. Following extensive consultations and negotiations with systems providers this project will see a complete new EDRMS system installed in the coming year – intended to save much time and paper.

A major event for the NQLC in the period was co-convening (with AIATSIS) the highly successful annual National Native Title Conference, this year held in Townsville. The Conference took place from 5 to 7 June and attracted the highest number of delegates (800+) of any native title conference previously. I must take this opportunity to thank the Gurumbilbarra Wulgurukaba people for welcoming the Conference to their country, the dance troupes who shared their wonderful dances with us, all the presenters and session Chairs for keeping the presentations informative, and last but by no means least the hard working NQLC & AIATSIS staff who made the event the tremendous success that it was.

I am also very pleased to report that again this year the NQLC has achieved an unqualified Audit Report - and I congratulate the NQLC's CFO and Corporate staff on their excellent efforts. I commend you to the Auditors Report at Section 11.

In closing I wish to extend my thanks to the Board of the NQLC for its direction and strong support, the NQLC staff for their unending enthusiasm and commitment, and most importantly the NQLC region's traditional owners for their tenacity and strength throughout the very difficult process of achieving recognition of their birthright.

### **Steve Ducksbury**

Chief Executive Officer  
North Queensland Land Council





## 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 2017 according to statutory functions is summarised in Table 1.

In 2016-17, the NQLC achieved three consent determinations of native title, and three new claimant applications were filed. The NQLC has now achieved a total of 48 native title consent determinations within our region overall.

During the reporting period two ILUAs were registered in the region and 2,575 Future Act Notifications were assessed and actioned.

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 People #5 QUD6031/2001

The Bar Barrum People's #2, #3, #4, #5 and #6 claims were all filed in 2001.

While the Bar Barrum People #2, #3, #4, and #6 matters were determined by the Court in June 2016, the Bar Barrum People #5 claim was delayed but finally determined in December 2016.

The delay was caused by the same group of respondents who raised the military order issue that caused the Bar Barrum People #4 matter to go to the High Court on the question of the impact of WWII military orders on native title.

These respondents asserted non-native title interests around the Walsh River in the Bar Barrum People #5 claim. Some of them could be described as squatters, while others hold Permits to Occupy. Collectively, the respondents became known as the Walsh River Respondents (WRR).

The WRR had stated throughout the native title process that they either desired to obtain tenure or an upgrade of existing tenure.

In November 2016, and subsequent to the Bar Barrum applicant filing an application to remove the WRR as parties on the basis that their conduct was an unreasonable abuse of the Court's process, the WRR finally consented to the Bar Barrum People #5 determination being made.

On 5 December 2016, the Court heard and made the determination in Brisbane.

#### Bar Barrum People #8 QUD779/2015

On 1 September 2015 the claim was filed in response to non-claimant application made by a pastoral leaseholder and another then looming non-claimant application.

The claim is located in an area where the neighbouring Jirrbal People assert to hold

interests. More recently, the Warrungu People also asserted interests in the area.

During February and March 2016, research was undertaken into the claim area and the surrounding area. A second round of research was undertaken in October 2017. The outcomes of the research will guide the future of the claim and claims in the surrounding area.

### **Bar Barrum People #9 QUD1076/2015**

The Bar Barrum People #9 claim was made in response to non-claimant application filed by the holder of a pastoral lease who seeks an upgrade to freehold title. The area covers one parcel which is 1.4 km<sup>2</sup> and shares a boundary with determined Bar Barrum land.

There are three respondents and no Indigenous respondents. In May 2017, the applicant provided submissions in support of connection to the State.

### **Bar Barrum People #10 QUD607/2016**

Filed 5 August 2016, notification ended 7 June 2017. The delay was caused by mapping issues related to the fact the claim is limited to waterways, the banks of which form the boundaries of parcels in and around determined Bar Barrum country.

There are no Indigenous respondents. Submissions in support of connection were provided by the applicant to the State in May 2017.

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

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

The Bindal Native Title Claim was filed in the Federal Court on 1 July 2016 and passed the registration test on 18 November 2016 and the notification period for parties to join finished on 18 July 2017.

The connection report is close to finalisation and should be submitted to the State later in the year.

The first case management conference has been scheduled for the 5 October 2017 before Justice Rangiah.

### **Djabugay-Bulway-Yirrgay-Nyakali-Guluy People (QUD 398/2015)**

The Djabugay-Bulway-Yirrgay-Nyakali-Guluy People was filed on 25 May 2015. While the claim was representative of the groups contained in its name, it was not supported by all Yirrgay People who had filed claims on their own.

As a result of mediation by the Court native title Registrar, on 26 & 27 May 2016, the Djabugay-Bulway-Yirrgay-Nyakali-Guluy People authorised the Cairns Regional Claim (CRC).

In September 2016, the DBYNG claim area was reduced to cover a non-claimant application in the south west of the claim area. Atherton Tablelands Law who represented the Yirrganydji People simultaneously caused the Yirrganydji People's claims to be reduced to an area over Yorkeys Knob (also to protect certain interests).

Immediately after reducing the claims from these areas, the NQLC filed the CRC.

The CRC covers the majority of the areas formerly covered by DBYNG and the Yirrganydji claims in 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 a series of Court convened and ordered, confidential mediations, which included negotiations on the rules of a PBC for the CRC.



Table 1: Performance according to functions and outputs

**FACILITATION AND ASSISTANCE****The Claims Experience****CLAIMANT APPLICATIONS**

Active claims represented at 30 June 2015	15
Plus Claims filed this year by the NQLC	3
Less Claims Determined 2016.17	3
Less Claims Dismissed 2016.17	0
Less Claims Withdrawn 2016-17	0
Less non native title outcome 2016-17	0
Active Claims represented at 30 June 2015	15
Number of these registered by National Native Title Tribunal (NNTT ) [see note 1]	15
Claims in Development	6
Non-Claimant Applications (as relevant)	2
Compensation Claims (as relevant)	0

**The Agreements Experience**

Future Act Notices (FANs) received		2575
Response to Future Acts		7,012 (see note 1)
Agreements:	Concluded	16
	In development	Numerous
Indigenous Land Use Agreements (ILUA):	Concluded and registered	2
	In development	Numerous

**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:

- Sending out copies of the notices to the persons appointed by each claim group for the receipt of FANs;
  - Providing strategic advice to groups about the impact of Future Acts;
  - Where instructed, formulating submissions on behalf of claimants to Future Acts; and
  - 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.
  - 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.

In December 2016, the applicant provided connection material to the State. Supplementary material was provided to State in May 2017, along with submissions on the evidentiary bases of claim group, which embraces the Djabugay, Yirrganydji, Bulway, Nyakali and Guluy.

### **Gia/Ngaro (proposed claim)**

In March 2014 a 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 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.

There was a follow up meeting with the community in February 2017 with the anthropologist and NQLC staff to present the findings and recommendations. A further meeting is being planned for later in the year with a view to authorise the lodging of a native title claim.

### **Girramay People #2 (MURRAY FALLS) QUD741/2015**

The claim was lodged on 21 August 2015 and the Connection Report was supplied to the State in February 2016. In July 2016 the Applicant and the State reached in principle agreement on connection for the purposes of substantive negotiations. The respondent parties were advised of the Applicant and State's agreement on connection shortly after this.

The Applicant provided a list of native title rights and interests to be included in any consent determination to the State and respondent parties in May 2017. Responses from the State and a number of the active respondents were received shortly thereafter.

It is anticipated there will be a consent determination in the first half of 2018.

### **Gudjala People (QUD80/2005) and Gudjala People #2 (QUD147/2006)**

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.

Subsequently, Gudjala People QUD 80/2005 Part B and Gudjala People # 2 QUD 147/2006 Part B consent determination took place on the 13 December 2016.

### **Gulngay People (QUD308/2014)**


The Gulngay People's claim was registered on 26 September 2014. The connection report was provided to the State in mid-June 2015.

The Jirrbal People, represented by independent solicitors, lodged on 22 October 2015 a claim which in part overlapped with the Gulngay claim. The Jirrbal People also made an application for one of their members to formally become a respondent to the Gulngay claim. The matters raised by the Jirrbal People have since been resolved and the State has recommenced negotiations with the Gulngay People.

The State has since responded to the Applicant's supplementary connection material.

The Applicant, State and National Native Title Tribunal have liaised in relation to the





creation of a Web Mapping Portal to assist with tenure.

We anticipate the State will enter into substantive negotiations towards a consent determination in the new financial year.

### **Gurambilbarra Wulgurukaba (QUD623/2016)**

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 a land based claim.

On 11 August 2016, the Form 1 was filed.

On 4 October 2016, the claim was entered onto the Register of Native Title Claims.

The notification period will end next financial year (19 July 2017).

NQLC also assisted the Gurambilbarra Wulgurukaba people negotiate a Cultural Heritage Management Agreement (CHMA) for the North Queensland Stadium Project. On 1 March 2017, the CHMA was fully executed. In addition to the CHMA, the Gurambilbarra Wulgurukaba negotiated employment and training opportunities with the State. The Gurambilbarra Wulgurukaba will implement the CHMA and other agreements in the next financial year.

### **Juru People (QUD554/10) and Juru People #2 (QUD7/2012)**

The Juru People cluster has been determined.

NQLC has assisted the Juru People secure three determinations:

- 26 July 2011 (Juru Cape Upstart);
- 11 July 2014 (Juru Part A); and
- 22 June 2015 (Juru Part B).

The three 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.

In this financial year, NQLC has assisted Kyburra Munda Yalga Aboriginal Corporation (the Juru PBC) to:

- Negotiate a land exchange ILUA with the State for the continuing operations of several Gun Clubs in the determination area. Anticipate the registration of the ILUA next financial year (August 2017);
- Negotiate Cultural Heritage Agreement (CHA) with the State in relation to Guthalungra. The CHA was fully executed 4 April 2017.
- Negotiate with squatters located near the Elliot River. The squatters are located on land which was recognised to hold exclusive Native Title. Negotiations broke down. No agreement. The Juru PBC have requested the State remove the squatters. No action has been made by the State.
- Negotiate access and use agreements with the Department of Defence;
- Negotiate a cultural heritage agreement with Economic Development Queensland and assist with implementation of same;
- Implement ILUAs, Ancillary agreements and cultural heritage agreements with Adani Mining;
- Defend an action in Court. It is hoped that this matter will be resolved via mediation or hearing in the next financial year.

### **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 to allow the building of 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.

On 7 December 2016, after such a long delay, the lease was registered with the Department of Natural Resources and Mines.

### **Nywaigi People (QUD148/2015)**

The Nywaigi native title application was filed in the Federal Court of Australia on the 10 April 2015 and registered by the NNTT on the 6 June 2015.

The State indicated it was willing to enter into substantive negotiations towards a consent determination after receiving supplementary connection material from the Applicant in February 2017.

Discussions are ongoing with regard to the State Protected Area Indigenous Land Use Agreement (ILUA), Tenure Resolution ILUA, Ergon and Local Government ILUAs.

On 29 and 31 May 2017 an authorisation meeting was held to authorise the making of a number of changes to the Form 1 Native Title Application and the creation of the Wargabadda Nywaigi Aboriginal Corporation, which will hold native title on behalf of the common law holders.

It is anticipated the native title application will be determined in early 2018.

### **Wakaman # 3 (QUD746/2015)**

Wakaman #3 was filed over Crystalbrook Station to protect native title in response to an application to extinguish it.

A final connection report for the whole of Wakaman country will be provided to the State and the representative for Crystalbrook Station tomorrow.

On or before 30 November 2017, the State of Queensland and any other respondent party is to file a notice indicating:

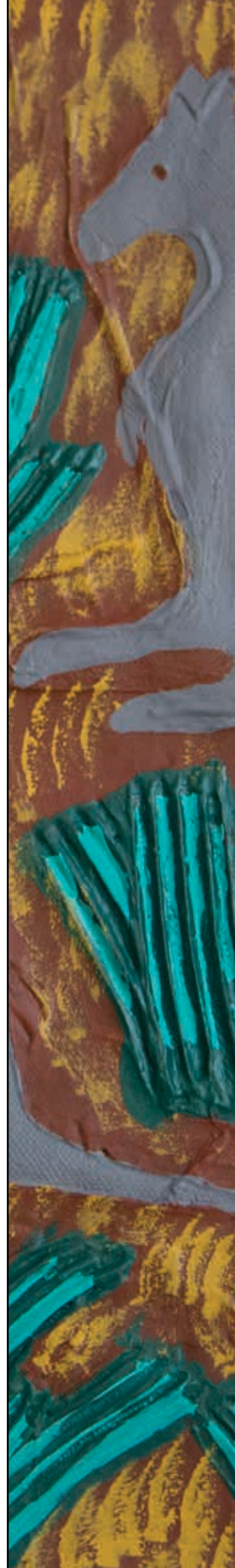
- a. If they are prepared to enter negotiations towards a consent determination; or
- b. If further connection evidence is required before they determine whether they can enter negotiations towards a consent determination; or
- c. If they are of the view that the matter should proceed to a hearing on connection.

In the meantime two new applications to extinguish Wakaman native title over Spring Valley and June Vale stations will be notified on 18 October 2017. Unless Wakaman native title claims are lodged, native title can be extinguished on 31 January 2018.


To prevent the extinguishment of Wakaman native title it is proposed NQLC have a community meeting and an authorisation meeting in November so that new Wakaman claims are authorised.

### **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 a Consultant Anthropologist.

The Warrgamay Native Title Claim was filed on 24 September 2015, and the claim was registered on 12 February 2016. The Notification period for parties to join closed on 3 August 2016.

A timetable for the progression of the matter was approved by the Federal Court and the connection report was submitted to the State in March 2017. In response, the State have now requested further information regarding connection which we are currently collating. The matter is listed for directions hearing before Justice Dowsett on 13 October 2017.

### **Widi #1 (QUD372/2006)**

Orders were made that this claim be suspended pending the outcome of the Widi #2 claim. With the Widi#2 claim successfully determined last year the financial year to 30th June 2017 has been spent attending to the Widi #1 claim

Principal issues being resolved in the Widi #1 claim include Tenure, with negotiations concerning extinguishment being conducted with the State. It is anticipated that negotiations will be complete early in the new financial year.

The State has accepted connection based on the previous reports submitted in respect of Widi #2 and the only issue left is to see if there is enough evidence available to take advantage of the section 47 suite of provisions in the Native Title Act.

A number of ILUAs are being negotiated including, Ergon, Local Government and pastoral. In late June the State announced to a Widi meeting that it recognised [based on certain comments made by the Court in another matter] that it could no longer insist on the Native Title Holders signing a Protected Areas ILUA before determination.

This was an interesting admission as it gives back to the Native Title Holders a degree of bargaining power which was absent when the situation was that of insisting the ILUA be done prior to determination.

### **Widi #2 (QUD492/2013)**

The Widi #2 claim was determined on 29 June 2016, in a determination that recognised that both the Barada Barna People and Widi People had native title rights in the area and these rights were each held separately with respect to the whole of the area of the determination.

### **Yuwibara People (QUD720/2013)**

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 14 December 2016, the State accepted that the Yuwibara claim group has demonstrated a connection sufficient for the purposes of consent determination negotiations, subject to clarification and satisfactory resolution of some issues. The Yuwibara have clarified the issues and the matter is progressing towards a consent determination.

On 20 April 2017, the proposed PBC, Yuwi Aboriginal Corporation was registered with ORIC.

On 27 April 2017, the Applicant provided a timetable (as agreed by all the parties) for progressing the matter towards a consent determination to the Court, with dates extending

to July 2017. An amended timetable will be circulated and additional compliance dates added next financial year.

### **ILUA Implementation project**

The ILUA implementation project [reported on in our last annual report, continued to review all non-mining Indigenous Land Use Agreements (ILUAs) related to native title claims in the NQLC region. The purpose of the project is to review all ILUAs in the region, create a database for quick reference containing a brief description and other pertinent information, then create individual ILUA summaries. The individual ILUA summaries are for internal purposes to identify areas that claim groups/ PBCs may need assistance in implementation. The database has been created, 91 ILUAs have been reviewed and individual ILUAs summaries have been created. This project has also provided an information source for PBCs in relation to their ILUAs. Assistance has been provided to a number of PBCs providing them with copies of ILUAs they did not have and creating detailed summaries of the ILUAs in an easy to use format, which identifies matters to be actioned/reviewed.

### **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 an increase in the exploration notices issued under the expedited procedure regime in the reporting period (110, up from 62 in the previous period). These figures do not include exploration and/or mining applications that have been managed through various Indigenous Land Use Agreements without triggering the future acts regime.

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 statistical reporting does not adequately reflect the work involved in progressing these 'rights to negotiate' which are often protracted negotiations and can involve mediation with the National Native Title Tribunal, site visits and other meetings with the broader claim group or common law holders to seek instructions.

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 (110) in the period, twenty six (26) 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). One (1) FADA was 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 2016-2017 period NQLC received a total of 110 section 29 notices, of those 96 were subject to the expedited procedure regime and 14 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 three (3) matters subject to the right to negotiate were referred to the National Native Title Tribunal (NNTT) for mediation assistance and one (1) matter was referred to a Future Act Determination Application which was subsequently withdrawn by the proponent after an agreement was reached.

### **Small Scale Mining ILUAS**

The Small Scale Miners ILUAs (SSM ILUA) for Ewamian People, Western Yalanji People and Djungan People expire in 2019 and discussions have started for their renegotiation with Western Yalanji and Ewamain during the 2017-2018 financial year. Due to an increase in the volume of exploration and mining activity within the Gudjula and Bar Barrum determination areas these groups will also be negotiating SSM ILUAs. During the 2016-2017 financial year Ewamian and Western Yalanji representatives and meetings through a liaison committee with the State and North Queensland Miners Association in relation to

the implementation of the existing SSM ILUAs which has identified implementation issues which will feed into the renegotiations.

### **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

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;
- proponent compliance issues in agreement implementation relating to outstanding compensation payments;
- 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.

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) new Community Plan was commenced in the reporting period.

The FAME Unit has also been working directly with a number of PBCs to address compliance issues related to non-payment of compensation payments.

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.

The NQLC's Future Acts Mining and Exploration (FAME) Unit 5th Annual ILUA Implementation Capacity Building Workshop was held in Cairns on the 19 to 21 June 2017. Representatives from 13 RNTBCs affected by mining attended the three day Workshop. The aim of the workshop was to understand the Current State Regime and Compliance with Native Title Agreements and Native Title Protection Conditions. In order to achieve this, the objectives of the workshop were:

- to Inform native title parties of a number of legislative/policy developments relating to the mining industry, in particular which have implications for native title parties; and
- to consider best practices for managing dealings relating to compliance issues under agreements and the native title protection conditions.

Various sessions of the three day workshop were dedicated to participants having the opportunity to examine legislative/policy processes and developments of the State agencies including Department of Natural Resources and Mines (DNRM), Department of Environment and Heritage Protection (DEHP), Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) and their compliance processes for financial, cultural and environmental issues arising under agreements or the native title protection conditions.

As previously reported, the participants at Workshop #4 in June 2016 endorsed a proposal to establish a 'FAME 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. Workshop #5 provided an overview of the work undertaken by the FAME Reference Group. The work of the FAME Reference Group to date has included substantive outcomes including:



- review of DATSIP's Duty of Care Guidelines;
- examination of the current Native Title Protection Conditions (NTPCs) and preparation of the renegotiation of its terms;
- consideration Strong and Sustainable Resource Community Bill;
- consultation with DNRM in respect of the Queensland Gas Supply and Demand Action Plan;
- consideration of the Small Scale Mining ILUA terms and meetings with DNRM;
- consideration of the White Paper on the Development of Northern Australia;
- consideration of the proposed draft Protected Area Strategy; and
- options for RNTBCs for compliance and escalation for breaches or agreements and NTPCs

Given that many of the matters being considered by the FAME Reference Group are ongoing, their term has been extended for a further 12 months. The FAME Reference Group's Terms of Reference were also expanded from the 2016 Workshop to include specific assistance to RNTBCs in the negotiations of small Scale Miners ILUAs and direct engagement with a broader range of agencies including DNRM, DEHP and DATSIP. The extension of the term of the FAME Reference Group representatives and amendments to the Terms of Reference were endorsed by the participants of the 5th Annual ILUA Implementation Capacity Building Workshop. Congratulations to Janine Gertz, Alwyn Lyall, Graham (Cookie) Sauney and Sharon Prior.

The overriding message from the Workshop participants was the need for ongoing direct engagement between native title parties and the State and for input into the government policy and legislative developments by the FAME Reference Group. Other outcomes of the workshop included:

- direction for the FAME Reference Group for the coming 12 months to:
  1. assist in the development of a regional Cultural Heritage Management Plan with DATSIP and DEHP and bringing back to broader PBC forum;
  2. engage with Department of Main Roads and Transport for review of their Cultural Heritage Guidelines;
  3. continue to engage with DATSIP about the review of DATSIP's Duty of Care Guidelines and facilitate broader consultation by DATSIP through RNTBCs;
  4. develop principles of engaging RNTBCs in submissions;
  5. engage with DEHP about proposed policy developments across nine key areas of their agency;
  6. develop Fee-For-Service templates and consider a regional approach to bring back to broader RNTBC forum; and
  7. development of a joint statement about the accumulative impacts of water on Country to be taken to the broader RNTBC forum for endorsement at a regional level.

This work of the FAME Reference Group will continue into the 2016-2017 financial year.

### **Prescribed Body Corporate**

The staffing level of the PBC Support Unit ("PBCSU") remained stable throughout the year at 3 staff. However, as noted in the CEO'S introduction a review of the services and activities of the PBCSU and FAME Unit resulted in the establishment of the Engagement and Development Support Team ("EDST") and this restructure has enabled the PBCSU to have ready access to additional resources of the FAME Unit, including staff and legal expertise in particular.

The core functions of the PBCSU are the administration of PBC Support Funding available through the Department of Prime Minister and Cabinet ("PM&C") and capacity development

activities.

### *PBC Support Funding*

Of the region's 25 PBCs, 18 were in receipt of financial support through the PBC Support Funding program administered by the PBCSU. In April, PM&C announced significant changes in their approach to PBC Support Funding that becomes effective in the 2017/18 financial year. Specifically:

1. the historical 'cap' of \$50,000 has been lifted – but the monies still can only be applied to critical (basic operational) needs;
2. support funding will only be available for a four (4) year period (all PBCs who had previously been in receipt of PBC Support Funding will continue to be eligible to apply for funding over the next 4 years) by which time the Government expects that PBCs will have transitioned to financial independence;
3. all PBC Support Funding must be applied through, and funding released by, the relevant Native Title Representative Body/Service Provider ("NTRB/SP"); and
4. PBCs are required to undertake a "Capability Assessment", with the view to designing a "PBC Development Plan" to achieve self-sufficiency.

The change of approach by PM&C, and the tight timeframes of implementation, placed an enormous pressure on the PBCSU to re-prioritise its workload and dedicate additional resources to meeting with PBCs to advise of the changes and assist with budget considerations for the 2017/18 funding period.

The longer term implications of the new approach to PBC Support Funding program relates to the four (4) year timeframe for PBCs to transition to the position of self-sufficiency whereby they are no longer dependant on federal support funding. In order to meet the needs and aspirations of PBCs in their transition, NQLC designed a 'PBC Development Project' ("PDP") and sought additional funding from PM&C to implement to the PDP. The application was successful and in the 2017/18 period we will be recruiting two additional (temporary) staff dedicated to delivering additional capacity development services and activities most particularly in the area of economic development, which we have not been able to undertake previously because of resource constraints.

### *Capacity Development Activities*

The PBCSU has continued to provide one-on-one capacity development support directly to the PBCs, region wide capacity development forums and development of governance tools to support PBCs.

The direct support to PBCs involves a wide range of activities and is responsive to the various and varied requests from PBCs. In this period such support has included: assisting in the administration of the PBC Support Funding; providing template documents; attending board meetings; linking PBCs with training providers, recruitment agencies and the like.

The region-wide forums are primarily in the form of capacity development workshops to which all PBCs in our region are invited. Two workshops were conducted in the reporting period: Corporate Governance and Compliance and Submission Writing. Both workshops have become an annual feature on the PBCSU's capacity development activities and each of the workshops were again well attended. In light of PM&Cs requirement of PBCs to designing their 'PBC Development Plan', additional workshops are currently under consideration to align with aspirations and objectives of PBC as they transition to self-sufficiency. These activities will complement the work that will be delivered under our PDP.

The development of the NQLC's PBC Toolkit project again encountered difficulties during the period and is currently under further review, with the view to settling it in the coming reporting period. In addition to the Toolkit, various templates have been designed in response to PBC requests and these administrative template documents will be expanded on in the coming period. Similarly, the expanded activities referred to above will include the development of corporate governance and strategic management tools such as policy and procedure manuals, strategic plans and the like, as may be requested by PBCs.





A vertical decorative border on the left side of the page featuring a traditional Aboriginal art pattern. It consists of overlapping, irregular shapes in shades of yellow, orange, and brown, set against a dark background. The shapes resemble stylized eyes or organic forms.

## 5.3 Narrative Discussion and Analysis of Performance

### 5.3.1 Trend Information

#### COMMUNITY AND PERSONAL HISTORY

In our last report we were critical [not of the Staff but of the lack of resources provided by Government to the Community and Personal Histories unit] of the time taken to obtain community and personal information.

Now the situation has been almost reversed due [anecdotally] to the large volume material that was sorted through to facilitate the Stolen Wages push now being released in the context of Native Title claims.

In one of our matters we were required to seek extensions of time for delivery of connection report due to in excess of 1500 new histories being released all of which the researcher had to contemplate and take into account in drafting the connection report.

### 5.3.2 Factors, Events or Trends

#### *State Government Funding*

The restriction of funding by the State Government to its own departments and units has meant that there are Staff not being replaced and a reduction in the funds available to those departments such as Crown Law for those departments to do their work and to their ability to brief out anthropological work.

This has resulted in a slow down of the pace of work which is really beginning to impact on NQLC's work.

We are waiting longer for responses from the State or to negotiate matters or work on ILUAs.

Again we are convinced that this is not the fault of the very dedicated workers in State agencies but rather a reflection of the State not assigning sufficient funds to matters in the Court system that a Model Litigant with access to a great deal of money should. It is all very well for the State to cry poor but they are only poor because they fail to prioritize resolution of Native Title matters the way they should.

This slowdown on the State side ultimately flows through to a slowdown in progress of claims resolution on our side.

#### *Increase in non-claimant applications*

It is not a secret that the Non-claimant process in the Native Title Act is discriminatory. A non-claimant application is a very easy matter to lodge requiring little more research than finding a copy of the title via a title search and filling out a a basic form.

Contrast that with the extensive research and preparation that a claim takes

Given that in order to stop a non- claimant getting section 24FA protection – which allows the future Act [often an upgrade to a form of tenure that would extinguish native title] to be done you have to have a Claim in within three months.

The need to scramble urgently to lodge a claim to protect rights of the Traditional Owners, is a real strain on the monetary and human resources of the NQLC, but also on orderly planning for claims.

It means that not only the usual research has not been done and a claim is lodged in less than perfect sequence and rides rough shod over the planned lodgment of other claims.

#### *Reforms to the Native Title Act*

Whilst NQLC agreed with the recent amendments of the Native Title Act following the McGlade case, it was quite obscene to see the speed with which the Federal Government moved here.

Many worthwhile amendments need to be made to the Native Title Act , a number of which are mentioned in the Report of the Australian Law reform commission but have sat on the shelf.

### *Respondent Parties*

We remain of the view we expressed in our last report namely 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.

### *Move away from ILUAs being the price for consent to a determination*

In years gone by respondents sought to take unfair advantage of Native Title holders by offering their consent to a determination as a "package" deal with a requirement that the Native Title holders were required to sign up to ILUAs , often the terms of such ILUAs were unfavorable to the Native Title holders.

Its been a long time coming but there is at last a turning of the tide with a number of judicial statements to the effect that this is inappropriate and that ILUAs should not hold up Native Title determinations.

This is a long overdue but very welcome change.

## **5.3.3. Significant Changes in Nature of Principal Functions/Services**

### *Slowdown*

We have already commented on the slowdown and its flow on effect. – see 5.3.2

### *Growth in PBCs*

The other change in the delivery of services is the Growth of assistance and interaction with PBCs

As more and more claims are settled there are more and more PBCs established.

NQLC has formed a unit who's sole function is to assist the PBCs with a range of matters from organising training, putting on workshops to assist PBCs with corporate governance, planning and understanding financial issues and compliance.

In addition PBCs are assisted to obtain benefits due to them under ILUAs and other agreements and generally to enforce existing agreements and to negotiate new agreements or ILUAs

The PBC Unit lies within the Engagement & Development Support Team.

The unit itself has three members, a coordinator, a support officer and an administrative assistant. As part of the larger ESDT they utilise the two very experienced Native Title Lawyers within the team to provide advice to PBCs and the Unit

## **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 2016-2017 financial year, the NQLC undertook two PM&C pre-approved efficiency improvement projects, being:

Cairns Head Office refurbishment, which will result in future savings on lease rentals; and an Electronic Document and Records Management System (EDRMS) review. The refurbishment is completed and the EDRMS will be implemented over the coming 12 months.

As at the end of the financial year, several external anthropological contracts were still outstanding, however these contracts were committed from the 2016-2017 grant funds.

With approval from PM&C, the NQLC also replaced several fleet vehicles from prior year surplus funds and unbudgeted Annual Generated Income (AGI) from meeting contributions.

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 2016-2017.

The NQLC obtained approval from PM&C to expend previous year surplus funds prior to expiry of the 2013-2017 agreement as at 30 June 2017.

The NQLC, on behalf of traditional owner groups, was engaged in several meetings with State Government Departments over several matters mainly in the NQLC's central region, which contributed to AGI.

### **5.4.2 Summary of Resources by Outputs, Budget/Actual by Main Heads of Expenditure and Revenue**

Refer to Table 2.

## **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. It is anticipated that future funding will continue and the NQLC's NTRB recognition status will continue to be recognised.

Since the end of the 2016-2017 financial year, no other developments have occurred that may significantly affect the NQLC's future operations.

Table 2: Budgets/Actual by main heads of expenditure and revenue

<b>NTRB FUNCTIONS (FUNDS UTILISED UNDER NATIVE TITLE FUNDING AGREEMENT)</b>	<b>(1) ACTUAL 2015-16 \$'000</b>	<b>(2) BUDGET 2016-17 (BUDGET) \$'000</b>	<b>(3) ACTUAL 2016-17 \$'000</b>	<b>(4) VARIATION (COLUMN 3 MINUS COLUMN 2)</b>
<b>EXPENDITURE</b>				
Capital	46,999	50,000	988,869	938,869
Activities	5,069,503	8,925,420	4,876,200	-4,049,220
Corporate	2,501,894	2,553,932	2,335,442	-218,490
Total	7,618,396	11,529,352	8,200,511	-3,328,841
<b>INCOME</b>				
PMC Funding	8,406,090	8,698,246	8,698,246	0
PBC Transition Planning Funds		615,000	615,000	0
Previous year unexpended funds		2,163,106	2,163,106	0
Activity Generated Income				
- Administration Fees	13,036	5,000	21,507	16,507
- Bank Interest	24,627	20,000	29,391	9,391
- Meeting Contributions	2,336	0	20,202	20,202
- Project Proponent Income	26,895	12,000	51,996	39,996
- Provision of Services	38,010	16,000	46,185	30,185
- Sale of Assets	19,053	0	75,575	75,575
Other Income	61	0	0	0
<b>Total</b>	<b>8,530,108</b>	<b>11,529,352</b>	<b>11,721,208</b>	<b>191,856</b>



# 6. 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 per below.

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 five (5) Board Meetings and three (3) Executive Meetings. At the conclusion of the Annual General Meeting in November 2016, there were 12 directors. At the conclusion of the 2016-17 financial year, there were 11 directors due to the standing down of one (1) director for non-attendance as at 16 December 2016. A number of meetings were attended by the Chair and/or other Directors (see Table 4).

### **6.3.2 Training Arrangements for Board of Director Members**

The Board members attendance of training is shown in Table 5.

## **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 (PLO) (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 risk**

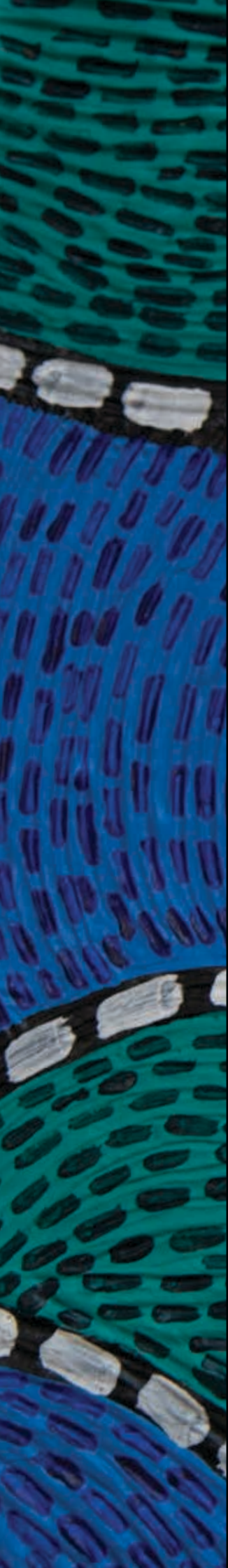
The NQLC, as per PM&C's Terms and Conditions Native Title Agreement, for agreements commencing on or after 1 July 2013, employs an in-house Certified Practising Accountant. The NQLC has external auditors who undertake its annual audit.

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 REPS
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	1

Table 3: Number of Representatives on the Board of Directors per Ward as at 30 June 2017.

Table 4: Meetings attended by the NQLC Board of Directors during the 2016-2017 reporting period.

BOARD OF DIRECTOR MEETINGS				
No.	Type of Meeting	Dates	No. Attending	Location
1	Face to Face	7 July 2016	10	Cairns
2	Face to Face	6 October 2016	9	Cairns
3	Face to Face	16 December 2016	11	Cairns
4	Face to Face	9 February 2017	11	Cairns
5	Face to Face	19 May 2017	11	Cairns
OFFICE BEARER MEETINGS				
1	Face to Face	20 July 2016	4	Townsville
2	Face to Face	7 October 2016	4	Cairns
3	Teleconference	23 January 2017	4	Teleconference
OTHER MEETINGS ATTENDED BY DIRECTORS				
1	GARMA Festival	29 July - 1 August 2016	Madam Chair + 2 Exect	Gove
2	Marine Reserve Forum	3-4 August 2016	Madam Chair + 1 Exect	Darwin
3	Queensland Representative Body Alliance meeting	30-31 August 2016	Madam Chair	Cairns
4a	Meet with Hon Anthony Lynham	22 September 2016	Madam Chair	Brisbane
4b	Meet with Prime Minister & Cabinet	23 September 2016	Madam Chair	Cairns



OTHER MEETINGS ATTENDED BY DIRECTORS				
5	Queensland Representative Body Alliance meeting	15 October 2016	Madam Chair	Brisbane
6	Indigenous Reef Advisory Committee meeting	20 October 2016	Madam Chair + 1 Exect	Cairns
7	AIATSIS Indigenous Leadership meeting	26 October 2016	Madam Chair + 1	NSW
8	Referendum Council Regional Dialogue	4-6 November 2016	Madam Chair + 1	Melbourne
9	Queensland Representative Body Alliance Meeting	15 November 2016	Madam Chair	Brisbane
10	National Native Title Council Meeting	24 November 2016	Madam Chair	Adelaide
11a	Annual General Meeting/NQLC Members	26 November 2016	8 + 10 NQLC Members	Atherton
11b	Special General Meeting/NQLC Members	26 November 2016	8 + 10 NQLC Members	Atherton
12	Referendum Council Regional Dialogue	30 November 2016	Madam Chair + 1	Cairns
13	Referendum Council Regional Dialogue	17 January 2017	Madam Chair + 1	Cairns
14	Referendum Council Link up	16 February 2017	Madam Chair + 1	Cairns
15	Referendum Council Link up	4 March 2017	Madam Chair + 1	Cairns
16	Sea Country Meeting	8 March 2017	Madam Chair + 2	Cairns
17	Referendum Council Regional Dialogue	17-19 March 2017	Madam Chair	Melbourne
18	QRBA meeting	29-30 March 2017	Madam Chair	Brisbane
19	Referendum Council Regional Dialogue	24-26 March 2017	Madam Chair + Directors	Cairns
20	Queensland Representative Body Alliance meeting	29 March 2017	Madam Chair	Brisbane
21	National Native Title Council Meeting	17-18 May 2017	Madam Chair	Melbourne
22	Referendum Council Regional Dialogue	23-26 May 2017	Madam Chair + 2	Uluru
23	Mabo Day March and Activities	2-3 June 2017	Madam Chair + 3	Townsville
24	2017 National Native Title Conference	5-7 June 2017	Madam Chair + 10	Townsville
25	Laura Dance Festival	30 June-2 July 2017	1 Director	Laura

BOARD OF DIRECTOR TRAINING				
No.	Type of Meeting	Dates	No. Attending	Location
1	Certificate in Indigenous Leadership	25 - 29 July 2016	Madam Chair	Australian Indigenous Leadership Centre - Darwin
2	Portfolio Workshop. Facilitator Brett Mackie	14-15 September 2016	10	Cairns
3	Informal Executive meeting	30 September 2016	4	Teleconference
4	NQLC Directors Governance & Leadership Workshop. Facilitator Duane Vickery	4-5 October 2016	9	Cairns
5	NQLC Directors and Staff Development Workshop	14-15 December	11	Cairns
6	PM&C Corporate Governance. Facilitator Shane Carroll	8 February 2017	11	Cairns
7	Working Group. Portfolio Sub-Committees. Guest Andrea Tunjic	14-15 March 2017	11	Cairns

Table 5: Training attended by the NQLC Board of Directors during the 2016-2017 reporting period





## 7. 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

## 8. Consultants & 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 an 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 Head Agreement and Project Schedule.

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 6.

Table 6: Consultancy information 2016-2017 Financial Year.

Contract Type	No. of Contracts Let 2016/17	Total Expenditure
Corporate and General	17	217,404.00
Anthropological	10	354,388.62
Legal	15	129,539.67
<b>TOTAL</b>	<b>42</b>	<b>\$701,332.29</b>





## 9. Management of Human Resources

### 9.1 Workforce Planning, Staff Turnover and Retention

As at 30 June 2017 NQLC had 43 staff, of which 37% 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. Three (3) staff resigned, three (3) fixed contracts expired, two (2) contracts were not renewed and one (1) staff member took a redundancy.

### 9.2 Training and Development Undertaken and its Impact

Throughout the year staff have attended various training seminars, workshops, forums and conferences. Professional staff attended training seminars and conferences in their field of expertise. These included the AIATSIS Legal Workshop, Centre for Native Title Anthropology Conference, Government Lawyers' Workshop, Bar of Association Queensland Conference, Anthropological Masterclass in Native Title, Australia Wide Taxation and Payroll training, FBT Workshops and specialty Human Resource training seminars.

Other conferences, forums and workshops attended by staff included the National Native Title Conference, Native Title in Business Forum, Native Title Representative Body Forums, and National Native Title Council meetings.

Other training throughout the year included Justice of the Peace training, mapping and first aid courses, staff workshops and performance management training.

### 9.3 Impact and features of Enterprise Agreement

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 of Staffing

Refer to Table 7 for a comparison on staffing numbers for the 2016-2017 and 2015-2016 reporting period. See also Figure 2 for the current staff structure as at 30 June 2017 and section 9.1 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 \$38,401.68 per annum. This insurance covers Directors and Officers. During this period there have been no claims made under this policy.

Table 7: Comparison on staffing numbers for the 2016-2017 and 2015-2016 reporting period.

POSITION	NO. OF STAFF 2016-17 (AS AT 30 JUNE 2017)	NO. OF STAFF 2015-16 (AS AT 30 JUNE 2016)
Chief Executive Officer	1	1
Principal Legal Officer	1	1
Chief Financial Officer	1	1
Lawyers	10	10
Anthropologists	5	4
Project Officers	8	8
Administration & other Officers	17	15
TOTAL NUMBER OF STAFF	43	40



# 10. Summary of Native Title Determinations

## 10.1 Summary of Native Title Determinations represented by NQLC in 2016-2017

During the 2016-2017 reporting period, NQLC had three (3) Native Title Consent Determinations. Bar Barrum People #5 and Parts B of Gudjala People and Gudjala People #2.

### GUDJALA PEOPLE (PART B)

Federal Court file no(s)	QUD80/2005
Short name	Gudjala People
Case name	Dodd on behalf of the Gudjala People Core Country Claim #1 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)	Charters Towers Regional Council
Determination date	13/12/2016
Date/s of effect	13/12/2016
Registered Native Title Body Corporate	Ngrragoonda Aboriginal Corporation RNTBC



Gudjala Applicants Christine Hero, Smokey Anderson, Gloria Santo and Priscilla Huen attended the hearing of their Native Title Consent Determination at the Federal Court in Brisbane.

## GUDJALA PEOPLE #2 (PART B)

Federal Court file no(s)	QUD147/2006
Short name	Gudjala People #2
Case name	Dodd on behalf of the Gudjala People Core Country Claim #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)	Charters Towers Council
Determination date	13/12/2016
Date/s of effect	13/12/2016
Registered Native Title Body Corporate	Ngrragoonda Aboriginal Corporation RNTBC



Bar Barrum #2, #3, #4 & #6 Native Title Consent Determination

## BAR BARRUM PEOPLE #5

Federal Court file no(s)	QUD6031/2001
Short name	Bar Barrum People #5
Case name	Kynuna on behalf of the Bar Barrum People #5 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	05/12/2016
Date/s of effect	05/12/2016
Registered Native Title Body Corporate	Mbabaram Aboriginal Corporation



## 10.2 Summary of Native Title Determinations represented by NQLC

As at June 30 2017, NQLC have had 48 Native Title Consent Determinations.

DATE OF DETERMINATION	FEDERAL COURT NUMBER	NAME	NAME OF REGISTERED NATIVE TITE BODY CORPORATE
13/12/2016	QUD80/2005	Gudjala People (Part B)	Ngrragoonda Aboriginal Corporation RNTBC
13/12/2016	QUD147/2006	Gudjala People #2 (Part B)	Ngrragoonda Aboriginal Corporation RNTBC
05/12/2016	QUD6031/2001	Bar Barrum People #5	Mbabaram Aboriginal Corporation RNTBC
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

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



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

# 11. Financials



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

**Annual financial report  
For the year ended 30 June 2017**



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ATSIC	Aboriginal and Torres Strait Islander Commission
PM&C	The Department of the 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 2017 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 III in Indigenous Leadership AILC 2016
Experience	Past Representative for the Standing Independent Selection Panel Employed by the Department of Communities to April 2017 Co-Convenor for Referendum Council 2016/2017 Chair South Tablelands Traditional Owners Alliance (STTOA) – advocacy around Housing, Health, Education, Employment and Social inclusion
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 Working Group Leader for Referendum Council Chair Indigenous Art Centre Alliance (IACA) Chair Indigenous Reef Advisory Committee (IRAC)
Ward	Tully/Palm Island
Traditional Owner	Nywaigi
<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 Committee Member Indigenous Reef Advisory Committee (IRAC)
Ward	Townsville/Ayr
Traditional Owner	Bindal/Birri Gubba/Gurambilbarra
<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>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>Terry O'Shane</b>	<b>Director</b>
Qualifications	Certificate IV in Business Governance
Experience	Chair of FCAATSI Chair National Coalition Aboriginal Organisations Member National Indigenous Working Group National Coalition of Aboriginal Organisation Representative in UN Co-Convenor for Referendum Council 2016/2017
Ward	Cairns
Traditional Owner	Western Yalanji
 <b>Vana O'Shane</b>	 <b>Director</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</b>
Experience	Association with the Mandubarra Turtle Rehab (Funded by PM&C)
Ward	Innisfail
Traditional Owner	Mamu
 <b>Les Murgha</b>	 <b>Director - Ceased 16 December 2016</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 surplus from ordinary activities after income tax amounted to \$891,100 (2016: Deficit of \$74,352).



### 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, 5 board meetings and 3 executive meetings of directors were held. The number of meetings attended by each of the directors of the Corporation during the financial year were:

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	5	5	3	3
Phil Rist	4	5	3	3
Gary Mooney	5	5	3	3
Angie Akee	5	5	3	3
Errol Neal	5	5	-	-
Patricia Dallachy	4	5	-	-
Annette Hooligan	4	5	-	-
Tracey Heenan	5	5	-	-
Terry O'Shane	3	5	-	-
Vana O'Shane	3	5	-	-
Victor Maund	5	5	-	-
Les Murgha	0	3	-	-

### **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 2017 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 2017.

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

K.E. Mattheuse

Director

Philip J. Ash

Director

Dated at Cairns this 28<sup>th</sup> day of September 2017



## Auditor's independence declaration

Cairns Corporate Tower  
15 Lake Street  
Cairns QLD 4870

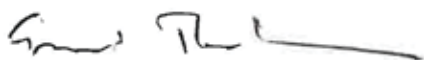
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E [info.cairns@au.gt.com](mailto:info.cairns@au.gt.com)  
W [www.grantthornton.com.au](http://www.grantthornton.com.au)

### 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 lead auditor for the audit of North Queensland Land Council Native Title Representative Body Aboriginal Corporation for the year ended 30 June 2017, I declare that, to the best of my knowledge and belief, there have been:

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



GRANT THORNTON AUDIT PTY LTD  
Chartered Accountants



G J Mier  
Partner – Audit & Assurance

Cairns, 28 September 2017

[grantthornton.com.au](http://grantthornton.com.au)

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## Statement of comprehensive income

**For the year ended 30 June 2017**

	Note	2017 \$	2016 \$
<b>Income</b>			
Revenue	5	8,124,936	7,654,200
Gain on sale of property, plant and equipment		75,575	19,053
<b>Total income</b>		<b>8,200,511</b>	<b>7,673,253</b>
<b>Expenses</b>			
Administration expenses		393,931	482,751
Catering expenses		57,714	76,014
Computer & software expenses		4,454	7,544
Consulting and professional fees		701,332	813,943
Depreciation and amortisation		97,769	141,442
Employee expenses	6	3,976,591	3,988,800
Insurance		73,954	66,647
IT and internet costs		325,585	357,420
Meeting expenses		17,391	6,215
Motor vehicle expenses		25,441	25,856
Native title expenses		731,414	819,476
Rent		355,721	337,150
Training expenses		37,081	13,552
Travel expenses		326,760	402,361
Other expenses		184,273	208,434
<b>Total expenses</b>		<b>7,309,411</b>	<b>7,747,605</b>
<b>Net surplus (deficit) before tax</b>		<b>891,100</b>	<b>(74,352)</b>
Income tax expense	4e	-	-
<b>Surplus (deficit) for the year</b>		<b>891,100</b>	<b>(74,352)</b>
Other comprehensive income		-	-
<b>Total comprehensive income (loss)</b>		<b>891,100</b>	<b>(74,352)</b>

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

## Statement of financial position

### As at 30 June 2017

	Note	2017 \$	2016 \$
<b>Assets</b>			
Cash and cash equivalents	7	7,543,495	3,007,430
Investments	4h	53,419	53,419
Receivables	8	62,652	229,618
Prepayments	9	94,689	105,588
<b>Total current assets</b>		<b>7,754,255</b>	<b>3,396,055</b>
Property, plant and equipment	10	1,721,249	830,149
<b>Total non-current assets</b>		<b>1,721,249</b>	<b>830,149</b>
<b>Total assets</b>		<b>9,475,504</b>	<b>4,226,204</b>
<b>Liabilities</b>			
Trade and other payables	11	3,917,322	610,751
Provisions	12	465,197	389,950
Grants unexpended or repayable	5	3,520,697	2,522,604
Other liabilities	13	-	19,648
<b>Total current liabilities</b>		<b>7,903,216</b>	<b>3,542,953</b>
Provisions	12	101,821	103,884
<b>Total non-current liabilities</b>		<b>101,821</b>	<b>103,884</b>
<b>Total liabilities</b>		<b>8,005,037</b>	<b>3,646,837</b>
<b>Net assets</b>		<b>1,470,467</b>	<b>579,367</b>
<b>Equity</b>			
Retained surplus		1,470,467	579,367
<b>Total equity</b>		<b>1,470,467</b>	<b>579,367</b>

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



## Statement of changes in equity

### For the year ended 30 June 2017

	2017 \$	2016 \$
<b>Retained surplus</b>		
Balance at 1 July	579,367	653,719
Net surplus (deficit) for the year	891,100	(74,352)
Total other comprehensive income for the year	-	-
<b>Balance at 30 June</b>	<b>1,470,467</b>	<b>579,367</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 2017

	Note	2017 \$	2016 \$
<b>Cash flows from operating activities</b>			
Receipts from government grants		9,101,066	9,198,258
Payments to suppliers and employees		(3,820,988)	(8,835,241)
Cash generated from operating activities		5,280,078	363,017
Interest received		29,391	24,627
Other receipts		139,890	80,338
<b>Net cash from operating activities</b>	15	<b>5,449,359</b>	<b>467,982</b>
<b>Cash flows from investing activities</b>			
Proceeds from sale of property, plant and equipment		75,575	51,980
Acquisition of property, plant and equipment		(988,869)	(100,819)
<b>Net cash used in investing activities</b>		<b>(913,294)</b>	<b>(48,839)</b>
Net increase in cash and cash equivalents		4,536,065	419,143
Cash and cash equivalents at 1 July	7	3,007,430	2,588,287
<b>Cash and cash equivalents at 30 June</b>	7	<b>7,543,495</b>	<b>3,007,430</b>

*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 2017

#### 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 2017, current liabilities amounted to \$7,903,216 (2016: \$3,542,953) and current assets amounted to \$7,754,255 (2016: \$3,396,055) leaving a shortfall in working capital of \$148,961 (2016: 146,898). 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 2016. 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 2016, 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 15 *Revenue from Contracts with Customers*, AASB 1058 *Income of Not-for-profit Entities* and AASB 2016-8 *Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-profit Entities* become mandatory for annual periods beginning on or after 1 January 2019. AASB 15 will replace AASB 118 *Revenue*, AASB 111 *Construction Contracts* and a number of Interpretations. AASB 2016-8 sets out Australian requirements and provides guidance for not-for-profit entities in applying AASB 9 and AASB 15, and AASB 1058 will replace AASB 1004 *Contributions*. Together, they establish a comprehensive framework for determining whether, how much and when revenue is recognised.
- 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 2017 were \$499,790 (2016: \$502,553).

**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 to determine its present value. 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% - 23.26%

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 consider that 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 derecognition**

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.

	2017 \$	2016 \$
<b>5 Revenue</b>		
Grant received – PM&C	8,953,748	8,406,090
	8,953,748	8,406,090
Grant balances at 1 July	2,522,604	1,665,749
Grant balances at 30 June	(3,520,697)	(2,522,604)
	7,955,655	7,549,235
Fee income	139,890	80,338
Interest income	29,391	24,627
	<b>8,124,936</b>	<b>7,654,200</b>



	2017 \$	2016 \$
<b>6 Employee expenses</b>		
Wages and salaries	3,456,844	3,467,228
Workers compensation insurance	19,957	19,019
Superannuation	499,790	502,553
	<u>3,976,591</u>	<u>3,988,800</u>
<b>7 Cash and cash equivalents</b>		
Cash on hand	7,068	6,779
Cash at bank	7,536,427	3,000,651
	<u>7,543,495</u>	<u>3,007,430</u>
<b>8 Receivables</b>		
Current		
Receivables	38,617	61,777
Deposits	21,000	20,200
Other	3,035	27,563
GST receivable	-	120,078
	<u>62,652</u>	<u>229,618</u>
<b>9 Prepayments</b>		
Insurance	71,734	73,954
Rent	18,140	29,417
Other	4,815	2,217
	<u>94,689</u>	<u>105,588</u>

## 10 Property, plant and equipment

### a Reconciliation of carrying amount

	Land	Buildings	Furniture, Fixtures and Fittings	Motor Vehicles	Office Equipment	Leasehold Improvements	Total
Cost	\$	\$	\$	\$	\$	\$	\$
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
Balance at 1 July 2016	290,000	468,463	88,968	384,645	358,876	179,378	1,770,330
Additions	-	766,609	-	164,046	25,122	33,092	988,869
Disposals	-	-	(24,294)	(57,757)	(19,312)	(146,436)	(247,799)
Balance at 30 June 2017	290,000	1,235,072	64,674	490,934	364,686	66,034	2,511,400

### Depreciation and impairment

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)
Balance at 1 July 2016	-	(179,238)	(81,315)	(258,260)	(247,319)	(174,049)	(940,181)
Depreciation for the year	-	(22,604)	(1,365)	(32,951)	(36,261)	(4,588)	(97,769)
Disposals	-	-	24,294	57,757	19,312	146,436	247,799
Balance at 30 June 2017	-	(201,842)	(58,386)	(233,454)	(264,268)	(32,201)	(790,151)

### Carrying amounts

At 1 July 2015	290,000	283,512	14,217	138,786	114,926	62,258	903,699
At 30 June 2016	290,000	289,225	7,653	126,385	111,557	5,329	830,149
At 30 June 2017	290,000	1,033,230	6,288	257,480	100,418	33,833	1,721,249

## 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 \$1,323,230 (2016: \$579,225) is subject to a caveat in favour of the Commonwealth Government (ATSIC, a former statutory body of the Commonwealth Government).

	2017 \$	2016 \$
<b>11 Trade and other payables</b>		
Trade payables	279,706	143,793
Annual leave entitlements	257,948	255,710
Payroll liabilities	178,804	188,566
Revenue received in advance	2,944,734	22,682
GST Payable	256,130	-
	<b>3,917,322</b>	<b>610,751</b>
<b>12 Provisions</b>		
Current		
Long service leave	465,197	389,950
Non-current		
Long service leave	101,821	103,884
Balance at 1 July	493,834	494,522
Provisions made during the year	101,667	68,197
Provisions used during the year	(28,483)	(68,885)
<b>Balance at 30 June</b>	<b>567,018</b>	<b>493,834</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 was at 30 June 2017 2.00% (2016: 2.01%).



	2017 \$	2016 \$
<b>13 Other liabilities</b>		
Current		
Auspiced grant funds	-	19,648
	<u>-</u>	<u>19,648</u>

#### 14 Operating leases

##### Leases as lessee

The Corporation leases its offices at 61-73 Sturt Street, Townsville and 38 Macalister Street, Mackay under operating leases. The leases range from a period of one to three years, and both have an option to renew for a further three years. Lease payments are increased each year. The increases are based on CPI. None of the leases include contingent rentals. The lease of the office at 63 Anderson Street, Cairns was terminated by the Corporation on 30 June 2017.

During the year ended 30 June 2017, \$332,791 was recognised as an expense in respect of operating leases (2016: \$315,463).

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

Less than one year	219,593	266,090
Between one and five years	697,803	713,150
More than five years	-	-
	<u>917,396</u>	<u>979,240</u>

#### 15 Reconciliation of cash flows from operating activities

Net surplus (deficit)	891,100	(74,352)
<i>Adjustments for:</i>		
Depreciation	97,769	141,442
Gain on sale of property, plant and equipment	<u>(75,575)</u>	<u>(19,053)</u>
	913,294	48,037
<i>Changes in:</i>		
Trade and other receivables	166,966	(133,721)
Trade and other payables	3,306,572	(257,241)
Prepayments	10,898	(64,908)
Provisions and employee benefits	73,184	(688)
Income/revenue in advance, including government grants	<u>978,445</u>	<u>876,503</u>
Net cash from operating activities	<u>5,449,359</u>	<u>467,982</u>

## 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:

	2017 \$	2016 \$
Short-term employee benefits	505,938	529,410
Post-employment benefits	76,338	79,474
Long term benefits	5,601	5,837
	<u>587,877</u>	<u>614,720</u>

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

## 17 Commitments for expenditure

The Corporation had operating expenditure commitments of \$404,060 at 30 June 2017 which had not been provided for and were not payable at reporting date. These commitments are expected to be settled in the next financial year.

## 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 2017 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:

K.E. Matthouse

Director

Dated the 28<sup>th</sup> day of September 2017



# Independent auditor's report

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

### Opinion

We have audited the 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 2017, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the directors' declaration.

In our opinion, the accompanying 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*, including:

- a giving a true and fair view of the Corporation's financial position as at 30 June 2017 and of its financial performance for the year then ended; 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.

### Basis for opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial report* section of our report. We are independent of the Corporation in accordance with the auditor independence requirements of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the "Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

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**Information other than the financial report and auditor's report thereon**

The directors are responsible for the other information. The other information comprises the information included in the Corporation's annual report for the year ended 30 June 2017, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

**Responsibilities of the directors 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 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.

In preparing the financial report, the directors are responsible for assessing the Corporation's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Corporation or to cease operations, or have no realistic alternative but to do so.

**Auditor's responsibilities for the audit of the financial report**

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [http://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). This description forms part of our auditor's report.



GRANT THORNTON AUDIT PTY LTD  
Chartered Accountants



G J Mier  
Partner – Audit & Assurance

Cairns, 28 September 2017

## 12. Glossary & Acronyms

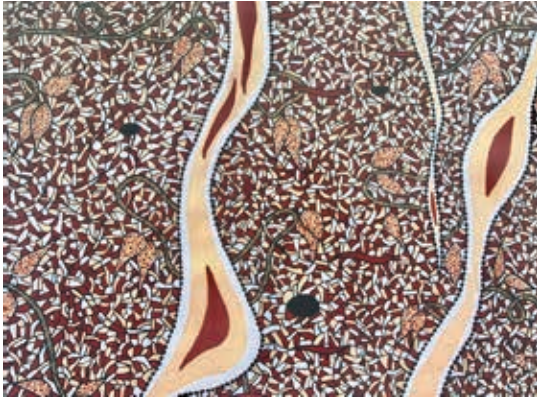
ACHA	Aboriginal Cultural Heritage Act 2003 (Qld)
ADJR Act	Administrative Decisions (Judicial Review) Act 1977
AgForce	AgForce Queensland
AGI	Activity Generated Income
AGM	Annual General Meeting
AIATSIS	Aboriginal Institute of Aboriginal and Torres Strait Islander Studies
ALA	Aboriginal Land Act 1991
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

# 13. Featured Artwork

NQLC would like to thank the talented artists featured in this year's Annual Report: Taritah Von Roehl, Troy Wyles-Whelan, Philomena Yeatman, Valmai Pollard and Edna Ambrym; all of whom are local Aboriginal Traditional Owners. Aboriginal art is the oldest form of artistic expression in the world, dating back at least 60,000 years. We encourage our readers to appreciate the hard work and dedication artists put in over many hours to produce these great works and to support local artists where you can.



Artist: Taritah Von Roehl

Clan/Tribe: Kuku Yalanji/Mbarbaram

Artwork Title: 'Life Cycle of the Dragonfly'

To view or purchase more of the artist's work, contact [firstnationsart@yahoo.com](mailto:firstnationsart@yahoo.com). Taritah Von Roehl is also a regular at local Cairns Festivals including the Cairns Indigenous Art Fair.



Artist: Troy Wyles-Whelan

Clan/Tribe: Warrgamaygan

Artwork Title: 'Yamani' (Coming Home)

To view or purchase more of the artist's work, contact [troy.wyleswhelan@gmail.com](mailto:troy.wyleswhelan@gmail.com).



Artist: Edna Ambrym

Clan/Tribe: Kuku Yalanji/Gunggandji

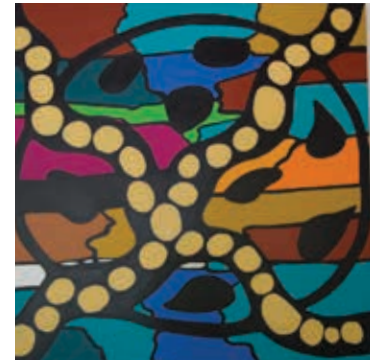
To view or purchase more of the artist's work, contact the Yarrabah Arts and Cultural Precinct: Off Back Beach Road, Yarrabah QLD 4871 (07) 4056 9249



Artist: Edna Ambrym

Clan/Tribe: Kuku Yalanji/Gunggandji

Artwork Title: 'Shellfish Pods'



Artist: Edna Ambrym

Clan/Tribe: Kuku Yalanji/Gunggandji

Artwork Title: 'From the Creek to the Ocean'



Artist: Philomena Yeatman

Clan/Tribe: Kuku Yalanji/Gunggandji

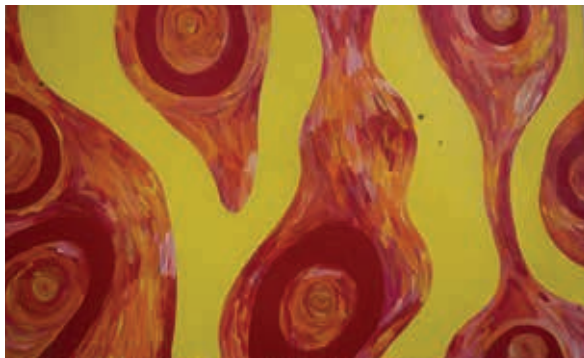
Artwork Title: 'Meeting Places'



Artist: Philomena Yeatman

Clan/Tribe: Kuku Yalanji/Gunggandji





Artist: Valmai Pollard

Clan/Tribe: Guru Gulu/Gunggandji

Artwork Title: 'Dead Trees'

*To view or purchase more of the artist's work, contact the Yarrabah Arts and Cultural Precinct: Off Back Beach Road, Yarrabah QLD 4871 (07) 4056 9249*



Artist: Philomena Yeatman

Clan/Tribe: Kuku Yalanji/Gunggandji

Artwork Title: 'Tracks'

*To view or purchase more of the artist's work, contact the Yarrabah Arts and Cultural Precinct: Off Back Beach Road, Yarrabah QLD 4871 (07) 4056 9249*



Artist: Philomena Yeatman

Clan/Tribe: Kuku Yalanji/Gunggandji

Artwork Title: 'Cyclone'

*To view or purchase more of the artist's work, contact the Yarrabah Arts and Cultural Precinct: Off Back Beach Road, Yarrabah QLD 4871 (07) 4056 9249*



Artist: Philomena Yeatman

Clan/Tribe: Kuku Yalanji/Gunggandji

Artwork Title: 'Kangoola'

*To view or purchase more of the artist's work, contact the Yarrabah Arts and Cultural Precinct: Off Back Beach Road, Yarrabah QLD 4871 (07) 4056 9249*



Artist: Valmai Pollard

Clan/Tribe: Guru Gulu/Gunggandji

Artwork Title: 'Mussells'

*To view or purchase more of the artist's work, contact the Yarrabah Arts and Cultural Precinct: Off Back Beach Road, Yarrabah QLD 4871 (07) 4056 9249*



Artist: Valmai Pollard

Clan/Tribe: Guru Gulu/Gunggandji

*To view or purchase more of the artist's work, contact the Yarrabah Arts and Cultural Precinct: Off Back Beach Road, Yarrabah QLD 4871 (07) 4056 9249*



Artist: Edna Ambrym

Clan/Tribe: Kuku Yalanji/Gunggandji

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