



# 2017-2018

ANNUAL REPORT

*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



The cover image is of a traditional shield made, designed and painted by Nywaigi Traditional Owner Phillip Rist and his son, Emmett Rist. The piece was gifted to His Honour Justice Robertson, on behalf of the Nywaigi People, at the Nywaigi Native Title Consent Determination in April 2018.

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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 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 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 large Deed of Grant in Trust (DOGIT) communities governed by Yarrabah and Palm Island Aboriginal Shire Councils. There are also major Indigenous populations in Townsville/Thuringowa, Cairns, Mackay, Innisfail, Mareeba, Burdekin, Charters Towers, Mossman, Bowen, Atherton, Sarina,

Ingham, Tully, Cardwell, Richmond, Nebo/Mirani, Herberton, Ravenshoe, Kuranda, Mount Garnet, Croydon, and the Jumbun Community.

## 1.2 Roles And Functions

### 1.2.1 Legislation

The primary legislation which the NQLC is concerned with is the Commonwealth NTA which defines the statutory functions of an NTRB. The NQLC, in the context of representing native title claims also deals with the Native Title (Queensland) Act (1993) and other relevant federal and state legislation.

The NQLC was incorporated on 28 March 1994 under the then Aboriginal Councils and Associations Act 1976 and is now registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act). The NQLC is required to comply with various conditions of the CATSI Act and Corporations Law which cover such matters as the setting up and functioning of the corporate governance of the organisation, holding of the Annual General Meetings (AGM) and the provision of the yearly financial statements.

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

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

## 1.2.2 Legislative Functions

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

- Facilitation and assistance functions;
- Certification functions;
- Dispute resolution functions;
- Notification functions;
- Agreement making functions; and
- Internal review functions.

Other functions arising out of section 203BJ of the NTA:

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

Functions incidental to statutory functions:

In recent years the number of Registered Native Title Bodies Corporate [PBCs] has increased due to the number of determinations achieved by the NQLC. To support this demand, NQLC has increased its support for PBCs through approved funding and in the supply of training and support for corporations.

## 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 corporation, which is the responsibility of the Chief Executive Officer (CEO). For more details see Section 6 Corporate Governance.

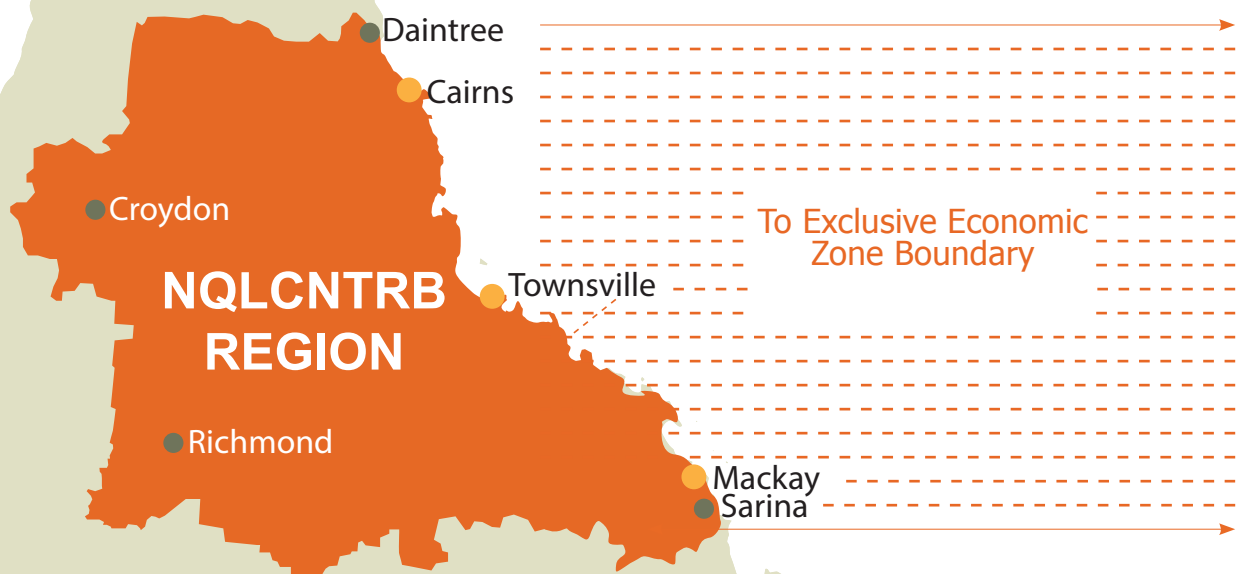


Figure 1: The area of responsibility of the NQLC Representative Body

## 1.3 Structure

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

## 1.4 Outcome and Output Structure

The NQLC has detailed objectives and outcome statements along with key performance indicators to measure outcome targets in its Strategic Plan. The NQLC has continued to implement the output groups reporting structure, including the development of electronic record keeping and reporting on output groups. The NQLC provides performance and financial reports to PM&C biannually.

The NQLC has continued to utilise appropriate internal systems to record achievements against the output group structure. These include outcomes database, meetings database and output group timecards for the time costing of the Corporate Services Unit, Claim Unit and the Engagement and Development Support Team 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 meetings per year for each native title working group. In priority claims and intensive negotiations (for example to settle the claim, develop ILUAs or negotiate mining agreements) there are often many more meetings than the minimum requirement. This ensures that native title holders are informed about progress and developments in the negotiation of their claims, as well as providing the maximum opportunity for traditional owners to make a direct contribution towards the conduct of their claims.

## 1.5 Our Vision

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

traditional owners a representative Board through the Ward Election process.

## 1.6 Our Purpose

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

## 1.7 Our Values

The NQLC adheres to the following values:

- Cultural sensitivity, including the respect for traditional lore and customs of native title groups.
- Quality, professional service in accordance with the functions identified in the NTA.
- Fair, transparent, accountable, responsible and just operations and processes.
- Leadership and excellence in corporate governance practice.
- Honesty, professionalism and accountability to traditional owners in the delivery of our services.
- Optimum distribution of resources to achieve native title and other outcomes.
- Maximum participation of, and collaboration with, traditional owners and other stakeholders in native title processes.
- Responsiveness to the changing operating environment of NTRBs.
- Maintenance of a harmonious and productive workplace conducive to the achievement of native title and other outcomes.
- Encouragement and promotion of employment, training and professional development of Aboriginal people within the region.

## 1.8 Operational Plan

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



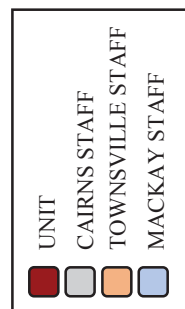
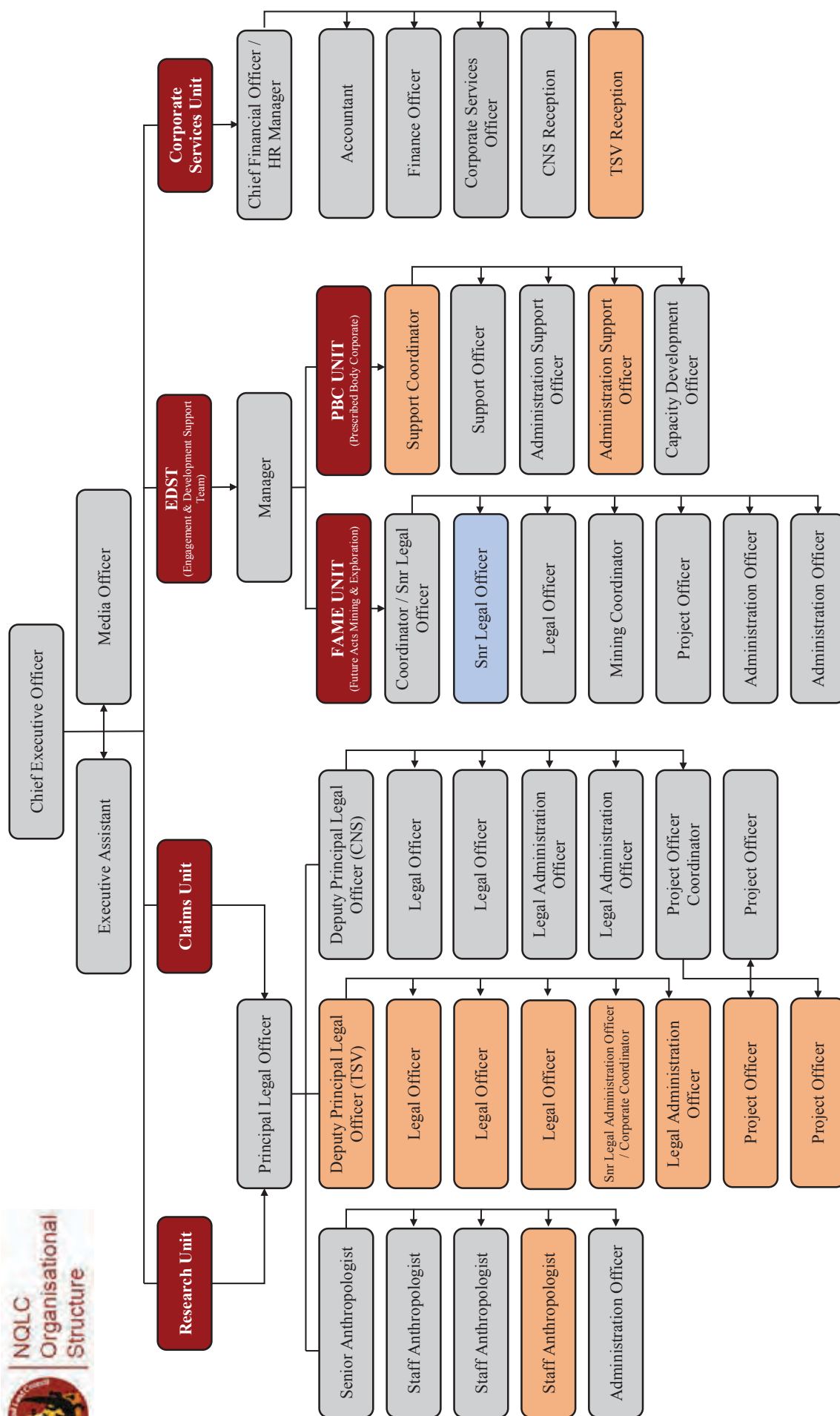


Figure 2: NQLC Organisational Structure

## 2 Board of Directors

Members of the Board are elected on a Ward System, which is designed to ensure that there is representation across the geographic area covered by the NQLC. Members elected have a term of two years, holding office from the end of one Annual General Meeting (AGM) until the AGM following in two years. In September 2017, ward elections were held in NQLC's nine representative wards, electing the 2017-2019 Ward Representatives.

The 2017 AGM was held in November, followed by a Special General Meeting to look at four proposed changes to the NQLC Rule Book. All proposed changes to the Rule Book were endorsed, most notably the separation of the Tully/Palm Island Ward into two separate wards: Tully Ward and Palm Island Ward. Following this, at the first Board Meeting following the AGM in December another Director was voted into the NQLC Board, bringing the total number of Wards to 10, and Ward Representatives to 12. See below the NQLC Board of Directors as at 30 June 2018.



**CHAIR**  
**Kaylene Malthouse**  
*Tableland Ward*



**DEPUTY CHAIR**  
**Phil Rist**  
*Tully Ward*



**TREASURER**  
**Angelina Akee**  
*Townsville/Ayr Ward*



**CORR. SECRETARY**  
**Garry Mooney**  
*Proserpine/Mackay Ward*



**Terry O'Shane**  
*Cairns Ward*



**Vana O'Shane**  
*Cairns Ward*



**Victor Maund**  
*Innisfail Ward*



**Tracey Heenan**  
*Tableland Ward*



**Patricia Dallachy**  
*Hughenden/Charters Towers*



**Alwyn Lyall**  
*Mount Garnet Ward*



**Arthur Clumpoint**  
*Palm Island Ward*



**Errol Neal**  
*Yarrabah Ward*



# 3 From the Chair

As I commence the Annual Report I wish to start by acknowledging the traditional custodians of the lands on which the NQLC has representation. Our 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 and those who continue to push ahead in present day times.

We have had good wins throughout the 2017-2018 reporting period, with the native title consent determinations of Barrum Rivers and Bar Barrum People #9 in December 2017; and more recently the determination of Nywaigi in April 2018. It gave me a great sense of joy to see these great achievements for our People, and I was humbled to have been invited to attend and speak at the Nywaigi Determination earlier this year. My warmest congratulations to the Bar Barrum People and the Nywaigi People.

In September 2017, ward elections were held in our nine representative wards. Members of the NQLC Board are elected on a ward system that 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. Please see Section 2 of this Report for the 2017-2019 Ward Representatives.

NQLC held their AGM in November 2017 in Cardwell, followed by a Special General Meeting (SGM) in order to consider four proposed changes to the NQLC Rule Book. I am very pleased to report that this was the first AGM in three years that we were able to reach a quorum at the first sitting. This is a reflection of the focus and determination of our members on their native title matters. All proposed changes to the Rule Book were endorsed, most notably the separation of the Tully/Palm Island Ward into two separate wards: Tully Ward and Palm Island Ward. Following this, at the first Board Meeting following the AGM in December another Director was voted into the NQLC Board, bringing the total number of Wards to 10, and Ward Representatives to 12.

One of the main priorities that the Board and I have been involved in during this reporting period is trying to be across everything within our elected wards, and being accessible to our members. During the 2017-2018 reporting period, myself and fellow Board Members attended several external meetings in addition to our six scheduled Board of Director Meetings.

In August 2017 we attended the PBC Summit in Cairns where I was delighted to see a huge turnout, particular from our youth. My aspiration







is to see/get our young ones more involved in our work, to up skill, nurture and prepare them to eventually take the leadership roles. Meeting many of the young ones for the first time during the Summit was such a wonderful experience. We have some brilliant young minds among us and I'm very excited to watch them grow and improve on the work we and our Elders started. It was also wonderful reconnecting with familiar faces. I appreciate the time people took out of their busy day-to-day schedules to attend the Summit, as this shows the seriousness they take in building successful PBCs. Thank you very much to all involved.

During the NQLC PBC Summit, there was discussion on the Recognition Regional Dialogues, as well as the journeying of our mobs together to Uluru, where the Uluru Statement was born out of the regional dialogue discussions. The Uluru Statement continues the theme of the Dialogues which is 'Voice to Parliament, Truth Telling and Treaty'. During the Summit, the "Board of the North Queensland Land Council, resolved to fully support the calls for a constitutional referendum. We wish to see the Voice, Truth and Treaty outcomes in this generation to save the next; we therefore join our voices with the Yolgnu and Gurindji People, in the challenge to the Prime Minister to commence the referendum process".

In September, I was invited along to the official Naming Ceremony of Virgin Australia's new aircraft 'Mungalla'. Greening Australia are working on a project to improve water quality on the Great Barrier Reef as part of Reef Aid, pinpointing Indigenous owned Mungalla Station as a key focus area. Reef Aid aims to restore 700 hectares of priority coastal wetlands and 2000 hectares

of eroding gullies across the Great Barrier Reef catchment, with Mungalla a flagship site. Director Errol Neal led performances with the Yarrabah Dancers at the Naming Ceremony, putting on yet another spectacular show. Big congratulations to the Nywaigi Traditional Owners on Virgin Australia's new aircraft - 'Mungalla'.

In June 2018, the NQLC Board members attended the 2018 National Native Title Conference, which was co-convened by AIATSIS and the Kimberley Land Council and hosted by the Yawuru people on their traditional lands in Broome, North Western Australia. This year's theme Many Laws, One Land: legal and political co-existence, acknowledged that at any one place in Australia, different systems of law exist. I enjoyed two local speakers from the Yawuru peoples. Peter Yu and Nineilia Mills both gave outstanding presentations. Peter Yu's paper 'Roadmap for Yawuru strategic investment and ultimately, their ongoing economic sustainability', Ninelia Mills's paper was "Culture is the foundation of our identity", this drew a standing ovation from the Conference goers.

Other presenters of interest were NQLC's Terry O'Shane, Alwyn Lyall, and Professor Megan Davis' presentation on a Voice to the; the Giringun Chair Patricia Hoolihan and fellow Directors' paper on 'Adaptability: Legal and political co-existence for an alliance of 9 tribal groups'; and Giringun Executive Officer Mr Phil Rist's presentation on 'Process Unity'.

Please see section 6 of this Report for more information on NQLC governance and further details on the meetings and training that the NQLC Board have attended during the 2017-2018 reporting period.

In closing, I would like to extend my praise to the traditional owners and NQLC members within our footprint for their continued support, determination and passion at making a better future for ourselves, and our young ones.

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Kaylene Malthouse

**NQLC Chairperson**

# 4 From the CEO

I am very pleased to have this opportunity to report on another successful year for the North Queensland Land Council - with the Corporation having again made strong achievements as a Native Title Representative Body (NTRB) in 2017-18. Three native title determinations, all by consent, were achieved in the period, with the Bar Barrum Rivers and Bar Barrum #9 claims determined in the Federal Court in Brisbane in December 2017 and the Nywaigi People achieving their recognition at a Hearing in April 2018 on their country at Mungalla Station. This takes the total number of determinations achieved by the NQLC to 51 and maintains the NQLC's position as one of the nation's leading NTRBs.

Two 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: Report on Performance (commencing on page 14) for more detail on the NQLC's claims management.

It is pleasing to see that many claims are now achieving consent determinations at a far more efficient pace than in previous years – despite most matters now being more complex than those that have been resolved to date. The “low hanging fruit” has been picked and we are now moving into those matters with inter and intra group disputes, questions about connection, and overlaps of country – all within a period of diminishing budgets for the NQLC. This will make the NQLC's work much harder in the future and I seek your indulgence as we continue to work with you to gain positive outcomes.

In addition to our core functions of progressing native title claims, researching potential claims, supporting PBCs, and developing future act agreements the NQLC has continued to play an active part in the Queensland Representative Body Alliance (QRBA) and the National Native Title Council (NNTC) and the Chair, myself and senior staff have engaged in a number of meetings and workshops held by these groups during the period. Both bodies continue to represent our interests strongly on the political stage.

I have previously reported on the NQLC's commencement of an Electronic Data and Records

Management system, to increase internal efficiencies. The installation of the system is coming closer to completion, with it “going live” in the Engagement and Development Support Team (as Stage One) early in the second half of 2018. The NQLC's Corporate Services Unit will follow as Stage 2 followed by the Claims Unit late in 2018. The system will deliver extensive savings to the NQLC's administration and operational costs through efficiencies in document processing and storage and will provide us with a (almost) paperless operating environment.

With the majority of matters being in the north and centre of NQLC's region, the NQLC Board this year endorsed a proposal to close our Mackay Office. The closure of the Mackay office enables us to relocate resources closer to the active and proposed native title claims of our region and make significant budgetary savings. Our only staff member in Mackay will continue her work with the FAME Unit, working remotely. The closure is due to take place in the second half of 2018.

I am also very pleased to report that again this year the NQLC has achieved an unqualified Audit Report – at least the fifth year in a row and again I extend my congratulations and gratitude to the NQLC's CFO and Corporate Services staff on their excellent work in managing the Corporation's finances. In this regard, I commend you to the Auditors Report at Section 11.

In closing I wish to again this year extend my thanks to the fabulous team at the NQLC for their tireless enthusiasm, efforts, and commitment to achieving positive outcomes for the region's Traditional Owners; to the NQLC Board of Directors for their strong support and encouragement throughout the year; and most importantly to the region's Traditional Owners for their tenacity and strength throughout the very difficult process of achieving recognition of their birthright.



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Steve Ducksbury

**NQLC Chief Executive Officer**

# 5 Report on Performance

## 5.1 Review of Performance relating to the Strategic and Operational Plans and by Functions

The performance of the NQLC for the year ending 30 June 2018 according to statutory functions is summarised in Table 1.

In 2017-2018 reporting period, the NQLC achieved three consent determinations of native title, and three new claimant applications were filed. The NQLC has now achieved a total of 51 native title consent determinations within their region overall.

During the reporting period one ILUA was registered in the region and 2,105 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 or planned for the following year.

The continued lodgment of non-claimant applications by others during the year saw a number of claims filed in response, in order to preserve native title. Often this resulted in the lodgment 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 #8 QUD779/2015

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

On 13 December 2017, the Applicant discontinued the claim on the basis that the evidence available to the expert anthropologist, at that time, was not sufficient for the Bar Barrum native title claim group to sustain the claim over the relevant area.

### Bar Barrum People #9 QUD1076/2015

Registered on 25 May 2016, the Bar Barrum People #9 claim was made in response to a non-claimant application filed by the holder of a pastoral lease seeking an upgrade to freehold title from the State. The area covers one parcel which is 1.4 km<sup>2</sup> and shares a boundary with determined Bar Barrum land.

On 12 December 2017, the matter was finalised when the Bar Barrum People obtained a consent determination that native title exists in the claim area.

### 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.

On 12 December 2017, the matter was finalised when the Bar Barrum People obtained a consent determination that native title exists in the claim area.

### 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 was completed and forwarded to the State and other respondent parties in February 2018. Both the State and Commonwealth replied in June 2018 that they require further material before they will consent to connection in principle. A meeting of anthropological experts has been arranged for 20 September 2018 in Brisbane to discuss this issue.

A directions hearing has been scheduled for 7 September 2018 in the Federal Court sitting in Cairns.



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

Active claims represented at 30 June 2018	15
Plus Claims filed this year by the NQLC	2
Less Claims Determined 2017-2018	3
Less Claims Dismissed 2017-2018	0
Less Claims Withdrawn 2017-2018	0
Less non native title outcome 2017-2018	0
Active Claims represented at 30 June 2015	14
Number of these registered by National Native Title Tribunal (NNTT ) [see note 1]	14
Claims in Development	3
Non-Claimant Applications (as relevant)	3
Compensation Claims (as relevant)	0

**The Agreements Experience**

Future Act Notices (FANs) received	2,105
Response to Future Acts	5,265
Agreements:	
Concluded	22
In development	Numerous
Indigenous Land Use Agreements (ILUA):	
Concluded and registered	1
In development	Numerous

**COMPLAINTS AND DISPUTES**

Complaints	Received	2
	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.

## Cairns Regional Claim Group (QUD692/2016)

The Cairns Regional Claim (CRC) covers the majority of the areas formerly covered by Djabugay-Bulway-Yirrgay-Nyakali-Guluy (DBYNG) and the Yirrganydji claims in between the Mowbray and Barron Rivers. Eventually, the remnants of the DBYNG and Yirrganydji People 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.

The Applicant has provided additional supplementary evidence of connection and awaits a response from the State.

In March 2018, four additional CRC claims were authorised cooperatively by the CRC and Yirrganydji People claim groups. These claims will be subject of a process, which should be implemented by end of December 2018, and would result in no Yirrganydji People claims remaining.

## 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 separate claims (Yirrganydji People claims).

The Djabugay-Bulway-Yirrgay-Nyakali-Guluy People have since agreed to work together on native title matters, resulting in the Cairns Regional Claim (CRC) being registered on 12 October 2016.

The CRC claim covers all of the former DBYNG claim but for one parcel subject of a non-claimant application. An ILUA between the DBYNG and CRC claim groups and the non-claimant applicant is authorised and will be lodged after changes to the DBYNG claim are made.

The Applicant has provided additional evidence of connection and awaits a response.

In March 2018, four additional CRC claims were authorised cooperatively by the CRC and Yirrganydji People claim groups. These claims will be subject of a process, which should be implemented by end of December 2018.

## 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 and there was a meeting with the community in February 2017 where the findings were presented.

The consultant anthropologist completed the connection report with mapping provided by the NNTT, however upon review, several issues need to be clarified before the report is completed.

Further community meetings are 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 an 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.

At an authorisation meeting held in May 2018, the Girramay people authorised the s87 Consent Determination Agreement, various ILUAs and the Girramay People Aboriginal Corporation to hold native title on behalf of the Girramay people.

It is anticipated consent determination will take place in the second half of 2018.

## 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 and has now entered into substantive negotiations towards a consent determination.

The Applicant, State and NNTT have liaised in relation to the creation of a Web Mapping Portal to assist with tenure.

The Applicant authorised the Gulngay Kinjufile Aboriginal Corporation in March 2018, which has since been registered with ORIC.

The native title application continues to move towards a consent determination in the new financial year.

## Gurambilbarra Wulgurukaba (QUD623/2016)

In July 2017 the Gurambilbarra Wulgurukaba had meetings with the North Queensland Stadium and Townsville City Council to progress various outcomes for Gurambilbarra Wulgurukaba people.

In accordance with Court Orders in October 2017, connection material was provided to the State, the Commonwealth and others on 30 January 2017 and 1 February 2017. The State and Commonwealth responded with a request for further connection material. We are in the process of pursuing further connection material.

In February 2018 a community meeting was held to introduce the Consultant Anthropologist for the proposed Gurambilbarra Wulgurukaba #2 Port of Townsville research into sea country. In August 2018, another community meeting was held where the Consultant Anthropologist presented his findings on this research into sea country. We are in the process of reviewing the Consultant Anthropologist's material.

## Manbarra People (Proposed Claim)

Research for this claim has been contracted for and is due to start early in the new financial year.

## 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 Nywaigi native title application proceeded to consent determination on 20 April 2018.

Southern Warra/Gugu Yalanji Initial research has been completed over the Port Douglas area. The next stages will build on this research and consider the broader area that lies to the north and the west of Port Douglas.

## 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 in the 2018-2019 reporting period.

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

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

On 20 November 2017 the State filed a notice that further connection evidence was required before they could determine whether they can enter negotiations towards a consent determination.

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 2018 so that new Wakaman claims are authorised.

In May and June 2018, further connection material was provided to the State in the form a supplementary anthropological report and filed



affidavits. This material also supports Wakaman #4 (QUD728/2017), Wakaman #5 (QUD178/2018) and Wakaman #6 (yet to filed).

### Wakaman #4 (QUD728/2017)

On 24 November 2017, Wakaman #4 was authorised to defeat non-claimant applications over Spring Valley and June Vale.

### Wakaman #5 (QUD178/2018)

On 24 November 2017, Wakaman #5 broad country claim west to Lynd River authorised on anthropological evidence and to preempt future onclaimant applications.

### Wakaman #6 (Proposed Claim)

On 24 November 2017, Wakaman #6 country claim west from Lynd River authorised on anthropological evidence and to preempt future on-claimant applications.

Wakaman # 6 authorisation is subject to resolving Ewamian asserted interests either by research or Ewamian agreement. There has been no meeting with Ewamian to date as the priority to date has been gathering sufficient evidence for the State to accept connection on #3 thus making it difficult for the pastoral respondent to argue the matter should go to trial.

### 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 two Consultant Anthropologists.

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.

Several meetings have been held to discuss the proposed PBC rule book with assistance from the NNTT and ORIC.

The matter is listed for directions hearing on

7 September 2018 in the Federal Court sitting in Cairns.

### 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, 2017-2018 financial year has been spent attending to the Widi #1 claim.

The State has accepted connection based on the previous reports submitted in respect of Widi #2.

Tenure, section 47 matters and extinguishment has been agreed.

An issue arose concerning the one major respondent wanting to include a schedule of lots extinguished and the State wanting additional recitals in the determination.

This issue and consequential amendments [depending on outcome] is now all that stands in the way of a determination.

### Yuwibara People (QUD720/2013)

The Yuwibara native title determination claimant application (Yuwibura 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 local government areas- Mackay regional Council, Whitsunday Regional Council and the Isaac regional Council.

The claim was lodged on 29 October 2013, and passed the Registration Test on 9 January 2014.

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.

An agreed timetable for progressing the matter towards a consent determination is in place. Tenure information is due to be supplied September 2018.

## ILUA Implementation project

The ILUA implementation project (reported on in our last two annual reports), continued to review all non-mining 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, a total of 228 ILUAs have now been reviewed and individual ILUA summaries have been created for many of those ILUAs. 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.

The Implementation Project is now commencing stage two with work commencing with PBCs in relation to practical implementation, formal review and some renegotiation.

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

Future act notifications fall into two primary categories under the NTA:

1. section 24 notices where the 'right to comment' is the most common procedural right; and
2. 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/ies and assisting the affected groups respond to notices.

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. Through that process many notices are detected as having flaws, some fatal, and the FAME Unit is in constant contact with the various issuing agencies. Such scrutiny and advice has also seen an increase in requests to assist the native

title party respond to the proposed activity and in some circumstances has resulted in requests for negotiation or cultural heritage assistance. 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 section 29 future act notifications relate to exploration under the expedited procedure regime (where the 'right to negotiate' does not apply), 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 and throughout the reporting period this service to PBCs has had a marked increase in debt recovery processes and developing procedures for outstanding fees to also be escalated to the Department of Natural Resources Mines and Environment. Notices issued under the expedited procedure regime in the reporting period have remained constant from last years' reporting period (91, down from 110 in the previous period). These figures do not include exploration and/or mining applications that have been managed through various ILUAs without triggering the future acts regime or matters which have triggered the 'right to negotiate'.

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 the reporting period 124 section 29 notices were received, of which 29 are being managed through various ILUA negotiations. 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 124 mining and exploration notices received in the period, 16 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 months after the notification date, any party can file a 'Future Act Determination Application' (FADA) for an arbitrated decision by the NNTT. No FADAs were 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 Mining ILUAS

The Small Scale Mining ILUAs (SSM ILUA) for Ewamian People, Western Yalanji People and Djungan People expire in 2019 and discussions had 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 Gudjala and Bar Barrum determination areas these groups will also be negotiating SSM ILUAs. Funding has now been secured for those negotiations at the very end of the reporting year and substantive negotiations will commence during the 2018-2019 financial year.

### Implementation of ILUAs – Mining and Exploration

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

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

These included:

- administrative tools and resources required; 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 PBCSU Development Project (PDP) which is detailed more fully below is, among other things,



designed to assist native title parties improve their strategic management of assets to meet community aspirations and needs. One PDP was commenced in the reporting period and PBCSU and FAME Units identified all agreements requiring implementation as part of the preparatory work to then continue a strong focus on agreement implementation with the PBC.

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

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 FAME Unit 6th Annual ILUA Implementation Capacity Building Workshop has been held over to the next reporting period to align with capacity and availability of the 13 RNTBCs affected by mining

As previously reported, the participants at Workshop #5 in June 2017 endorsed a proposal to continue with the existing 'FAME Reference Group' for a further 12 months that have been engaged 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 in the reporting year has included substantive outcomes including:

- review of regional DTMR agreement
- review of Small Scale Miner ILUA terms in preparation of substantive negotiations commencing;
- initial development of a CHMA for use by PBCs;
- presentation at the PBC Summit on all FAME Reference Group Activities 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 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; and
- attendance at the Native Title and Economics Conference held in Melbourne in September 2017;
- review of the proposed changes to the *Native Title Act* and *Corporations (Aboriginal and Torres Strait Islander Act)* and providing input into NQLC submissions; and
- development of a Water Statement where it is anticipated will be actioned within in the next reporting period.

## Prescribed Bodies Corporate Support Unit

The staffing level of the PBC Support Unit (PBCSU) has grown throughout the year increasing from three to five staff. Since the establishment of the Engagement and Development Support Team (EDST) in the last reporting period 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 PM&C and capacity development activities.

## PBC Support Funding

PM&C administers the PBC Support Funding programme which allows PBCs to make an application to receive funds to support critical operational needs of the PBC. As reported in the last period, PM&C introduced a new approach to the funding program which lifted the previous cap of \$50,000 that a PBC could apply for and imposed a limit of the term of funding to four years. Of the 25 PBCs in the NQLC region, 20 PBCs applied for funding in the 2017/18 period and all were approved, albeit not all PBCs received the full amount applied for.

The Government's object in respect of the changes to the funding program is to build the capacity of native title holders and PBCs to achieve selfsufficiency.

To assist PBCs, PM&C designed a 'Capability Assessment' tool which identifies areas of capacity to guide the PBCs to the point of selfsufficiency.

Further, they require PBCs to design a 'PBC

Development Plan' to achieve the object in the four year period. A number of PBCs have requested the assistance of the PBCSU to undertake their assessment and design their development plan.

### Capacity Development Activities

The PBCSU provides capacity development support on three primary levels:

1. Direct Individual Support – 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 PBCSU has also developed an 'Administration Starter Pack' which comprises guides to set up various services (eg Telstra, Ergon etc) to assist newly established PBCs.
2. Regional Forums - are primarily in the form of capacity development workshops to which all PBCs in our region are invited. However, in this reporting period, the PBCSU expanded on its traditional approach in providing 'training' such as governance to conduct a 'PBC Summit'. The Summit addressed broader local, regional, State and national matters affecting PBCs. One outcome of the Summit was endorsement for the establishment of a 'PBC Representative Group' to be comprised of a nominated representative of each PBC in our region, which would meet throughout the year. The establishment of the Group will provide a forum through which PBCs can consider matters of broader interest and concern. Establishment of the Group did not proceed in this reporting period but will be established in the coming period. Also in the coming period we will be expanding our Regional Forums to include training topics beyond governance and submission writing to include training to support administrative staff, for example, MYOB training.
3. PBC Development Project – as reported last year, in order to meet the needs and aspirations of PBCs in their transition, NQLC designed a 'PBC Development Project' (PDP) which broadly identifies the governance and financial positioning capacity needs PBCs have expressed to the PBCSU. Implementation of the PDP was initiated in this period and upon request by the PBC it is delivered individually and tailored specifically to the PBC. PDP activities delivered

in this period have included: governance and planning instruments such as strategic planning and corporate structuring for enterprise development.

## 5.3 Narrative Discussion and Analysis of Performance

### 5.3.1 Factors, Events or Trends

#### State Government Funding

Last year we reported that 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.

In terms of the role of State governments role as model litigant, Justice Jagot in *Western Bundjalong People V Attorney General of New South Wales* [2017] FCA 992 had harsh criticisms of the NSW government for not progressing claims quickly enough. At paragraph 22 the Court noted the disparity between resources available to Applicants and the State;

*"For a State respondent to apply a more onerous standard for the purpose of negotiations with a view to reaching an agreement under s 87 would involve an impermissible departure from the standards of fidelity to the provisions of the NTA, the Court Act and the obligations of such bodies to act as a model litigant. The disparity between the positions of an applicant and the State, and the resources available to them, is stark. It is an applicant that seeks an agreement. The applicant, in effect, is the supplicant and the State the holder of the power to agree or not*

*agree. The applicant's resources are generally confined to the public funding of the relevant representative body from year to year at the discretion of the Commonwealth. Whatever submissions have been made to me over time in various matters about the actual resources available to the individuals who conduct these matters on behalf of the State of New South Wales (be it within the relevant departments or the Crown Solicitor's Office), that is a result of choices the State of New South Wales has made about how to arrange and deploy its resources."*

The same is true of Queensland.

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 NTA 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 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, it rides rough shod over the planned lodgment of other claims.

We are still experiencing increased activity in nonclaimant matters.

### *Reforms to the Native Title Act (1993) and other Acts*

Proposed Changes to the NTA continue to slowly grind their way through the system as do discussions about reforms to the *Corporations [Aboriginal and Torres Strait] Act*.

Mostly the changes deal with issues around the edge of things rather than talking about the fundamental issue such a reversal of the burden of proof and making the CATSI Act more flexible and easier to understand.

### *Respondent Parties*

We remain of the view we expressed in our last report that provisions concerning respondent parties within the NTA should be changed. 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*

This was a long overdue but very welcome change in case law to the effect that ILUAs cannot be demanded as the price of a determination is putting native title holders back on a more level playing field.

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

### *Slowdown*

See 5.3.1 for our comments on the slowdown and its flow on effect.

### *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 whose 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 EDST they utilise the two very experienced native title lawyers within the team to provide advice to PBCs and the Unit.

### 5.3.3 Performance against Service Charter/Standards, Complaints Data and the NQLC's response to Complaints

There were two formal complaints received during the reporting period.

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

During the 2017-2018 financial year, the NQLC continued to undertake two PM&C pre-approved efficiency improvement projects, being:

- Cairns Head Office refurbishment, which has consolidated staffing into one building and removed the reliance on additional rental premises resulting in cost savings on rental expenditure and
- planned progressive implementation of an Electronic Document and Records Management System which is currently in process.

As at the end of the financial year, several external anthropological contracts were still outstanding, however these contracts were committed from the 2017-2018 grant funds.

With approval from PM&C, the NQLC also replaced

three multi-function printers for its three offices, from prior year surplus funds.

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 2017-2018.

The NQLC obtained approval from PM&C to expend previous year surplus funds prior to expiry of its current agreement which has been extended a further two years until 30 June 2020.

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 activity generated income.

### 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 2020, and our NTRB recognition is until 30 June 2021. 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 2017-2018 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

NTRB FUNCTIONS (FUNDS UTILISED UNDER NATIVE TITLE FUNDING AGREEMENT)	(1) ACTUAL 2016-17 \$'000	(2) BUDGET 2017-18 (BUDGET) \$'000	(3) ACTUAL 2017-18 \$'000	(4) VARIATION (COLUMN 3 MINUS COLUMN 2)
<b>EXPENDITURE</b>				
Capital	988,869	534,445	229,611	-304,834
Activities	4,876,200	9,057,829	5,955,363	-3,102,466
Corporate	2,335,442	2,490,223	2,588,483	98,260
Total	8,200,511	12,082,497	8,773,457	-3,309,040
<b>INCOME</b>				
PMC Funding	8,698,246	8,536,800	8,536,800	0
PBC Transition Planning Funds	615,000	0	0	0
Previous year unexpended funds	2,163,106	3,520,697	1,219,518	-2,301,179
Activity Generated Income				
- Administration Fees	21,507	0	13,135	13,135
- Bank Interest	29,391	25,000	37,677	12,677
- Meeting Contributions	20,202	0	4,545	4,545
- Project Proponent Income	51,996	0	52,734	52,734
- Provision of Services	46,185	0	22,676	22,676
- Sale of Assets	19,053	0	3,541	3,541
Other Income	0	0	0	0
<b>Total</b>	<b>11,721,208</b>	<b>12,082,497</b>	<b>9,890,628</b>	<b>-2,191,869</b>



Nywaigi Native Title Consent Determination (April 2018)

# 6 Governance

## 6.1 Statement of the main corporate governance practices in place

Our main corporate governance practice starts with the clear statement in the NQLC Rule Book which provides for the roles of the Board of Directors 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 is Mr Steve Dicksbury. 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 years, holding office from the end of one Annual General Meeting (AGM) until the AGM following in two years.

The Rules provided that the Board from time to time, in their discretion, can create sub-committees to deal with such matters as the Board may direct. No formal sub-committees were created in the financial year.

In addition, the Rules provide as follows:

### *EXECUTIVE COMMITTEE & OTHER SUB COMMITTEES*

1. *There shall be a sub-committee known as the Executive Committee;*
2. *The Executive Committee shall be composed of those persons who from time to time hold the position of:-*
  - *Chairperson*
  - *Deputy Chairperson*
  - *Treasurer*
  - *Correspondence Secretary**and such other person or persons (if any) as the Board may from time to time determine.*
3. *The Executive Committee has the power to exercise the powers of the Board in the following circumstances:*
  - (a) *Where an urgent decision is required on a matter and there is either:-*
    - (i) *insufficient time to call a Board meeting for the purpose; or*
    - (ii) *the calling of a Board meeting would involve the incurring of expenses to the Corporation that in the reasonable opinion of the Chairperson is unwarranted in all the circumstances.*

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

4. *The Executive Committee has the power to apply the Common Seal to agreements or other documents requiring the same where the Executive Committee has used its powers for matters set out in rule 3 (a) above.*
5. *A quorum for a meeting of the Executive Committee shall be four (4) persons.*
6. *All actions of the Executive Committee shall be reported to the next Board meeting of the Corporation and all minutes of the Executive Committee meetings shall be supplied to the next Board meeting of the Corporation. The Board may choose to ratify any actions of the Executive Committee*
7. (a) *Meetings of the Executive Committee may be called by:-*
  - (i) *the Chairperson;*
  - (ii) *two (2) members of the Executive Committee*
- (b) *The amount of notice of an Executive Committee meeting shall be a reasonable amount taking into account the urgency of the need for a meeting but in any event, no less than 24 hours.*
- (c) *Notice of an Executive Committee meeting may be given by fax, email, telephone, mail or any other method that allows the recipient to actually receive the notice.*
8. *The Executive Committee shall have such other powers and responsibilities as the Board may from time to time determine.*
9. *The Board may at any time appoint other Sub Committees from its members and shall determine the responsibilities and powers of the Sub-Committee.*
10. *Unless otherwise decided by the Board, a Sub-Committee, other than the Executive Committee shall:-*
  - (a) *Have a quorum of three (3) at its meetings, unless the sub-committee resolves that a larger number shall be the quorum;*
  - (b) *Appoint one (1) of its members to be responsible for calling meetings of the sub-committee and inform the CEO of the name of*

*the responsible person.*

11. Meetings of the Executive Committee or of a sub-committee may be held at two (2) or more venues using any technology that gives the members of the Committee the ability to participate and to have discussion with their fellow members and to come to a collective decision on a matter. (example – telephone conference).

### 6.3.1 Number of Board of Directors meetings, attendance by Members

In this financial year there were six Board Meetings and two Executive Meetings. At the conclusion of the Annual General Meeting in November 2017, there were 12 directors (see section 2. Board of Directors). 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 4.

## 6.4 Corporate and Operational Planning and Associated Performance Reporting and Review

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

The Board receives reports from:

- the 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.

*Table 3: Number of Representatives on Board of Directors as at 30 June 2018*

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



Table 4: Meetings and training attended by the NQLC Board of Directors during the 2017-2018 reporting period

No.	Type of Meeting	Dates	No. Attending	Location
<b>BOARD OF DIRECTOR MEETINGS</b>				
1	Face to Face (Included Smoking Ceremony of premises)	1-2 August 2017	10	Cairns
2	Face to Face & Teleconference	9 October 2017	7	Various
3a	Face to Face	7 December 2017	9	Cairns
3b	Face to Face (Included voting for NQLC Executive Committee)	8 December 2017	10	Cairns
4	Board Teleconference	14 March 2018	11	Various
5a	Face to Face	11 April 2018	10	Cairns
5b	Face to Face	3 May 2018	11	Cairns
6	Face to Face	19-20 June 2018	12	Townsville
<b>OFFICE BEARER MEETINGS</b>				
1	Executive Teleconference/ Financial G.Mier	28-September 2017	4	Various
2a	Executive Committee	25-January 2018	4	Townsville
2b	Executive Committee	21-February 2018	4	Townsville
<b>OFFICE MEETINGS ATTENDED BY DIRECTORS</b>				
1	NAIDOC Awards/Dinner	1 July 2017	Madam Chair + 6	Cairns
2	Laura Festival	2 July 2017	Madam Chair + 2	Laura
3	CIAF Opening	13 July 2017	Madam Chair + 1	Cairns
4	Referendum Council	26 July 2017	Madam Chair + 3	Cairns
5	GARMA Festival	4-7 August 2017	Madam Chair + 2	Gove
6	2017 NT & Economic Conference	6-7 September 2017	Madam Chair + 1	Melbourne
7a	Ward Elections x 9 Wards	16 September 2017	11 Directors	Various
7b	Ward Elections x 9 Wards. Roll-over date	23 September 2017	11 Directors	Various
8	Naming Ceremony- Virgin Airlines	19 September 2017	Madam Chair + 1	Ingham
9	IRAC meeting	28 September 2017	Executive Committee (4)	Cairns
10	State Funeral Dr E.Scott	6 October 2017	Madam chair	Townsville
11	NNTC Meeting	24-25 October 2017	Madam Chair	Brisbane

No.	Type of Meeting	Dates	No. Attending	Location
12	PBC Kyburra business	8 November 2017	Madam Chair	Townsville
13	NQLC AGM / SGM	18 November 2017	Board & Membership 40	Cardwell
12	Consultant A.Tunjic Meeting 1	1 March 2018	Madam Chair + 2	Cairns
13	In House Board matter (No show)	1 March 2018	Madam Chair + 2	Townsville
14	Consultant A.Tunjic Meeting 2	7 March 2018	Madam Chair + 2	Cairns
15	Consultant A.Tunjic Meeting 3	13 March 2018	Madam Chair + 2	Cairns
16	Consultant A.Tunjic Meeting 4	21 March 2018	Madam Chair + 2	Cairns
17	Pre WTMA in-house meeting	21 March 2018	Madam Chair + 4	Cairns
18	WTMA Traditional Leaders Group meeting	23 March 2018	Madam Chair + 3	Cairns
19	Consultant A.Tunjic Meeting 5	3 April 2018	Madam Chair + 2	Cairns
20	Nywaigi Determination	20 April 2018	Madam Chair	Ingham
21	QRBA - Meet with Minister	26 April 2018	Madam Chair	Brisbane
22	Consultant A.Tunjic Meeting 6	22 May 2018	Madam Chair + 4	Cairns
23	Symposium & Cultural Exchange - Anthropology	9-11 May 2018	1 Director	Stradbroke Island
24	Regional Dialogue /Professor Megan Davis	21-22 May 2018	12 Directors	Cairns
25	National Native Title Conference	5-7 June 2018	Madam Chair + 5 Directors	Broome
26	Board Teleconference - Management business	25-June 2018	9 Directors	Various
27	Consultant A.Tunjic Meeting 7	27-June 2018	Madam Chair	Cairns
<b>BOARD OF DIRECTOR TRAINING</b>				
1	PBC Summit 2017	29-31 August 2017	9	Cairns
2	WTMA Workshop	21-22 October 2017	Madam Chair + 1	Cairns
3	PBC Workshop	16-17 January 2018	10	Cairns
4	Economic Development Presentation by KLC & VFTOC	28 March 2018	Madam Chair + 4	Cairns
5	Shane Carroll Corporate Governance	9-10 April 2018	12	Cairns
6	Feasibility Study	4 May 2018	12	Cairns



Nywaigi Native Title Consent Determination (April 2018)

## 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 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 5.

Contract Type	No. of Contracts Let 2017/18	Total Expenditure
Corporate and General	18	\$162,776.27
Anthropological	10	\$170,468.64
Legal	22	\$208,706.09
<b>TOTAL</b>	<b>50</b>	<b>\$541,951.00</b>

Table 5: Consultancy information 2017-2018 Financial Year.



## 9 | Management of Human Resources

### 9.1 Workforce Planning, Staff Turnover and Retention

As at 30 June 2018 NQLC had 41 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 14 staff. Twelve staff resigned, and two fixed contracts expired.

### 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 Centre for Native Title Anthropology Conference, Resolution Institute Mediation Workshop, Information Technology in Indigenous Communities Conference, 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 and Economics Conference, Native Title Representative Body Forums, and National Native Title Council meetings.

Other training throughout the year included Justice of the Peace training, First Aid CPR renewals, cultural capability training, and media digital graphics 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.

## 9.3 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 6 for a comparison on staffing numbers for the 2017-2018 and 2016-2017 reporting period. See also Figure 2 for the current staff structure as at 30 June 2018 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 \$38,724.45 per annum. This insurance covers Directors and Officers. During this period there have been no claims made under this policy.

Table 6: Comparison on staffing numbers for the 2017-2018 and 2016-2017 reporting period.

POSITION	NO. OF STAFF 2017/18 (AS AT 30 JUNE 2018)	NO. OF STAFF 2016/17 (AS AT 30 JUNE 2017)
Chief Executive Officer	1	1
Principal Legal Officer	1	1
Chief Financial Officer	1	1
Lawyers	10	9
Anthropologists	4	4
Project Officers	8	10
Administration & other Officers	15	19
<b>TOTAL NUMBER OF STAFF</b>	<b>40</b>	<b>45</b>



# 10 Summary of Native Title Determinations

## 10.1 Summary of Native Title Determinations represented by NQLC in 2017-2018

During the 2017-2018 reporting period, NQLC had three Native Title Consent Determinations. These were Bar Barrum Rivers, Bar Barrum People #9 and the Nywaigi People. See below tables for further details.

BAR BARRUM RIVERS	
Federal Court file no(s)	QUD607/2016
Short name	Bar Barrum Rivers Claim
Case name	Congoo on behalf of the Bar Barrum People #10 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	12/12/2017
Date/s of effect	12/12/2017
Registered Native Title Body Corporate	Mbabaram Aboriginal Corporation RNTBC



**BAR BARRUM PEOPLE #9**

Federal Court file no(s)	QUD1076/2015
Short name	Bar Barrum People #9
Case name	Congoo on behalf of the Bar Barrum P eople #9 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	12/12/2017
Date/s of effect	12/12/2017
Registered Native Title Body Corporate	Mbabaram Aboriginal Corporation RNTBC

**NYWAIGI PEOPLE**

Federal Court file no(s)	QUD148/2015
Short name	Nywaigi People
Case name	Lightning on behalf of the Nywaigi People 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,Hinchinbrook Shire Council,Townsville City Council
Determination date	20/04/2018
Date/s of effect	20/04/2018
Registered Native Title Body Corporate	Warga Badda Nywaigi Aboriginal Corporation RNTBC

## 10.2 Summary of Native title determinations represented by NQLC

As at June 30 2018, NQLC have had 51 Native Title Consent Determinations.

DATE OF DETERMINATION	FEDERAL COURT NUMBER	NAME	NAME OF REGISTERED NATIVE TITE BODY CORPORATE
20/04/2018	QUD148/2015	Nywaigi People	Warga Badda Nywaigi Aboriginal Corporation RNTBC
12/12/2017	QUD1076/2015	Bar Barrum #9	Mbabaram Aboriginal Corporation RNTBC
12/12/2017	QUD607/2016	Bar Barrum #10 (Rivers)	Mbabaram Aboriginal Corporation RNTBC
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 TITE 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
1 September 2011	QUD6003/2003	Djiru People #2	Djiru Warrangburra Aboriginal Corporation RNTBC
1 September 2011	QUD6006/2003	Djiru People #3	Djiru Warrangburra Aboriginal Corporation RNTBC
31 August 2011	QUD296/2008	Wanyurr Majay People	Wanyurr-Majay Aboriginal Corporation RNTBC
26 July 2011	QUD6249/1998	Juru (Cape Upstart) People	Kyburra Munda Yalga Aboriginal Corporation RNTBC

DATE OF DETERMINATION	FEDERAL COURT NUMBER	NAME	NAME OF REGISTERED NATIVE TITE BODY CORPORATE
8 October 2010	QUD6001/2003	Jirrbal People #1	Wabubadda Aboriginal Corporation RNTBC
8 October 2010	QUD41/2004	Jirrbal People #2	Wabubadda Aboriginal Corporation RNTBC
8 October 2010	QUD42/2004	Jirrbal People #3	Wabubadda Aboriginal Corporation RNTBC
17 December 2009	QUD6012/2001	Combined Dulabed and Malanbarra Yidinji	Dulabed Malanbarra and Yidinji Aboriginal Corporation RNTBC
10 December 2009	QUD6240/1998	Girramay People	Girramay People Aboriginal Corporation RNTBC
12 December 2007	QUD6027/1999	Ngadjon-Jii People	Choorechillum (Ngadjon Jii PBC) Aboriginal Corporation RNTBC
24 April 2006	QUD6015/1998	Mandingalbay Yidinji People	Mandingalbay Yidinji Aboriginal Corporation RNTBC
17 February 2006	QUD6089/1998	Western Yalanji People	Western Yalanji Aboriginal Corporation RNTBC
17 December 2004	QUD6002/1998	Djabugay People	Djabugay Native Title Aboriginal Corporation RNTBC
28 June 2001	QUD6222/1998	Bar-Barrum People	Bar-Barrum Aboriginal Corporation RNTBC
28 September 1998	QUD6002/1996	Western (Sunset) Yalanji	Western Yalanji Aboriginal Corporation RNTBC

# 11 Financials



**North Queensland Land Council**  
**Native Title Representative Body**  
**Aboriginal Corporation**  
ABN 19 047 713 117

**Annual financial report**  
**For the year ended 30 June 2018**



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### Abbreviations

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

## Directors' report

The directors present their report together with the financial statements of North Queensland Land Council Native Title Representative Body Aboriginal Corporation (the "Corporation") for the financial year ended 30 June 2018 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 – Appointed 7 December 2017</b>
Qualifications	Certificate IV in Business Governance
Experience	First Indigenous Marine Park Inspector for QLD Parks & Wildlife Service Founding Member and current CEO of Giringun 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/Ayt
Traditional Owner	Bindal/Birri Gubba/Gurambilbarra
<b>Errol Neal</b>	<b>Director – Appointed 7 December 2017</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 – Ceased 18 November 2017</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 Organisation 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 – Appointed 7 December 2017</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>Alwyn Lyall</b>	<b>Director – Elected 18 November 2017</b>
Experience	Previous Chair of Western Yalanji Aboriginal Corporation RNTBC (2011-2017) Member of FAME Reference Group
Ward	Mt Garnet
Traditional Owner	Western Yalanji

<b>Arthur Clumpoint</b>	<b>Director – Elected (Tully/Palm Island) 18 November 2017</b> <b>Appointed (Palm Island) 7 December 2017</b>
Experience	Committee member Palm Island Junior Rugby League and Bwgcolman Hornets Committee member Ferdy's Haven Rehabilitation Centre
Ward	Palm Island
Traditional Owner	Djiru

#### **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 \$86,360 (2017: \$891,100).

### State of affairs

There were no significant changes in the Corporation's state of affairs during the year.

### Distributions

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

### Events subsequent to reporting date

There has not arisen in the interval between the end of the financial year and the date of this report any matter or circumstance that has significantly affected or may significantly affect the operations of the Corporation, the results of those operations, or the state of affairs of the Corporation, in future financial years.

### Likely developments

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

### Environmental regulation

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

### Directors' meetings

During the financial year, 6 board meetings and 2 executive meetings of directors were held. At the Ward elections held 16 September 2017 directors were elected for each Ward with the exception of Yarrabah where there was no result and the Cairns Ward where only one out of two positions were filled.

At the SGM held 18 November 2017 the members approved of changes to the rules, the effect of which was to:

- Split the existing Tully/Palm Island Ward into two separate Wards. The Tully Ward and the Palm Island Ward.
- Reduce by one the number of Directors to be elected for the Yarrabah Ward

The advice of the Registrar was sought who indicated that the situation should be treated as creating a casual vacancy in each of the newly created Wards.

Mr Clumpoint who had won the Ward election for the Tully/Palm Island Ward subsequently resigned from that Ward but was then appointed by the Board under the casual vacancy rule to the newly created Palm Island Ward.



### Directors' meetings continued

This left a casual vacancy in the newly created Tully Ward to which the Board appointed Mr Phil Rist.

In December 2017 the Board also appointed Mr Errol Neal to fill the vacancy that existed for the Yarrabah Ward and Ms Vana O'Shane for the vacancy in the Cairns Ward.

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

Director	No of board meetings attended	No of board meetings eligible to attend	No of executive meetings attended	No of executive meetings eligible to attend
Kaylene Malthouse	6	6	2	2
Phil Rist	5	6	2	2
Gary Mooney	6	6	2	2
Angie Akee	6	6	2	2
Errol Neal	5	6	-	-
Patricia Dallachy	5	6	-	-
Annette Hooligan	1	2	-	-
Tracey Heenan	4	6	-	-
Terry O'Shane	5	6	-	-
Vana O'Shane	4	6	-	-
Victor Maund	6	6	-	-
Alwyn Lyall	4	4	-	-
Arthur Clumpoint	3	4	-	-

### Proceedings on behalf of the corporation

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

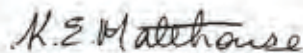
During the year, no person has brought or intervened in proceedings on behalf of the Corporation with leave under section 169-5 of the Act.

### Auditor's independence declaration

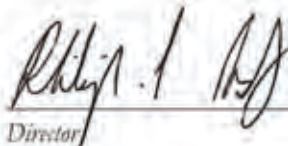
At no time during the financial year ended 30 June 2018 was an officer of the Corporation the auditor, a partner in the audit firm, or a director of the audit company that undertook the audit of the Corporation for that financial year.

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 2018.

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



Director



Director

Dated at Cairns this 12<sup>th</sup> day of September 2018



## Auditor's independence declaration

Cairns Corporate Tower  
15 Lake Street  
Cairns QLD 4870

Correspondence to:  
PO Box 7200  
Cairns QLD 4870

T +61 7 4046 8888  
F +61 7 4051 0116  
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 2018, 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

GRANT THORNTON AUDIT PTY LTD  
Chartered Accountants

Helen Wilkes

H A Wilkes  
Principal – Audit & Assurance  
Cairns, 12<sup>th</sup> September 2018

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## Statement of comprehensive income

### For the year ended 30 June 2018

	Note	2018 \$	2017 \$
<b>Income</b>			
Revenue	5	8,769,916	8,124,936
Gain on sale of property, plant and equipment		3,541	75,575
<b>Total income</b>		<b>8,773,457</b>	<b>8,200,511</b>
<b>Expenses</b>			
Contractors and consultants	6	795,753	727,440
Director expenses		174,022	132,617
Motor vehicles		27,977	24,070
Travel and meetings		410,913	298,293
Employee expenses	7	4,901,654	4,063,484
Rent		214,605	355,721
Service expenses	8	1,961,805	1,555,286
Finance costs		2,853	2,407
Depreciation and amortisation		143,251	97,769
Other expenses	9	54,264	52,324
<b>Total expenses</b>		<b>8,687,097</b>	<b>7,309,411</b>
<b>Net surplus before tax</b>		<b>86,360</b>	<b>891,100</b>
Income tax expense	4e	-	-
<b>Surplus for the year</b>		<b>86,360</b>	<b>891,100</b>
Other comprehensive income		-	-
<b>Total comprehensive income</b>		<b>86,360</b>	<b>891,100</b>

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

## Statement of financial position

### As at 30 June 2018

	Note	2018 \$	2017 \$
<b>Assets</b>			
Cash and cash equivalents	10	4,462,884	7,543,495
Investments	4i	53,419	53,419
Receivables	11	135,244	62,652
Prepayments	12	89,465	94,689
<b>Total current assets</b>		<b>4,741,012</b>	<b>7,754,255</b>
Property, plant and equipment and work in progress	13	1,807,610	1,721,249
<b>Total non-current assets</b>		<b>1,807,610</b>	<b>1,721,249</b>
<b>Total assets</b>		<b>6,548,622</b>	<b>9,475,504</b>
<b>Liabilities</b>			
Trade and other payables	14	942,899	3,917,322
Employee benefits	15	548,656	465,197
Grants unexpended, repayable or received in advance	5	3,418,349	3,520,697
<b>Total current liabilities</b>		<b>4,909,904</b>	<b>7,903,216</b>
Employee benefits	15	81,891	101,821
<b>Total non-current liabilities</b>		<b>81,891</b>	<b>101,821</b>
<b>Total liabilities</b>		<b>4,991,795</b>	<b>8,005,037</b>
<b>Net assets</b>		<b>1,556,827</b>	<b>1,470,467</b>
<b>Equity</b>			
Retained surplus		1,556,827	1,470,467
<b>Total equity</b>		<b>1,556,827</b>	<b>1,470,467</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 2018

	2018 \$	2017 \$
<b>Retained surplus</b>		
Balance at 1 July	1,470,467	579,367
Net surplus for the year	86,360	891,100
Total other comprehensive income for the year		
<b>Balance at 30 June</b>	<b>1,556,827</b>	<b>1,470,467</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 2018

	Note	2018 \$	2017 \$
<b>Cash flows from operating activities</b>			
Receipts from government grants		8,464,208	9,101,066
Payments to suppliers and employees		<u>(11,449,517)</u>	<u>(3,820,988)</u>
Cash generated from (used in) operating activities		(2,985,309)	5,280,078
Interest received		37,677	29,391
Other receipts		<u>93,091</u>	<u>139,890</u>
<b>Net cash (used in) operating activities</b>	17	<u><b>(2,854,541)</b></u>	<u><b>5,449,359</b></u>
<b>Cash flows from investing activities</b>			
Proceeds from sale of property, plant and equipment		3,541	75,575
Acquisition of property, plant and equipment		<u>(229,611)</u>	<u>(988,869)</u>
<b>Net cash (used in) investing activities</b>		<u><b>(226,070)</b></u>	<u><b>(913,294)</b></u>
 Net increase (decrease) in cash and cash equivalents		 (3,080,611)	 4,536,065
Cash and cash equivalents at 1 July	10	<u>7,543,495</u>	<u>3,007,430</u>
<b>Cash and cash equivalents at 30 June</b>	10	<u><b>4,462,884</b></u>	<u><b>7,543,495</b></u>

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

## Notes to the financial statements

### For the year ended 30 June 2018

#### 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 16. 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.

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 2017. 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 2017, 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 2018 were \$606,030 (2017: \$499,790).



**d Employee benefits continued**

**iii Other long-term employee benefits**

The Corporation's net obligation in respect of long-term employee benefits is the amount of future benefit that employees have earned in return for their service in the current and prior periods. In determining the liability, consideration is given to employee wage increases and the probability that the employee may satisfy vesting requirements. That benefit is discounted 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 Capital works in progress**

Capital works in progress are assets being constructed over periods of time in excess of the present reporting period. These assets are not depreciated as the organisation is not currently deriving any economic benefits from them. Assets, which are under construction in 2017-18, include building renovations and computer software.

**h Rounding and comparative figures**

The financial statements are in Australian dollars and have been rounded to the nearest \$1. Comparative information has been restated where necessary to be consistent with disclosures in the current financial year.

**i 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 2021. The directors considered no liability is required to be recognised in respect of this guarantee as the Corporation is in compliance with the lease agreement. A term deposit to secure the bank guarantee has been established.

**j 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.



## **k 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 current 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.

## **l 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.

## m 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.

	2018 \$	2017 \$
<b>5 Revenue</b>		
Grant received – PM&C	8,536,800	8,953,748
	<u>8,536,800</u>	<u>8,953,748</u>
Grant balances at 1 July	3,520,697	2,522,604
Grant balances at 30 June	<u>(3,418,349)</u>	<u>(3,520,697)</u>
	8,639,148	7,955,655
Fee income	93,091	139,890
Interest income	<u>37,677</u>	<u>29,391</u>
	<u><b>8,769,916</b></u>	<u><b>8,124,936</b></u>



	2018 \$	2017 \$
<b>6 Contractors and consultants</b>		
Accounting and auditing	30,000	26,108
Anthropological	391,592	354,388
Legal	212,417	196,106
IT	58,371	55,470
Other	103,373	95,368
	<u>795,753</u>	<u>727,440</u>
<b>7 Employee expenses</b>		
Wages, salaries	4,122,426	3,574,593
Leave and other entitlements	78,676	(97,792)
Superannuation	606,030	499,790
Professional development and training	79,042	67,800
Fringe benefits tax	10,378	11,797
Other employee expenses	5,102	7,296
	<u>4,901,654</u>	<u>4,063,484</u>
<b>8 Service expenses</b>		
Administration	366,689	256,025
Communications	393,417	379,783
PBC Support	1,022,529	723,353
Repairs and maintenance	14,630	16,644
Supplies and consumables	121,230	120,800
Other	43,310	58,680
	<u>1,961,805</u>	<u>1,555,285</u>
<b>9 Other expenses</b>		
Bad debts	1,530	468
Proponent expenses	52,734	51,856
	<u>54,264</u>	<u>52,324</u>
<b>10 Cash and cash equivalents</b>		
Cash on hand	7,279	7,068
Cash at bank	4,455,605	7,536,427
Cash and cash equivalents	<u>4,462,884</u>	<u>7,543,495</u>

## 11 Receivables

Current  
Receivables  
Deposits  
Other  
GST receivable

2018 \$	2017 \$
13,276	38,617
20,520	21,000
29,166	3,035
72,282	-
<u>135,244</u>	<u>62,652</u>

## 12 Prepayments

Insurance  
Rent  
Other

66,832	71,734
12,993	18,140
9,640	4,815
<u>89,465</u>	<u>94,689</u>

**13 Property, plant and equipment and work in progress**  
**a Reconciliation of carrying amount**

	Land	Buildings	Furniture, Fixtures and Fittings	Motor Vehicles	Office Equipment	Leasehold Improvements	Capital Works in Progress	Total
Cost	\$	\$	\$	\$	\$	\$	\$	\$
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
Balance at 1 July 2017	290,000	1,235,072	64,674	490,934	364,686	66,034	-	2,511,400
Additions	-	-	-	(16)	24,836	-	204,792	229,612
Disposals	-	-	-	(93,674)	-	-	-	(93,674)
Balance at 30 June 2018	290,000	1,235,072	64,674	397,244	389,522	66,034	204,792	2,647,338
<b>Depreciation and impairment</b>								
Balance at 1 July 2016	-	(179,238)	(81,315)	(258,260)	(247,319)	(174,049)	-	(940,181)
Additions	-	(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)
Balance at 1 July 2017	-	(201,842)	(58,386)	(233,454)	(264,268)	(32,201)	-	(790,151)
Additions	-	(46,347)	(286)	(48,765)	(39,047)	(8,806)	-	(143,251)
Disposals	-	-	-	93,674	-	-	-	93,674
Balance at 30 June 2018	-	(248,189)	(58,672)	(188,545)	(303,315)	(41,007)	-	(839,728)
Carrying amounts								
At 1 July 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
At 30 June 2018	290,000	986,883	6,002	208,699	86,207	25,027	204,792	1,807,610



### 13 Property, plant and equipment and work in progress (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 \$1,276,883 (2017: \$1,323,230) is subject to a caveat in favour of the Commonwealth Government (via ATSIC, a former statutory body of the Commonwealth Government).

#### c Work in progress

The organisation has received approval from the Department of the Prime Minister and Cabinet to utilise unexpended grant funds from prior years on capital expenditure. Total expenditure in relation to these capital works at 30 June 2018 was \$204,792 (2017: nil). Included in work in progress at 30 June was expenditure on the following:

	2018 \$	2017 \$
Computer software	141,637	-
Buildings	63,155	-
	<u>204,792</u>	<u>-</u>

### 14 Trade and other payables

Trade payables	164,792	279,706
Annual leave entitlements	276,815	257,948
Payroll liabilities	428,540	178,804
Revenue received in advance	72,752	2,944,734
GST Payable	-	256,130
	<u>942,899</u>	<u>3,917,322</u>

### 15 Employee benefits

Current		
Long service leave	<u>548,656</u>	<u>465,197</u>
Non-current		
Long service leave	<u>81,891</u>	<u>101,821</u>
Balance at 1 July	567,018	493,834
Provisions made during the year	130,006	101,667
Provisions used during the year	<u>(66,477)</u>	<u>(28,483)</u>
Balance at 30 June	<u>630,547</u>	<u>567,018</u>



## 15 Employee benefits (continued)

### 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 determined by reference to market yields at the end of the reporting period on high quality corporate bonds that have maturity dates that approximate the timing of the estimated future cash outflows.

## 16 Operating leases

### Leases as lessee

The Corporation leases its Townsville office at 61-73 Sturt Street and its Mackay office at 38 Macalister Street under operating leases. The Corporation has a rental bond over the Sturt Street premises. The leases range from a period of one to three years. Lease payments are increased each year. The leases are based on CPI. None of the leases include contingent rentals.

During the year ended 30 June 2018, \$214,605 was recognised as an expense in respect of operating leases (2017: \$332,791).

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

	2018 \$	2017 \$
Less than one year	182,007	219,593
Between one and five years	389,264	697,803
More than five year	-	-
	<u>571,271</u>	<u>917,396</u>

## 17 Reconciliation of cash flows from operating activities

Net surplus	86,360	891,100
<i>Adjustments for:</i>		
Depreciation	143,251	97,769
Gain on sale of property, plant and equipment	(3,541)	(75,575)
	<u>226,070</u>	<u>913,294</u>
<i>Changes in:</i>		
Trade and other receivables	(72,592)	166,966
Trade and other payables	(2,974,425)	3,306,572
Prepayments	5,225	10,898
Provisions and employee benefits	63,529	73,184
Income/revenue in advance, including government grants	(102,348)	978,445
<b>Net cash from operating activities</b>	<b><u>(2,854,541)</u></b>	<b><u>5,449,359</u></b>

## 18 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:

	2018 \$	2017 \$
Short-term employee benefits	576,448	505,938
Post-employment benefits	86,840	76,338
Long term benefits	11,006	5,601
	<u>674,294</u>	<u>587,877</u>

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

## 19 Expenditure commitments

The Corporation has expenditure commitments totalling \$1,366,964 at reporting date, but not provided for in the financial statements, which relate to Anthropological research into potential claimants for application of native title, legal consultancy, the Cairns office refurbishment and the implementation of a data management system.

## 20 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 2018 and of its performance for the financial year ended on that date; and
  - ii complying with Australian Accounting Standards – Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and any applicable determinations made by the Registrar of Aboriginal Corporations under Division 336 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; and
- b there are reasonable grounds to believe that the Corporation will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the directors:

  
\_\_\_\_\_  
Director

Dated the 12<sup>th</sup> day of September 2018



## 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 2018, 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 2018 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.

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

#### **Responsibilities of the directors for the financial report**

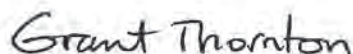
The directors of the Corporation are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and for such internal 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



H A Wilkes  
Principal – Audit & Assurance  
Cairns, 12<sup>th</sup> September 2018

# 12 Glossary and Acronyms

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













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