



# NQLC ANNUAL REPORT 2019-2020



Your Way Forward

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 National Indigenous Australians Agency.

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*Cover Image: Young Yuwibara dancers before their performance at the Yuwibara Native Title Consent Determination, February 2020.*







Image: Gary Mooney, Yuwibara Traditional Owner, showing the Federal Court Judge around his Country.

# Contents.

1	Our Organisation	6
1.1	Overview Description	7
1.2	Roles and Functions	8
1.2.1	Legislation	8
1.2.2	Legislative Functions	8
1.2.3	Corporate Governance Policies	8
1.3	Operational Plan	9
1.4	Outcome and Output Structure	9
1.5	Structure	10
1.6	Board of Directors	11
2.	Report by the Chairperson	12
3.	Report by the Executive Officer	14
4.	Report on Performance	16
4.1	Review of Performance relating to Strategic, Operational Plan and by Functions	16
4.2	Actual Performance in relation to Performance Targets	18
4.3	Discussion and Analysis of the NQLC's Financial Performance against Budget	28
4.3.1	Discussion of significant changes from the prior Year or from Budget	28
4.4	Developments since the end of the financial year that have affected or may significantly affect the NQLC's operations in future	29
5.	Corporate Governance	30
5.1	Statement of the Main Corporate Governance Practices in Place	31
5.2	Senior Management Committees and their Roles - Separation of Powers	32
5.3	Corporate and Operational Planning and associated Performance Reporting and Review	35
5.4	Approach adopted to identifying areas of significant Financial or Operational Risk and arrangements in place to Manage Risks	35
5.5	Policy and Practices on the establishment and maintenance of appropriate Ethical Standards	36
5.6	Nature and amount of Remuneration for Senior Management and how it is determined	37

<b>6.</b>	<b>External Scrutiny</b>	<b>38</b>
6.1	Significant Developments in External Scrutiny	39
6.2	Judicial decisions and decisions of Administrative Tribunals	39
6.3	Evaluation and/or Audit Reports - Findings and Responses	39
6.4	Other External Reviews	39
<b>7.</b>	<b>Consultants and Competitive Tendering</b>	<b>40</b>
7.1	Competitive Tendering and Contracting Practices	41
7.2	Number of Consultancy Services Contracts and Total Expenditure on Consultancy Services	41
<b>8.</b>	<b>Management of Human Resources</b>	<b>42</b>
8.1	Workforce Planning, Staff Turnover and Retention	42
8.2	Training and Development undertaken and its impact	42
8.3	Impact and features of Enterprise Agreement	42
8.4	Workplace Health and Safety performance	43
8.5	Statistics on Staffing	43
8.6	Indemnities and Insurance Premiums for Officers	43
<b>9.</b>	<b>Native title Consent Determinations</b>	<b>45</b>
9.1	Summary of Major Achievements for 2019-2020	45
9.2	Summary of NQLC Native Title Consent Determinations	46
<b>10.</b>	<b>Annual Financial Report</b>	<b>49</b>
<b>11.</b>	<b>Glossary and Acronyms</b>	<b>86</b>

## Figures & Tables


### Figures

Figure 1:	The Area of Responsibility of the NQLC Representative Body	7
Figure 2:	NQLC Organisational Structure	10

### Tables

Table 1:	Performance according to functions and outputs	17
Table 2:	Budgets/actual by main heads of expenditure and revenue	29
Table 3:	Meetings and training attended by the NQLC Board of Directors	33
Table 4:	Consultancy information 2019-2020 financial year	41
Table 5:	Comparison on staffing numbers	43

# 1. Our Organisation



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 its funding from the National Indigenous Australians Agency (NIAA).

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 Burdekin Shire Council, Cairns Regional Council, Cassowary Coast Regional Council, Charters Towers Regional Council, Croydon Shire Council, Douglas Shire Council, Etheridge Shire Council, Flinders Shire Council, Hinchinbrook Shire Council, Isaac Regional Council, Mackay Regional Council, Mareeba Shire Council, McKinlay Shire Council, Palm Island Aboriginal Shire Council, Richmond Shire Council, Tablelands Regional Council, Townsville City Council, Whitsundays Shire 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 coast 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.

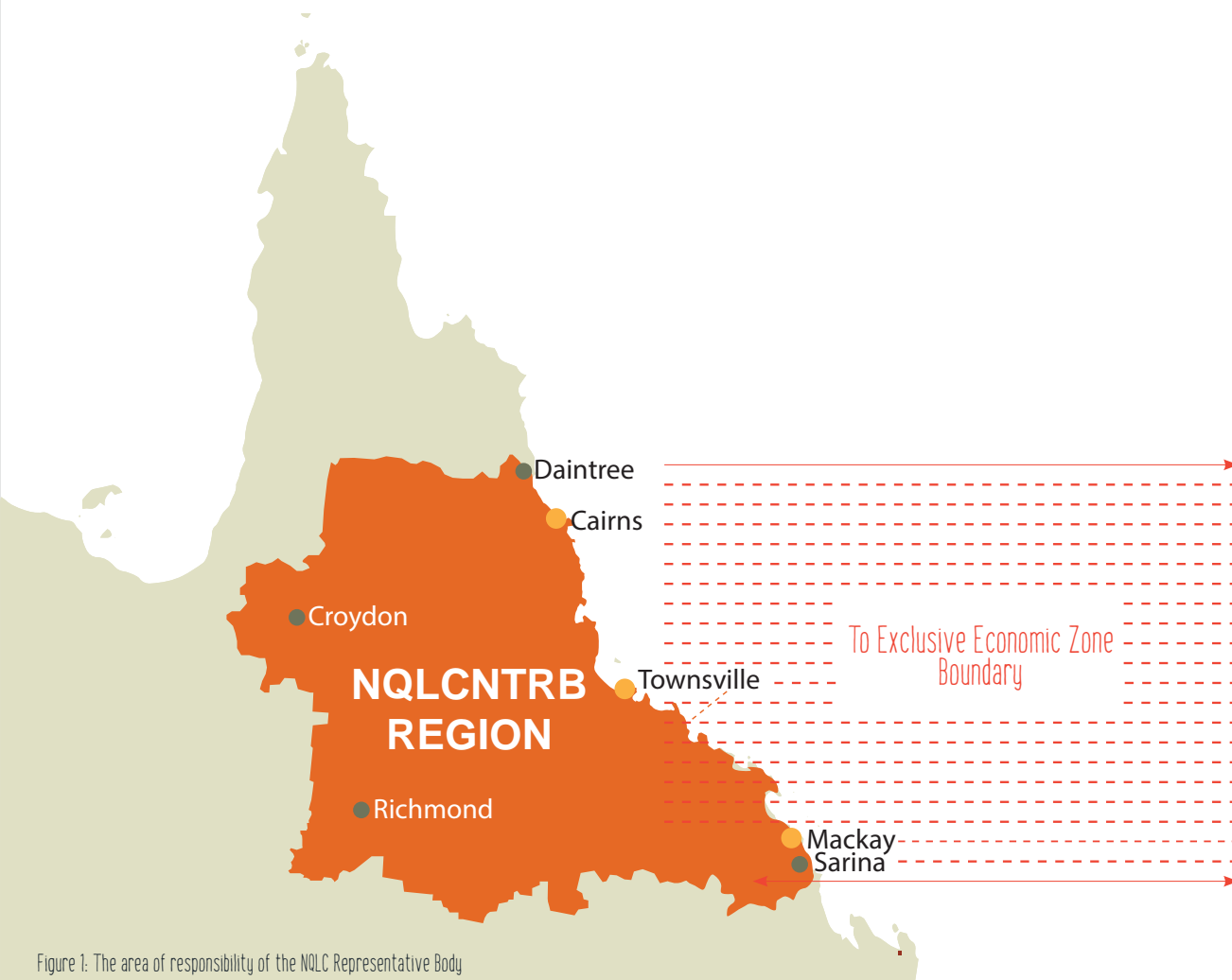


Figure 1: The area of responsibility of the NQLC Representative Body



Our Vision 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.



## 1.2 ROLES & 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 the Corporate Governance section of this report.



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.

## 1.3 Operational Plan

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

## 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 NIAA 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 Team, Claim Team 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.

## OUR 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.

## 1.5 Structure

Figure 2 outlines the organisational structure of the NQLC. Refer to Section 1.6 Board of Directors and Section 5 Corporate Governance, for information on our Board of Directors.

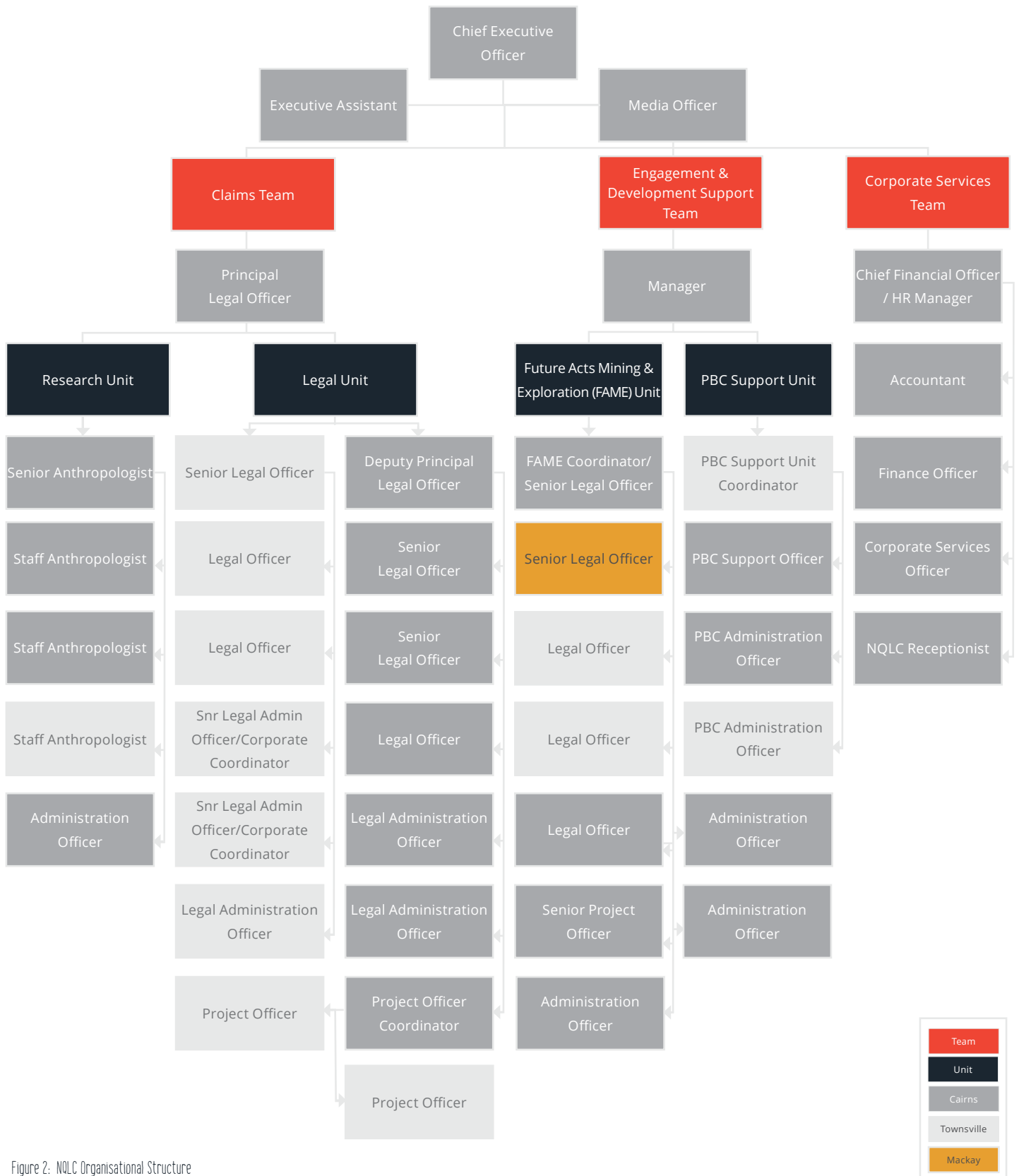


Figure 2: NQLC Organisational Structure

## 1.6 Board of Directors



**CHAIR**  
**ANGIE AKEE**  
Townsville/Ayr Ward



**DEPUTY CHAIR**  
**VANA O'SHANE**  
Cairns Ward



**TREASURER**  
**TRACEY HEENAN**  
Tableland Ward



**CORRESPONDENCE**  
**SECRETARY**  
**GARY MOONEY**  
Mackay/Proserpine Ward



**DIRECTOR**  
**TERRY O'SHANE**  
Cairns Ward



**DIRECTOR**  
**PATRICIA DALLACHY**  
Hughenden/  
Charters Towers Ward



**DIRECTOR**  
**DANNY HOOLIGAN**  
Mount Garnet Ward



**DIRECTOR**  
**VICTOR MAUND**  
Innisfail Ward



**DIRECTOR**  
**ARTHUR CLUMPOINT**  
Palm Island Ward



**DIRECTOR**  
**BRAD GROGAN**  
Tableland Ward



**DIRECTOR**  
**SAM BACKO**  
Tully Ward



**DIRECTOR**  
**ERROL NEAL**  
Yarrabah Ward



## 2. Report from the Chair



**Firstly, I would like to acknowledge the Traditional Owners of country throughout NQLC's representative footprint, and recognise their continuing connection to the lands, rainforests, seas, waters and culture. I pay my respects to Elders past, present and emerging. I wish to acknowledge the historical people who live within the communities of our footprint and send my condolences to those who have lost loved ones this last year.**

The 2019-2020 reporting period was like no other. The effects of the COVID-19 pandemic meant groups had to quickly learn how to operate their native title business in a virtual capacity. I am continually impressed at the resilience of our people during stressful and uncertain times and I wish to recognise the hard work of our PBCs and common law native title holders throughout this period.

### **2019 Ward Election and Annual General Meeting**

Ward elections were due to take place in September 2019. Following a request from the NQLC Board of Directors, the Office of the Registrar of Indigenous Corporations (ORIC) granted an extension of this date to no later than 30 June 2020. The purpose for the extension was to allow us as the Board to develop a proposed restructure plan of the NQLC's current governance model and corporate structure. Due to the restrictions implemented as a result of the coronavirus (COVID-19) outbreak, community engagement and the proposed land summits in Townsville and Cairns were unable to take place.

To ensure the most effectual outcome for the organisation, the NQLC Board applied to ORIC for a further extension to the date of the 2019 AGM. On 30 June 2020, NQLC received confirmation from ORIC granting this request. NQLC will hold its 2019 and 2020 AGM in the same sitting no later than 30 November 2020.

The Board continues to work on the proposed changes and will be developing an information package for members to have their say on, prior to the NQLC's AGM. I would like to take this opportunity to commend the Directors on their continued dedication to serving the constituents of their wards throughout what has been a challenging year.

### **Director Recruitment Activity**

In September 2019 the Board accepted the resignations of Ms Kaylene Malthouse of the Tablelands Ward and Mr Phil Rist of the Tully Ward, both of whom held executive positions of Chair and Deputy Chair respectfully. I would like to acknowledge the previous Chair, Kaylene Malthouse for her leadership throughout the past four years as Chair. Kaylene has been a long-standing member of the Board, dedicating 15 years to the organisation. She has represented NQLC at all levels of government and numerous significant events where the information obtained was of great benefit to the NQLC board and NQLC's constituents. She did a lot of work around constitutional recognition and the Voice to Parliament, was a member of the Traditional Owner Leadership Group (TOLG) working on the revised Wet Tropics Regional Agreement and she was also involved in the recent compensation talks.

I would also like to acknowledge former Deputy Chair, Phil Rist, another long-standing member of the Board. Phil made a strong contribution to the Board in his 10 years with us. Because of Phil's cultural knowledge he provided strong leadership in cultural heritage and sea country. He represented NQLC at numerous events and on many committees, working with Wet Tropics Management Authority (WTMA), Great Barrier Reef Marine Park Authority (GBRMPA) and was also a member of the TOLG. Both Kaylene and Phil leave a proud legacy and on behalf of the Board of North Queensland Land Council, we wish them every success in their future endeavours.

In May 2020, the Board accepted the resignation of Mr Alwyn Lyall of the Mount Garnet Ward. I would also like to thank Alwyn for his contribution to the Board during his tenure.

Mr Sam Backo and Mr Brad Grogan were elected onto the Board in November 2019 for Tully and Tablelands Wards respectfully. Mr Danny Hooligan was elected onto the Board in June 2020 representing the Mount Garnet Ward.

As at 30 June 2020, the Executive Committee is as follows:

- Chair: Angie Akee (Townsville Ward)
- Deputy Chair: Vana O'Shane (Cairns Ward)
- Treasurer: Tracey Heenan (Tableland Ward)
- Correspondence Secretary: Gary Mooney (Mackay/Ayr Ward)

### **Native Title Consent Determinations**

NQLC have had one native title consent determination during the 2019-2020 reporting period. On Tuesday 25 February 2020, at a Federal Court Hearing held in Mackay, the Yuwibara People were recognised as the Traditional Owners of their lands in the Mackay region. I was honoured to have been present for this immense achievement and on behalf of the Board, wish to congratulate the Yuwibara People. I would also like to acknowledge the NQLC staff who worked on the claim, particularly Nigel Hales (previous Acting Principal Legal Officer), Greg Bell (Legal Officer), Pheobe Mawby-Smart (Legal Officer), Kelly Stewart (Staff Anthropologist), Dr Charles Wilde (Staff Anthropologist) and Lotu Kimiia (Project Officer).

### **Meetings**

During the 2019-2020 reporting period, fellow board members and myself attended several external meetings in addition to our sixteen Board of Director meetings. Please see the Governance section of this report for further information.

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 future generations. I would also like to extend my gratitude to the staff of NQLC and acknowledge the many years of service many of them have dedicated to native title.

Angie Akee

**Chair, North Queensland Land Council**

# 3. Report from the Chief Executive Officer



Welcome to the NQLC's Annual Report for 2019/20. I am very pleased to have the opportunity to report on another successful year for the North Queensland Land Council, although with the outbreak of the COVID-19 pandemic this reporting period hasn't been without its challenges – as it has for all of us.

## **COVID-19 and Funding**

Following the Government imposed COVID Safe restrictions in early 2020, both the NQLC's Cairns and Townsville offices were closed. For the safety of staff and people in our communities, NQLC staff operated their roles remotely, with all face-to-face meetings and travel to communities cancelled and where possible, replaced with voice/video calls and emails. Since the Queensland Government announced the easing of restrictions in early June, the NQLC has been operating under a COVID Safe Plan and most staff have now returned to the workplace. Both Cairns and Townsville offices have reopened. I must say that I am enormously proud of the way the NQLC team adapted to the changed work environment, with business output and team morale remaining high during the period. It's testimony to the commitment and professionalism of the NQLC team, and a credit to them!

In light of the NQLC's funding being restricted to base funding only for the foreseeable future, in order to ensure that work continues on our priority claims myself and senior management have been reviewing all aspects of our operations for cost saving solutions. Unfortunately, future funding levels are such that several proposed claims must be put on hold and some staff redundancies appear unavoidable.

## **Native Title Consent Determinations**

One native title determination, by consent, was achieved during the 2019/20 reporting period. The Yuwibara People received their first determination of native title at a hearing in February 2020 on their country in Mackay. This takes the total number of determinations achieved by the NQLC to 54 and maintains the NQLC's position as one of the nation's leading NTRBs.

## **Native Title Claims and Future Acts**

Two new claims were filed during the period, by the Gurambilbarra Wulgurukaba People and the Gugu Badhun People (#3) respectively. Work continues at a steady pace on our active matters, along with a number of new matters going through the research phase.

There have been 1,697 future act notices received, 3,110 responses to future acts, six agreements and numerous more in development.

I refer you to Section 4: Report on Performance for a more detailed update from our Native Title Claims Unit, Future Acts, Mining and Exploration Unit and PBC Support Unit.



The NQLC has now achieved a total of 54 native title consent determinations within their region overall.

54

3,110

Responses to future acts.

Unqualified  
Audit  
Report

2

New Claims

#### Electronic Data and Records Management System

The NQLC's new electronic data and records management system (ELO) is starting to realise savings for the NQLC, in that our operations are now virtually paperless. I say "virtually" because at the time of writing we are rolling out the final stage of the installation in converting our Claims Unit files to the new system. Given the volume of records held by the Unit this is a huge task however things are running to schedule (given operational priorities) and the system will be operational across the entire NQLC by the end of 2020. I must thank our Manager, Engagement and Development Support, Ms Rhonda Jacobsen, and her support crew for the enormous amount of work they've done on driving this project to successful completion.

#### Financials

I am also very pleased to report that again this year the NQLC has achieved an unqualified Audit Report – at least the ninth year in a row and again I extend my congratulations and gratitude to the NQLC's CFO, Ms Annette King, and the Corporate Services staff on their excellent work in managing the Corporation's finances. In this regard, I commend you to the Annual Financial Report at Section 10.

In closing I wish extend my sincere gratitude to the tremendous team at the NQLC for their tireless enthusiasm, efforts, and commitment to achieving positive outcomes for the region's Traditional Owners (particularly in this difficult year); to the NQLC Board of Directors for their strong support and direction; 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.

Steve Ducksbury

**Chief Executive Officer, North Queensland Land Council**

## 4. Report on Performance



Image: Tea crop, Innisfail.

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

The performance of the NQLC for the year ending 30 June 2020 according to statutory functions is summarised in Table 1.

In 2019-2020 reporting period, the NQLC achieved one consent determinations of native title, and two new claimant applications were filed. The NQLC has now achieved a total of 54 native title consent determinations within their region overall.

During the reporting period six ILUAs were registered in the region and 3,110 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.

Table 1: Performance according to functions and outputs

FACILITATION AND ASSISTANCE		
THE CLAIMS EXPERIENCE		
CLAIMANT APPLICATIONS		
Active claims represented at 30 June 2019		11
	Plus Claims filed 1 July 2019 - 30 June 2020 by the NQLC	13
	Less Claims Determined 1 July 2019-30 June 2020	12
	Less Claims Dismissed 1 July 2019-30 June 2020	12
	Less Claims Withdrawn 1 July 2019-30 June 2020	12
	Less non native title outcome 1 July 2019-30 June 2020	12
Active Claims represented at 30 June 2020		14
	Number of these registered by NNTT (see note 1)	14
Claims in Development		2
Non-Claimant Applications (as relevant)		0
Compensation Claims (as relevant)		0
THE AGREEMENTS EXPERIENCE		
Future Act Notices (FANs) received		1,697
Response to Future Acts		3,110
Agreements:	Concluded	6
	In development	Numerous
Indigenous Land Use Agreements (ILUA):	Concluded and registered	TBC
	In development	Numerous
COMPLAINTS AND DISPUTES		
Complaints	Received	2
	Resolved	2
	Pending	0
Disputes relating to native title applications		2
Disputes relating to ILUAs, rights of access and other matters		0
Requests for Review of decisions not to assist	Received	0
	Completed	0
Note 1 The NQLC responds to FANs received by: <ol style="list-style-type: none"> <li>Sending out copies of the notices to the persons appointed by each claim group for the receipt of FANs;</li> <li>Providing strategic advice to groups about the impact of Future Acts;</li> <li>Where instructed, formulating submissions on behalf of claimants to Future Acts; and</li> <li>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.</li> <li>Where appropriate, represent native title groups in their negotiations and drafting of future act agreements.</li> <li>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.</li> </ol>		



## 4.2 Actual Performance in relation to targets and reasons for differences

### 4.2.1 Native Title Claims

#### Bindal #2

**QUD503/2016**  
ACTIVE

The Bindal People #2 native title application has been in intensive case management for 2019 - 2020. Supplementary evidence was provided to the State and respondent parties at the end of July 2019. The State informed the Applicant, that continuity of connection was not accepted. The Applicant, the State and the Commonwealth have had on going negotiations to determine how the application would proceed. The parties have agreed there will be an On Country Evidence Process, which will allow traditional owners to give evidence. This process will take place from the 7 December to 12 December 2020.

#### Cairns Regional Claim Group Cluster

**QUD692/2016**  
ACTIVE

The Cairns Regional Claim Group (QUD692/2016) (CRC) was filed and registered in 2016. The CRC resulted from a series of Court convened and ordered confidential mediations, which included negotiations between the then DBYNG and Yirrganydji People Applicants on the rules of a PBC for the CRC.

The CRC covers the majority of the areas formerly covered by DBYNG and the Yirrganydji claims in between the Mowbray and Barron Rivers. Eventually, the remnants of the DBYNG and Yirrganydji People claims in this area would have been merged with the CRC. However, opposition from Indigenous respondent parties prevented this from occurring and led to an Inquiry process instead.

On 5 April 2019, the Court ordered that part of the CRC and three other overlapping claims in the area over and around Cairns be referred to referees under s54A of the *Federal Court Act* for Inquiry.

The referees, namely NNTT President the Honourable John Dowsett AM and anthropologist Dr Paul Burke, reported back to the Court on 6 March 2020 on questions of who the appropriate native title holders were at sovereignty.

The State has filed an application seeking that the Court adopt the whole report. Submissions and objections in response would be filed and heard in the first half of next financial year.

Negotiations with the State on connection in the CRC were on hold during the Inquiry. There is a need to provide additional evidence for parts of the CRC area.

#### Djabugay- Yirrganydji- Bulway-Nyakali- Guluy #5

**QUD398/2015**  
ACTIVE

The Djabugay-Bulway-Yirrgay-Nyakali-Guluy People claim (DBYNG) 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. Due to activity of respondent parties, the ILUA has been delayed but will be lodged with the NNTT in the first half of the next financial year.

**Djungan #5**  
**QUD811/2018**  
ACTIVE

In 2012, the Court made four native title determinations in favour of the Djungan People. Like the Muluridji #3 claim, the Djungan People #5 (QUD811/2018) native title claim was filed in response to non-claimant application, George Pulham Lowe and Maxine Joy Lowe (QUD422/2018), which seeks section 24FA protection to obtain an upgrade of a Rolling Term (pastoral) lease to freehold. The State is yet to accept connection to the claim area. Covid-19 restrictions have impacted on NQLC's ability to conduct meetings and interviews. However, the Applicant is doing what it can to prepare additional connection material in relation to the claim area to satisfy the State on connection. The Applicant is also preparing to attend mediations convened by a Court Registrar to resolve assertions of an Indigenous respondent party.

**Gugu Badhun**  
**QUD777/2019**  
ACTIVE

Gugu Badhun #3 was authorised on 30 November 2019. The Native Title Application was filed with the Federal Court of Australia on 19 December 2019. The National Native Title Tribunal registered the native title application on 6 March 2020. The native title application went in to notification 3 June 2020, notification will end on 2 September 2020. The Applicant and Indigenous respondent parties entered into a Deed of Agreement for further research to be conducted into whether those parties should be included in the claim group description. This research is due at the end of August 2020.

**Gurambilbarra  
Wulgurukaba**  
**QUD692/2016**  
ACTIVE

Connection has been accepted by the State and other respondent parties after further connection evidence was provided across three tranches. Connection has been accepted for the area as claimed. There is an indigenous respondent party who does not accept connection, but this is to be addressed by mediation with the Federal Court Registrar. We did file an interlocutory application to have this respondent removed from the claim as there is no anthropological basis to support her assertion, but His Honour referred the issue to mediation which is to occur soon.

Native title rights and Interests have been agreed between the State and Respondent (except the indigenous respondent party) and we have secured the right to possession, occupation, use and enjoyment of the area to the exclusion of all others over exclusive areas – this includes the right to take for commercial purposes from the exclusive possession areas.

We are in the process of analysing tenure and will determine the extent of parcels of land where exclusive and non-exclusive native title remain.

The Gurambilbarra Wulgurukaba People authorised the settlement of the Lowth ILUA with Ms Lowth over a parcel of land (front nature strip) in Toomulla Beach.

The Gurambilbarra Wulgurukaba Aboriginal Corporation ICN 9181 has been created as the intended PBC for the Gurambilbarra Wulgurukaba People to hold their native title rights and interests.

A number of respondent parties have expressed interest in entering into ILUA negotiations with the Applicant and instructions are being sought.

**Gurambilbarra  
Wulgurukaba  
mada**  
**QUD176/2020**  
ACTIVE

A community meeting and authorisation meeting was held on 6 & 7 December 2019 (respectively), to authorise the Lowth ILUA (mentioned above) and to authorise the filling of the Gurambilbarra Wulgurukaba Mada Claim (Mada means sea in Wulgurukaba language). The Wulgurukaba People authorised the filing of the claim. This was filed in the Federal Court on 5 June 2020. [Quarter 1 2020-2021: The registration test was applied and the Native Title Registrar accepted the claim on 14 August 2020. The claim is currently in notification with the period being 23 September 2020 – 22 December 2020.]

**Jirrbal #4**  
**QUD983/2015**  
ACTIVE

The State has indicated it is prepared to enter into substantive negotiations towards a consent determination, subject to resolving Indigenous Respondent issues, amongst other matters. The claim is progressing in accordance with a consent determination timetable agreed between the parties. At this stage there has been no determination hearing date set.

To reflect recent native title consent determinations, the Jirrbal #4 Applicant is pursuing a broader formulation of non-exclusive native title rights and interests, including the right to trade. The Applicant will support its claim for better native title rights by providing additional evidence.

In the second half of calendar year 2020, consultant anthropologist Dr Pamela McGrath will commence research in the north east of the Jirrbal #4 claim area where Ngadjon-jii People assert native title rights and interests. This research is a result of an agreement made between Ngadjon-jii and Jirrbal People in June 2018.

The Jirrbal #4 Applicant has arranged to meet one other Indigenous respondent along with other Warrungnu People to discuss traditional boundaries.

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**Muluridji #3**  
**QUD824/2018**  
ACTIVE

In 2011, the Court made two native title determinations in favour of the Muluridji People. Like the Djungan #5 claim, the Muluridji #3 native title claim was filed in response to two non-claimant applications, Clint Robert Tilse and Nicole Jane Tilse (QN2018/007) and George Pulham Lowe and Maxine Joy Lowe (QUD422/2018), who seek section 24FA protection to obtain an upgrade of a Rolling Term (pastoral) lease to freehold. The State has not yet accepted connection to the claim area. Covid-19 restrictions have impacted on NQLC's ability to conduct meetings and interviews. However, the Applicant is doing what it can to prepare additional connection material in relation to the claim area to satisfy the State on connection.

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**Port Douglas  
Southern  
Warra - Eastern**  
**QUD777/2019**  
ACTIVE

An expert anthropologist continued conducting research over the area inland from Mossman/Port Douglas to Mt Carbine in the west.

Three groups with separate native title determinations claim native title interests in parts of the research area.

The area in and around Port Douglas continues to be covered by Yirryganydji People claims, represented by a law firm independent from NQLC. Therefore, the focus is on Port Douglas. Initial research has been completed over the Port Douglas area.

Covid-19 restrictions have delayed a final round of on-country research required to complete the Port Douglas research, which is now anticipated be conducted before end of December 2021.

The outcomes of the focused Port Douglas research will inform the broader research over the area to the north and the west of Port Douglas.

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**Wakaman #3**  
**QUD746/2015**  
ACTIVE

This is the first of three native title claims being prosecuted for the Wakaman People by NQLC. Wakaman 3 was lodged in 2015 in response to the non-claimant application by Port Bajool Pty Ltd, the former owner of Crystalbrook Station, who wanted an upgrade of its pastoral lease and extinguishing of native title. Crystalbrook was later acquired by GAG Crystalbrook Station Pty Ltd, which is affiliated with the Crystalbrook Collection of hotels and resorts in Far North Queensland and entrepreneur Ghassan Aboud. GAG Crystalbrook Station is fighting the native title claims of the Wakaman People. The trial of Wakaman 3 is being heard together with Wakaman #4 and Wakaman #5.



**Wakaman #4**  
**QUD728/2017**  
ACTIVE

This second Wakaman native title claim was lodged in 2017 in response to two non-claimant applications by the pastoral lessees of Spring Valley and June Vale stations, (the O'Shea family) who want an upgrade of their pastoral leases and extinguishing of native title. The O'Shea family are fighting the native title claims of the Wakaman People and the trial of Wakaman 4 will be heard together with Wakaman #4 and Wakaman #5.

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**Wakaman #5**  
**QUD178/2018**  
ACTIVE

This third Wakaman native title claim covers a broad area of Country from the junction of the Mitchell and Lynd Rivers; east along the Mitchell River and then the Walsh River, south to Almaden, Forty Mile Scrub and the Rocky Tate; then west along the Lynd River and back to the junction with the Mitchell. The State Government is opposing recognition of native title on the advice of their anthropological expert that the Wakaman have not met the standard of proof required to show continuity of connection to Country. There are 10 pastoralists who are also fighting the case, including GAG Crystalbrook, the O'Shea family and the Uwoykan Tribal Aboriginal Corporation (the lessee of Bulimba Station). There is also an indigenous respondent who is fighting the case. In September 2019, the Court rejected an application seeking to remove the indigenous respondent, finding that the issue in dispute related to the composition of the claim group and the boundaries of the claim area, such that the indigenous respondent was entitled to lead evidence about these matters at the trial. The lay evidence hearing will take place for 4 weeks from 2 to 27 November 2020. There will be three days on-country at various Wakaman sites around Chillagoe, Mungana and the Tate / Fischerton. There will be 7 days hearing of evidence from Wakaman witnesses in Mareeba and the final two weeks of the lay evidence hearing will take place in Cairns. The lay evidence hearing will be followed by a hearing of the expert evidence in early 2021, which will hear the evidence from the anthropologist retained for the Wakaman people, the State's anthropologist and the anthropologist retained by Crystalbrook about the identification of the regional society from which the Wakaman native title originates and whether the laws and customs of that society have continued to be acknowledged and observed by the Wakaman people in a substantially uninterrupted way since colonisation of the Wakaman claim area in the late 19th century until the present day. The Wakaman case is the first contested native title trial run by NQLC and the Court's decision will have ramifications for other native title claims in the region of the Wakaman claim area.

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**Warrgamay**  
**QUD882/2015**  
ACTIVE

The connection of the Warrgamay People to the claim area has been accepted by the State and other respondent parties along with the native title rights and interests to be recognised over exclusive and nonexclusive areas, as agreed between the State and other respondent parties. Tenure assessment has commenced in this period and is due to be completed in quarter 1 of 2020-2021. A number of proponents have expressed interest in negotiating ILUAs with the Warrgamay People.

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**Yuwibara**  
**QUD12/2019**  
ACTIVE

Filed in October 2013, the Yuwibara People's claim covered land and sea in and around Mackay in North Queensland.

On 25 February 2020, the whole of the claim was determined at an on-country hearing by His Honour Robertson J.

An ILUA(s) related to the determination will be negotiated once Covid-19 restrictions allow meetings to recommence.

## 4.2.2 ENGAGEMENT & DEVELOPMENT SUPPORT

### ILUA Implementation Project

The ILUA Implementation Project (reported on in our last four annual reports) has entered into stage two as we work with a number of PBCs in the implementation, formal review and some renegotiation of ILUAs. There is considerable work involved in this and the Project is prioritised with the individual PBC taking into account various factors, including:

- the need for immediate renegotiation or review required under the terms of the ILUAs themselves;
- implementation where there are outstanding action items or obligations of the PBCs where they are linked to other key strategic projects;
- the ranging capacities of PBCs in active implementation; and
- the need for broader planning, including strategic planning of the PBCs.

Other matters arising through the implementation of the Project has been the perpetual nature of some of the ILUAs; where there is a reluctance on behalf of some agencies to commit to a review where it is not tied to a specific project or agenda.

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

Future act notifications fall into two primary categories under the *Native Title Act* (NTA):

- Section 24 notices where the 'right to comment' is the most common procedural right; and
- Section 29 notices where the 'right to negotiate' generally applies.

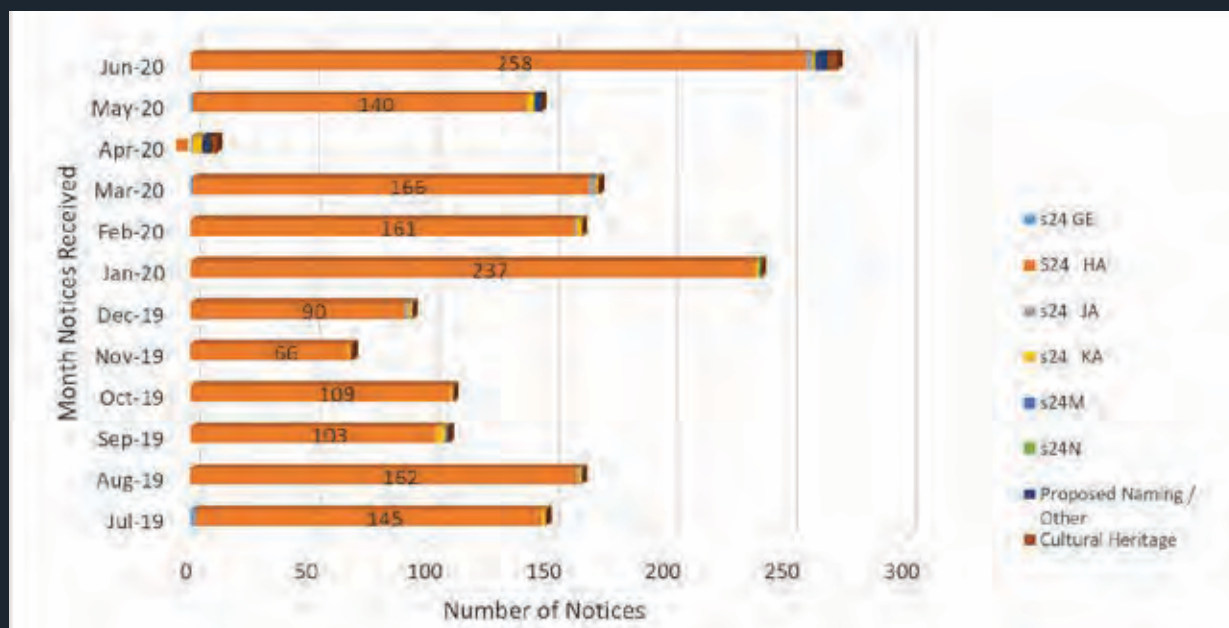
Processing future act notifications is the core work of the FAME Unit which involves: receiving notifications of proposed activities; examining them for compliance with the NTA; assessing the procedural rights available to the affected native title party; notifying the affected native title party/ies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

Figures 1 and 2 shows the breakdown of future act notifications by reference to sections of the NTA, evidencing that most notifications are received with a right to comment under Section 24HA for native title parties. During the COVID-19 shut down period (detailed below) there was an increase in 'other notifications' for development and cultural heritage for urgent works.

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

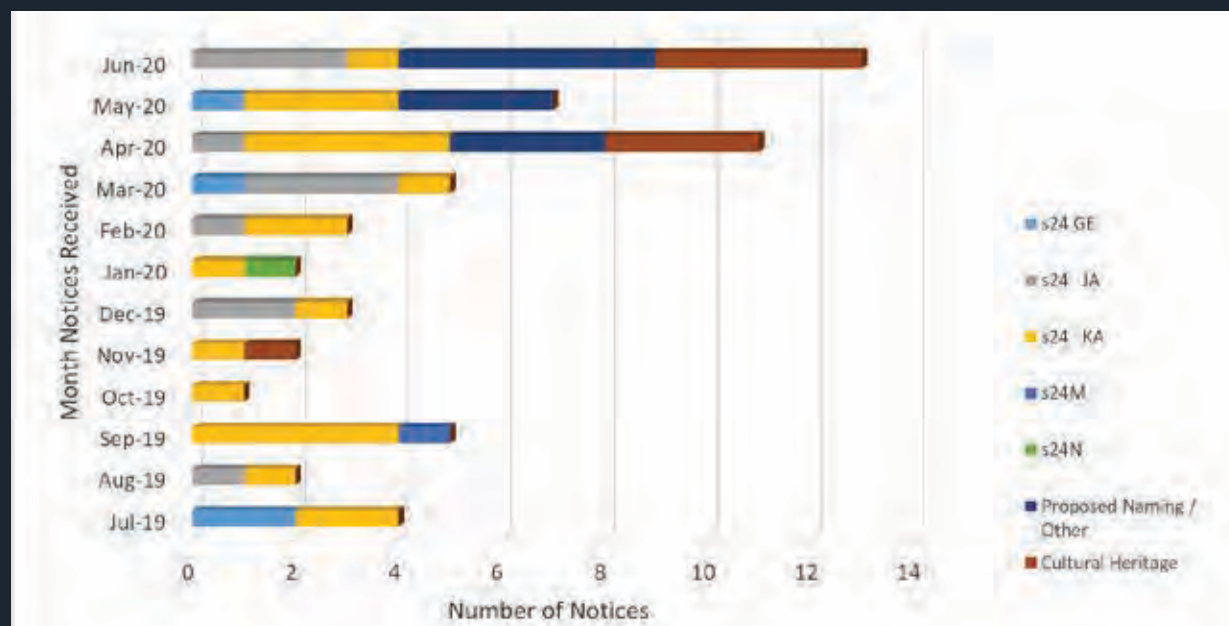
## Notices for 2019/2020

Figure 1: Number of Notices



## Notices for 2019/2020

Figure 1: Types of Notices

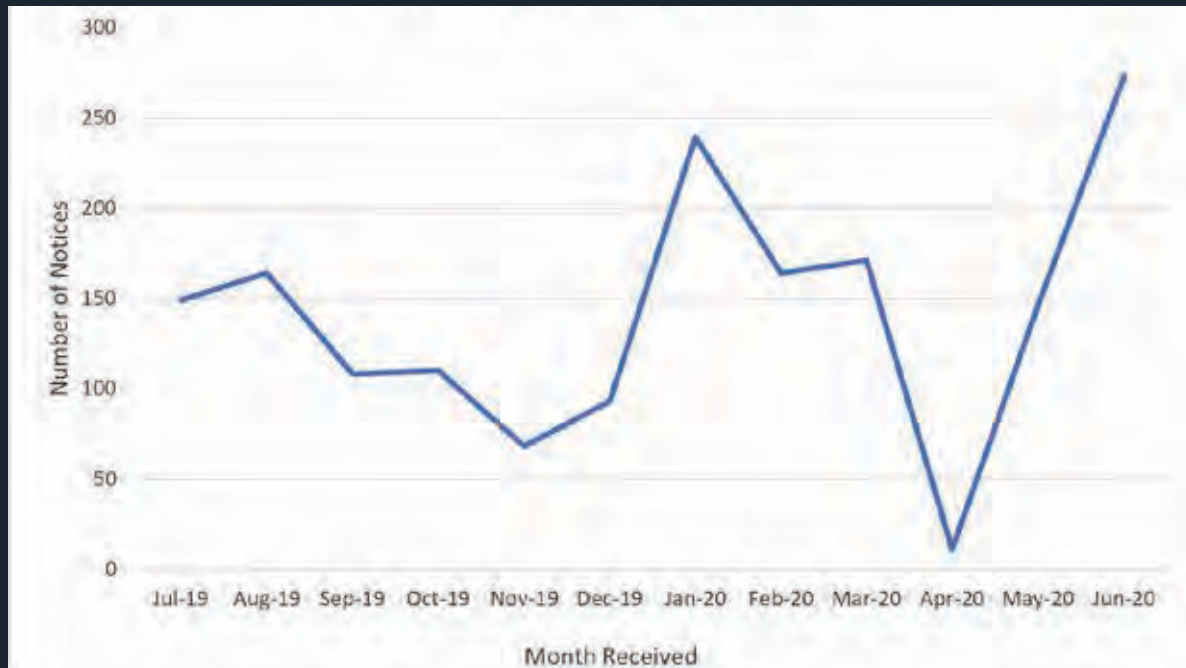


agencies. Such scrutiny and advice has also seen an increase in requests to assist the native title party to respond to the proposed activity and in some circumstances has resulted in requests for negotiation or cultural heritage assistance.

In the 2019/2020 reporting period, due to the restrictions with COVID-19 the Queensland Representative Body Alliance (QRBA) asked for all State and Federal Agencies to stop issuing non-urgent future act notifications. Because of this request there was a marked decrease in the notifications received for this reporting period (future act notifications received totaled 1697, down from 2047 in the last reporting period and 3110 letters sent, down from 4048 in the last reporting

## Received Notices for 2019/2020

Figure 3: Future Act Notices Received



period). As detailed in Figure 3 decreases in future act notifications can be seen in the November/ December Christmas period which occurs most reporting years, however most significantly during the COVID-19 shut down future act notifications were only being received for limited urgent activities. FAME Unit are expecting to see a marked increase in the number of future act notifications for the 2020/2021 reporting period as the QRBA advised that NTRBs were in a position for future act notifications to recommence on 19 June 2020.

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.

The introduction of the Queensland Human Rights Act 2019 which commenced on 1 January 2020 has also lead to an increase in notices requesting PBCs provide comment on how a decision about certain applications would limit or deny their distinct cultural rights (as recognised under the Queensland Human Rights Act 2019). Comments will be considered as part of the decision-making process. Many of these notices have been related to some form of development under the *Queensland Planning Act*.

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 further 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 (149, up from 100 in the previous reporting period). An additional 12 notifications were received over areas that were not subject to a claim or determination and in those instances were not subject to the NTPCs (see below for NQLC process). These figures also 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'.

In addition to the ongoing support for pursuing outstanding fees, the FAME Unit continued



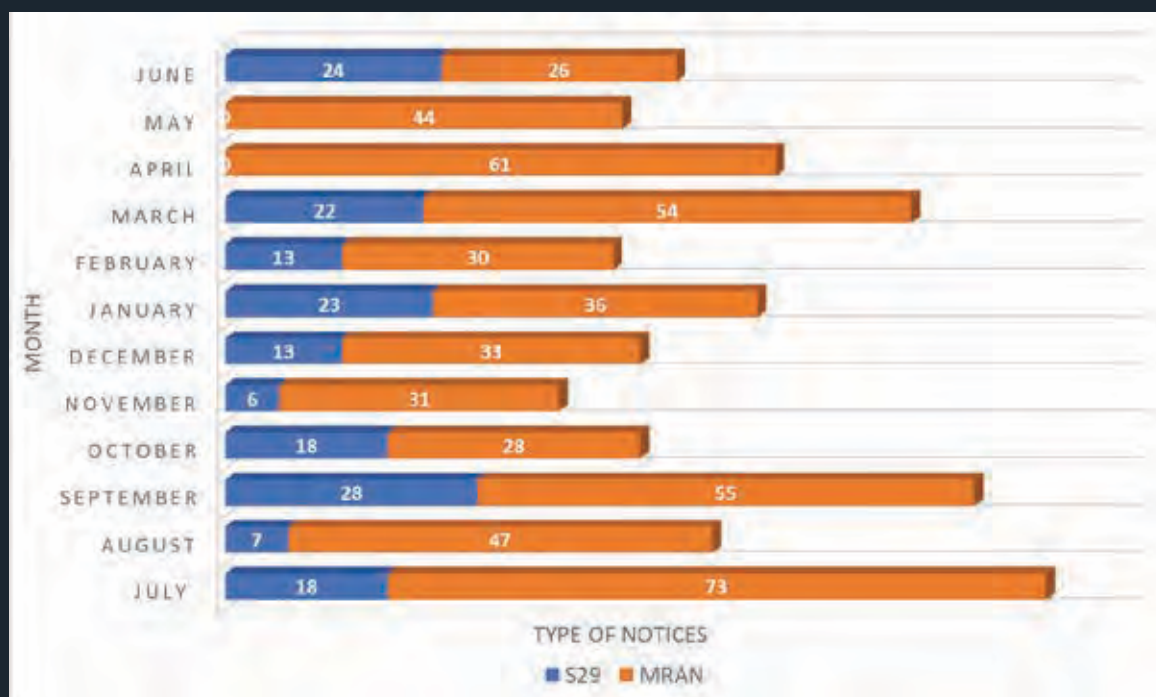
with internal processes to notify PBCs of new grants and renewals to ensure that early notice is provided to PBCs in administering the NTPCs and other agreements negotiated. In the 2019/2020 reporting year approximately 158 letters were sent to PBCs (an increase from 152 in the previous reporting period) as part of this new process, often with notification of various tenements which are now being included in the statistics for FAME Unit for reporting purposes. Figure 4 below details that in addition to the 172 Section 29 notices received, FAME Unit has also reported to native title parties and PBCs the Monthly Resource Authority Notifications (MRANs) of the 518 tenements that have been granted, renewed transferred or surrendered (totaling 158 letters as noted above) to ensure that records are up to date and also that there is compliance with both financial and non-financial terms of agreement (for example assignments).

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 172 Section 29 notices were received, of which 11 are being managed through various ancillary agreement 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.

## Tenement Notices

Figure 4.



## 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 however there have been matters in mediation.

There is also the provision to apply to the NNTT to object to a future act being treated under the expedited procedure regime. NQLC did not file an objection application in the 2019/2020 reporting period.

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## Small Scale Mining ILUAs

The Small Scale Mining ILUA (SSM ILUA) Djungan People's expired in February 2020 which was the last of the SSM ILUAs in the NQLC region. Funding was secured for those negotiations at the very end of the 2017/2018 reporting year and substantive negotiations commenced during the 2018/2019 financial year, however progress stagnated due to the current failure to reach agreement on certain matters and negotiations for the time being have ceased. As detailed in the previous reporting period FAME Unit were expecting to see a marked increase in 'right to negotiate' matters which has increased from 100 to 149 notices in this reporting period. FAME Unit expects this to continue to increase as the issuance of notices may have been impacted by the request for non-urgent future act notifications to be suspended during the COVID-19 shut down period.

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## 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 FAME Unit has 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 for 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 will continue with workshops in the next reporting year as one was not held in this 2018/2019 reporting year or the 2019/2020 reporting year because of COVID-19.

## Other negotiated agreements

In the 2019/2020 reporting period the FAME Unit has seen a further increase in non-mining negotiations including negotiations for the development of Cultural Heritage Management Agreements, ILUAs and other agreements for large infrastructure projects. There were also ILUAs for tenure changes for both third party proponents and also for PBCs themselves that will continue to be negotiated into the 2020/2021 reporting year, which may result in higher numbers of reported agreements in future years.

## Prescribed Bodies Corporate Support Unit

The PBC Support Unit (PBCSU) provides capacity development support services to PBCs to assist them fulfill their rights and responsibilities to their members and common law holders and meet their legislative requirements. PBCSU is also responsible for the administration of PBC Support Funding available through National Indigenous Australians Agency (NIAA).

### PBC SUPPORT FUNDING

Previously administered by the Department of the Prime Minister and Cabinet, the PBC Support Funding program, as of 1 July 2019, is administered by the NIAA. The annual grant program is only available to RNTBCs and all applications for PBC Support Funding must be in the prescribed form and submitted to the relevant Native Title Representative Body or Native Title Service Provider for assessment and recommendation to NIAA.

The purpose of the PBC Support Funding is to assist PBCs to build their long term capacity, with a focus on the 'critical needs' of the PBC to meet governance and corporate compliance obligations. Such critical needs may include: office rent expenses; utilities; office furniture and equipment; insurances; reasonable costs incurred for the conduct of director/general/common law holder meetings; and administration officer wages (generally part time).

Release of approved PBC Support Funding is through the NQLC and is subject to the terms of the NQLC-PBC Support Funding Process Agreement. The PBCSU assists PBCs complete their application if requested.

In 2019/20, 21 PBCs were successful in receiving PBC Support Funding from NIAA.

### CAPACITY DEVELOPMENT ACTIVITIES

The PBCSU provides capacity development services to support PBCs to consolidate their corporate and governance skills, knowledge and systems; to manage their native title rights and interests and achieve their cultural and corporate obligations and aspirations.

Where requested, the PBCSU will design and deliver tailored services directly to individual PBCs based on their specific needs and aspirations. Training and information workshops and forums are also offered and all PBCs in the NQLC region are invited to attend.

PBCSU's key services provided directly to individual PBCs are:

- PBC Support Funding: which is administered by the Federal Government, currently through the National Indigenous Affairs Agency (NIAA);
- Organisational support: to support PBCs to develop systems and practices required to function as a small efficient business;
- Governance support: to establish, embed and maintain the fundamentals of running a PBC and managing risks; and
- Sustainable financial positioning: support for PBCs to engage in enterprise development to realise social, cultural and economic benefits from native title and other opportunities.

In 2019/20 PBCSU met with multiple PBCs to provide direct support and resources. At a regional level, PBCSU facilitated a MYOB and Microsoft Office Skills workshop and a Native Title Compensation Information Session in conjunction with the National Native Title Council.

A number of activities scheduled for April, May and June 2020 had to be cancelled due to the COVID-19 pandemic.

“  
The NQLC has achieved an ‘unqualified audit opinion’ from our auditors, Grant Thornton Audit Pty Ltd.  
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## 4.3 Discussion and Analysis of the NQLC's Financial Performance against Budget

During the 2019-2020 financial year, the NQLC continued to undertake two NIAA pre-approved efficiency improvement projects, being:

- completion of website re-design, and
- the planned progressive implementation of an Electronic Document and Records Management System which is currently in process.

As at the end of the financial year, three external anthropological contracts remained outstanding, however finalization of these contracts have been committed from the 2019-2020 grant funds.

With approval from NIAA, the NQLC made some minor office and security improvements to its newly leased Townsville Office.

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

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

The NQLC was principally funded by NIAA during 2019-2020.

The NQLC obtained approval from NIAA to expend previous year surplus funds prior to expiry of its current agreement which has been extended until 31 December 2020.

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



## 4.4 Developments since 30 June 2020 that have affected or may significantly affect NQLC's Future Operations

NQLC's grant funding from NIAA is guaranteed until 31 December 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.

Due to the COVID-19 pandemic and disruptions to business operations and restrictions on movements from late March 2020, NIAA, in April 2020, in order to provide certainty and security to the NTRBs/SPs during the COVID-19 pandemic, extended its current agreements for a further six months until 31 December 2020.

Funding arrangements from 01 January 2021 have yet to be confirmed in writing, however NIAA advised that the broader fiscal environment and Government directives caused by the COVID-19 pandemic, would have an impact on funding in general.

Since the end of the 2019-2020 financial year, no other developments have occurred that may significantly affect the NQLC's future operations.

NTRB FUNCTIONS (FUNDS UTILISED UNDER NATIVE TITLE FUNDING AGREEMENT)	1. ACTUAL 2018-19 \$'000	2. BUDGET 2019-20 \$'000	3. ACTUAL 2019-20 \$'000	4. VARIATION (COLUMN 3 MINUS COLUMN 2)
<b>EXPENDITURE</b>				
Capital	412,104	178,514	114,183	-64,331
Activities	6,285,336	9,513,308	8,005,659	-1,507,649
Corporate	2,493,173	2,484,486	2,267,310	-217,176
<b>Total</b>	<b>9,190,613</b>	<b>12,176,308</b>	<b>10,387,152</b>	<b>-1,789,156</b>
<b>INCOME</b>				
PMC Funding	8,221,100	9,225,708	9,225,708	0
Previous Year Unexpended Funds	2,443,358	2,809,600	2,347,752	-461,848
Activity Generated Income				
- Administration Fees	24,869	86,000	132,885	46,885
- Bank Interest	61,376	25,000	22,829	-2,171
- Meeting Contributions	0	0	18,182	18,182
- Project Proponent Income	164,219	0	793,269	793,269
- Provision of Services	84,491	30,000	164,512	134,512
- Sale of Assets	25,809	0	-20,191	-20,191
Other Income	0	0	0	0
<b>Total</b>	<b>11,025,223</b>	<b>12,176,308</b>	<b>12,684,945</b>	<b>508,637</b>

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

## 5. Corporate Governance



Image: Mount Carbine

## 5.1 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 NIAA 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.



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

NQLC's Separation of Powers principles are described in section 5.1 of this report..

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 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., for example – telephone conference).

Table 3: Meetings and training attended by the NQLC Board of Directors during the 2019-2020 reporting period.

NO.	TYPE OF MEETING	DATES	NO. ATTENDING	LOCATION
<b>BOARD OF DIRECTOR MEETINGS</b>				
1	Face to Face	10 July 2019	10	Cairns
2	Teleconference	07 August 2019	8	Various
3	Teleconference	06 September 2019	10	Various
4	Face to Face	10-12 September 2019	12	Townsville
5	TC re postponement of Ward Elections	20 September 2019	10	Various
6	Teleconference - Interim Chairperson Appointed	24 September 2019	9	Various
7	Face to Face. Changes to the Executive Committee	01 October 2019	9	Cairns
8	Face to Face	06-November 2019	10	Cairns
9	Teleconference - Half Day	21 November 2019	7	Various
10	Face to Face	11 December 2019	11	Townsville
11	Face to Face	12-13 February 2020	11	Townsville
12	Teleconference	20-March 2020	9	Various

NO.	TYPE OF MEETING	DATES	NO. ATTENDING	LOCATION
13	Teleconference	16 April 2020	11	Various
14	Teleconference	07 May 2020	7	Various
15	Teleconference	04 June 2020	9	Various
16	Face to Face	11-12 June 2020	10	Cairns
<b>OFFICE BEARERS' MEETINGS / BUSINESS</b>				
1	Executive Committee	04 December 2019	4	Cairns
2	Executive Committee	18 December 2019	4	Cairns
<b>EVENTS (INVITATIONS ATTENDED BY CHAIR)</b>				
1	NAIDOC Panel Discussion / Pat Anderson	09 July 2019	Madam Chair	Cairns
2	Kimberly Land Council/Executive committee	25-29 July 2019	Madam Chair+2	Broome
3	Qld Treasury Compensation Brief	15 August 2019	Madam Chair +1	Cairns
4	Leadership ULURU	24-25 August 2019	Madam Chair	Cairns
5	Tully State High School Dinner invitation	29 August 2019	Madam Chair	Tully
6	NNTC Meeting	03 September 2019	Madam Chair	Darwin
7	NNTC Meeting	23-24 October 2019	Madam Chair	Adelaide
8	QRBA / Min A.Lynham Meeting	29-30 October 2019	Madam Chair	Bne
9	Meeting with CYLC Chairperson	04 November 2019	Madam Chair	Cns
10	CEO KRED - Presentation	05 December 2019	Madam Chair +4	Cns
11	Choorechillum AGM Qld	18 January 2020	Madam Chair	Malanda
12	My Pathway-Encounters 2020 Project	30 January 2020	Director	Cairns
13	Yuwibara Determinations	25 February 2020	Madam Chair +1	Mackay
<b>TRAINING / WORKSHOPS</b>				
1	NOUS Group Review/ R.Williams & E.Fogerty	09 July 2019	10	Cairns
2	Road Trip Workshop/ A.Tunjic	11 July 2019	10	Cairns
3	NQLC Structure and NQLC Rules Workshop/S.Carrol	4-5 November 2019	9	Cairns
4	Session around proposed NQLC Restructure Model	7-8 November 2019	9	Cairns

NO.	TYPE OF MEETING	DATES	NO. ATTENDING	LOCATION
5	Executive Committee Restructure/ Roadshow Workshop	19-21 November 2019	5	Cairns
6	Executive Committee Roadshow Travel Southern region	24-28 November 2019	5	Various
7	Executive Committee Roadshow Travel Western region and Palm Island	4-5 December 2019	4	Various
8	Board Restructure Workshop	10-11 March 2020	7	Cairns
9	Board Restructure Governance Workshop/W.Bergman	17-18 March 2020	7	Cairns
<b>WET TROPICS-TRADITIONAL OWNERS LEADERSHIP GROUP MEETINGS</b>				
1	TOLG Meeting	6 September 2019	1	Cairns

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

## 5.4 Approach adopted to identifying areas of significant financial or operational risk and arrangements in place to manage risk

The NQLC, as per NIAA'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.

## 5.5 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 3.1).

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.

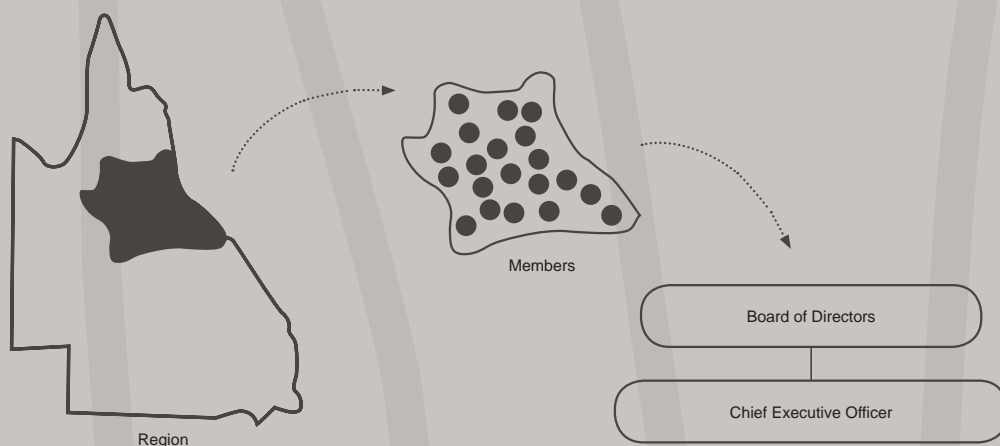
The NQLC adhere to the policies outlined in the NQLC Policy Manual. The NQLC Policy Manual includes:

- 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.





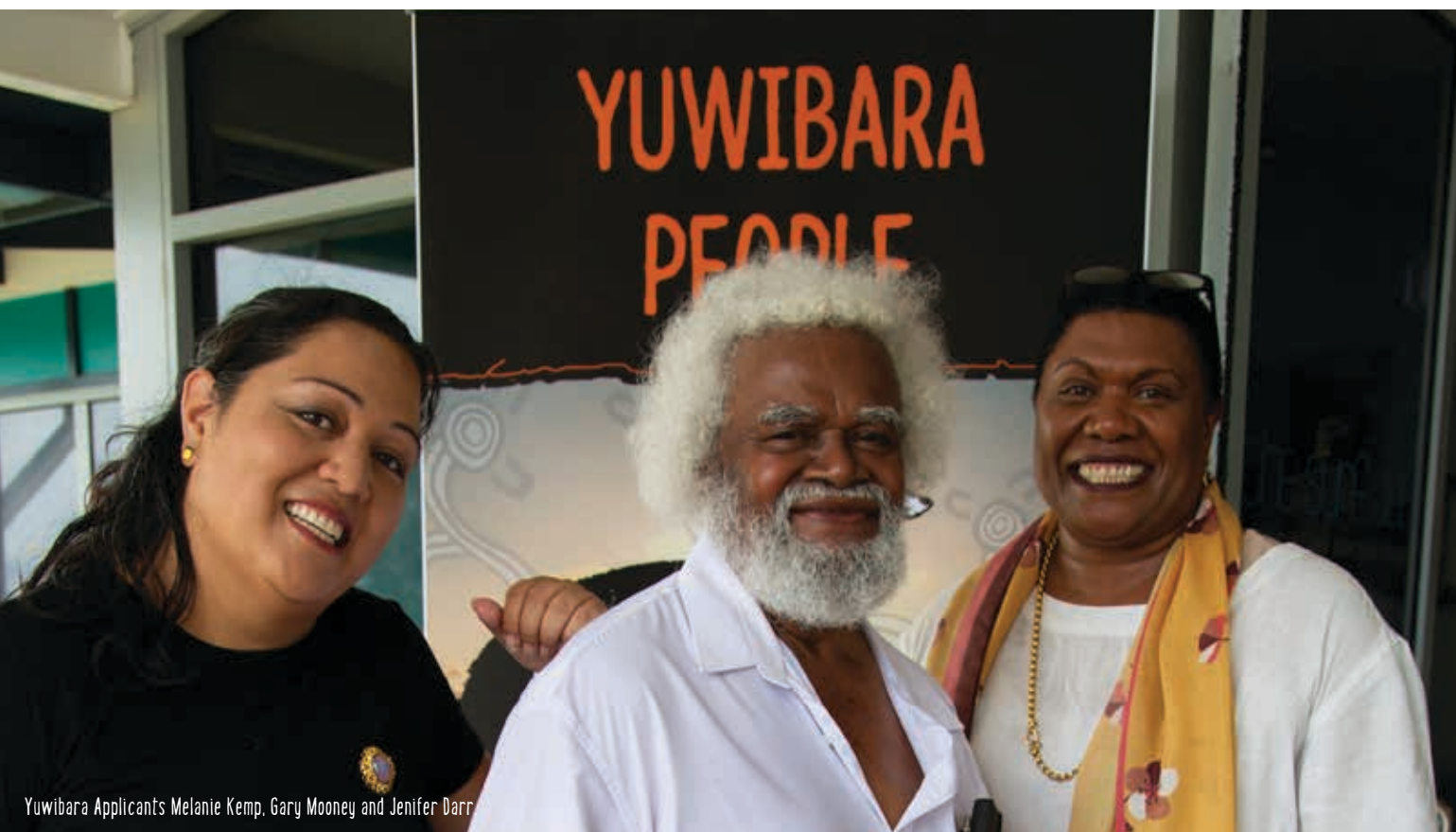
## 5.6 Nature and amount of remuneration for senior management and how it is determined

Subject to adequate funding from NIAA, 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 2019-21.

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

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



Yuwibara Applicants Melanie Kemp, Gary Mooney and Jenifer Darr



## 6. External Scrutiny



Image: Cattara Wetlands.

## 6.1 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 of the 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].

## 6.2 Judicial Decisions and Decisions Of Administrative Tribunals

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

## 6.3 Evaluation and/or Audit Reports – Findings and Responses

The audit of the NQLC's finances was unqualified See page 49 for our Annual Financial Report.

## 6.4 Other External Reviews

During the 2019-2020 financial year, the NQLC was selected in the second tranche of reviews of all NTRBs/SPs which was commissioned by NIAA and contracted to the NOUS Group.

The purpose of the NTRB/SP reviews was to assess organisational performance against Terms of Reference established by NIAA with the aim of measuring the efficiency and effectiveness of NTRBs/SPs.

Overall the NQLC received a positive report for its operational performance and financial management. Some useful recommendations were tabled which the NQLC has reviewed and has undertaken to pursue further.

In October 2019, NIAA commissioned Social Ventures Australia (SVA) Consulting to conduct a review of the funding model introduced by NIAA's predecessor agency, the Department of the Prime Minister and Cabinet for NTRB-SPs in 2016-2017. A final report has been completed and submitted to NIAA for review.



## 7. Consultants & Competitive Tendering



Image: Davies Creek National Park.



## 7.1 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 NIAA'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.

## 7.2 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 NIAA funds for these contract categories are listed in Table 4.

CONTRACT TYPE	NO. OF CONTRACTS LET 2019/20	TOTAL EXPENDITURE
Corporate and General	20	\$258,941
Anthropological	6	\$133,149
Legal	24	\$854,563
<b>TOTAL</b>	<b>50</b>	<b>\$1,246,653</b>

Table 4: Consultancy information 2019-2020 Financial Year.

# 8. Management of Human Resources

Image: Cairns sunrise, looking to Yarrabah.

## 8.1 Workforce Planning, Staff Turnover and Retention

As at 30 June 2020 NQLC had 41 staff, of which 29.3% were Indigenous.

The Organisational Chart (see Figure 2, page 10) provides a detailed list of all positions.

During this reporting period there was a turnover of seven staff. Four staff resigned, one retired and two fixed term contracts expired.

## 8.2 Training and Development Undertaken and its Impact

Throughout the year staff have attended various training seminars, workshops, forums, conferences and webinars. Professional staff attended training seminars and conferences in their field of expertise. These included various Legalwise seminars, native title intensive webinars, taxation, payroll and FBT training, employment law and specialty human resource training seminars, conflict resolution and mediation and environmental and climate renewables webinars.

Other training throughout the year included Justice of the Peace training, First Aid training and CPR renewals, cultural capability training, freelance journalism, Microsoft Word and Excel training.

Other meetings attended by staff included native title representative body forums and National Native Title Council meetings.

## 8.3 Impact and features of Enterprise Agreement

Throughout the 2019/2020 financial year the NQLC finalised its new 2019-2021 Enterprise Agreement.

## 8.4 Workplace Health and Safety Performance

The NQLC maintains a Workplace Health and Safety (HSC) Committee and abides by the *Queensland Work Health and Safety Act 2011*. The Committee members 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.

## 8.5 Statistics of Staffing

Refer to Table 5 for a comparison on staffing numbers for the 2019-2020 and 2018-2019 reporting period. See also Figure 2 for the current staff structure as at 30 June 2020 and section 8.1 Workforce Planning, Staff Turnover and Retention.

## 8.6 Indemnities and Insurance

The NQLC holds Professional Indemnity Insurance cover up to ten million dollars, at a premium of \$40,575 per annum. This insurance covers Directors and Officers. During this period there have been no claims made under this policy.

TABLE 5: COMPARISON ON STAFFING NUMBERS FOR THE 2019/20 AND 2018/19 REPORTING PERIOD

POSITION	NO. OF STAFF 2019/20 (AS AT 30 JUNE 2020)	NO. OF STAFF 2018/19 (AS AT 30 JUNE 2019)
Chief Executive Officer	1	1
Principal Legal Officer	1	1
Chief Financial Officer	1	1
Lawyers	13	10
Paralegal	0	2
Anthropologists	4	4
Project Officers	3	5
Administration & Other Officers	18	17
<b>Total Number Of Staff</b>	<b>41</b>	<b>41</b>

# 9. Summary of Native Title Determinations

## 9.1 Summary of Native Title Determinations represented by NQLC in 2019-2020

During the 2019-2020 reporting period, NQLC had one native title consent determination, the Yuwibara People, in February 2020. See below table for further details.

YUWIBARA PEOPLE	
Federal Court file no(s)	QUD12/2019
Short name	Yuwibara People
Case name	Mooney on behalf of the Yuwibara People and 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)	Mackay Regional Council
Determination date	25/02/2020
Date/s of effect	25/02/2020, 2/07/2020
Registered Native Title Body Corporate	Yuwi Aboriginal Corporation







## 9.2 Summary of Native title determinations represented by NQLC

As at June 30 2020, NQLC have had 54 Native Title Consent Determinations.

DETERMINATION DATE	FEDERAL COURT NUMBER	CLAIM NAME	REGISTERED NATIVE TITLE BODY CORPORATE
25/02/2020	QUD12/2019	Yuwibara People	Yuwi Aboriginal Corporation
04/04/2019	QUD308/2014	Gulngay People	Gulngay Kinjufile Aboriginal Corporation
01/08/2018	QUD741/2015	Girramay People #2	Girramay People Aboriginal Corporation RNTBC
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
29/06/2016	QUD492/2013	Widi People Of The Nebo Estate #2	Gangali Narra Widi Aboriginal Corporation
29/06/2016	QUD380/2008 QUD492/2013	Barada Barna People And Widi People Of The Nebo Estate #2 Shared-Country	Gangali Narra Widi Aboriginal Corporation
10/06/2016	QUD6015/2001	Bar Barrum People #2	Mbabaram Aboriginal Corporation
10/06/2016	QUD6017/2001	Bar Barrum People #3	Mbabaram Aboriginal Corporation
10/06/2016	QUD6030/2001	Bar Barrum People #4	Mbabaram Aboriginal Corporation
10/06/2016	QUD6032/2001	Bar Barrum People #6	Mbabaram Aboriginal Corporation
22/06/2015	QUD 554/2010	Juru People (Part B)	Kyburra Munda Yalga Aboriginal Corporation
11/07/2014	QUD 554/210	Juru People (Part A)	Kyburra Munda Yalga Aboriginal Corporation
18/03/2014	QUD80/2005	Gudjala People	Ngrragoonda Aboriginal Corporation RNTBC
18/03/2014	QUD147/2006	Gudjala People #2	Ngrragoonda Aboriginal Corporation RNTBC

DETERMINATION DATE	FEDERAL COURT NUMBER	CLAIM NAME	REGISTERED NATIVE TITLE BODY CORPORATE
26/11/2013	QUD6009/1999	Ewamian People #2	Tatampi Puranga Aboriginal Corporation RNTBC
26/11/2013	QUD6018/2001	Ewamian People #3	Tatampi Puranga Aboriginal Corporation RNTBC
1/11/2013	QUD6014/2001	Mamu People	Mamu Aboriginal Corporation RNTBC
24/09/2013	QUD6008/1999	Western Yalanji #4	Western Yalanji Aboriginal Corporation RNTBC
24/09/2013	QUD6003/2001	Western Yalanji Combined #5 and #7	Western Yalanji Aboriginal Corporation RNTBC
23/09/2013	QUD111/2004	Warrungu People #2	Goondaloo Aboriginal Corporation RNTBC
26/03/2013	QUD208/2004	Tableland Yidinji People #3	Wadjanbarra Tableland Yidinji Aboriginal Corporation
14/12/2012	QUD6030/1999	Tableland Yidinji People	Wadjanbarra Tableland Yidinji Aboriginal Corporation
10/12/2012	QUD6109/1998	Tagalaka People	Tagalaka Aboriginal Corporation RNTBC
10/12/2012	QUD6020/2001	Tagalaka People #2	Tagalaka Aboriginal Corporation RNTBC
9/10/2012	QUD6230/1998	Jangga People	Bulganunna Aboriginal Corporation RNTBC
21/09/2012	QUD6016/2001	Combined Mandingalbay Yidinji - Gunggandji	Gunggandji-Mandingalbay Yidinji Peoples PBC Aboriginal Corporation RNTBC
2/08/2012	QUD208/1997	Djungan People #1	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
2/08/2012	QUD6022/1998	Djungan People #2	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
2/08/2012	QUD6116/1998	Djungan People #3	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
2/08/2012	QUD6036/2001	Djungan People #4	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
1/08/2012	QUD85/2005	Gugu Badhun People #2	Gugu Badhun Aboriginal Corporation RNTBC
19/12/2011	QUD6013/2001	Combined Gunggandji	Gunggandji PBC Aboriginal Corporation RNTBC
14/12/2011	QUD6035/2001	Muluridji People #2	Muluridji Tribal Aboriginal Corporation RNTBC
14/11/2011	QUD6208/1998	Muluridji People	Muluridji Tribal Aboriginal Corporation RNTBC
1/09/2011	QUD6003/2003	Djiru People #2	Djiru Warrangburra Aboriginal Corporation RNTBC
1/09/2011	QUD6006/2003	Djiru People #3	Djiru Warrangburra Aboriginal Corporation RNTBC

DETERMINATION DATE	FEDERAL COURT NUMBER	CLAIM NAME	REGISTERED NATIVE TITLE BODY CORPORATE
31/08/2011	QUD296/2008	Wanyurr Majay People	Wanyurr-Majay Aboriginal Corporation RNTBC
26/07/2011	QUD6249/1998	Juru (Cape Upstart) People	Kyburra Munda Yalga Aboriginal Corporation RNTBC
08/10/2010	QUD6001/2003	Jirrbal People #1	Wabubadda Aboriginal Corporation RNTBC
08/10/2010	QUD41/2004	Jirrbal People #2	Wabubadda Aboriginal Corporation RNTBC
08/10/2010	QUD42/2004	Jirrbal People #3	Wabubadda Aboriginal Corporation RNTBC
17/12/2009	QUD6012/2001	Combined Dulabed and Malanbarra Yidinji	Dulabed Malanbarra and Yidinji Aboriginal Corporation RNTBC
10/12/2009	QUD6240/1998	Girramay People	Girramay People Aboriginal Corporation RNTBC
12/12/2007	QUD6027/1999	Ngadjon-Jii People	Choorechillum (Ngadjon Jii PBC) Aboriginal Corporation RNTBC
24/04/2006	QUD6015/1998	Mandingalbay Yidinji People	Mandingalbay Yidinji Aboriginal Corporation RNTBC
17/02/2006	QUD6089/1998	Western Yalanji People	Western Yalanji Aboriginal Corporation RNTBC
17/12/2004	QUD6002/1998	Djabugay People	Djabugay Native Title Aboriginal Corporation RNTBC
28/06/2001	QUD6222/1998	Bar-Barrum People	Bar-Barrum Aboriginal Corporation RNTBC
28/09/1998	QUD6002/1996	Western (Sunset) Yalanji	Western Yalanji Aboriginal Corporation RNTBC



# 10. Annual Financial Report

North Queensland Land Council Native  
Title Representative Body Aboriginal  
Corporation

ABN 19 047 713 117

Annual Financial Report for the year  
ended 30 June 2020

Appointed Auditors: Grant Thornton

## Contents

Directors' report	51
Auditor's independence declaration	57
Statement of comprehensive income	58
Statement of financial position	59
Statement of changes in equity	60
Statement of cash flows	61
Notes to the financial statements	62
Directors' declaration	83
Independent auditor's report	84

## Abbreviations

ATSIC	Aboriginal and Torres Strait Islander Commission
NIAA	National Indigenous Australians Agency



## 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 2020 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>Angelina Akee</b>	<b>Chairperson and Director – appointed 23 September 2019</b>
Experience	Chairperson – ATSI Cultural Centre Trust Chairperson - Townsville ATSI Corporation for Women Chairperson - Kyburra Munda Yalga Prescribed Body Corporate Committee Member Indigenous Reef Advisory Committee (IRAC)
Ward	Townsville/Ayr
Traditional Owner	Bindal/Birri Gubba/Gurambilbaŋra
<b>Kaylene Malthouse</b>	<b>Chairperson and Director – ceased 23 September 2019</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>Vana O'Shane</b>	<b>Deputy Chairperson and Director – appointed 23 September 2019</b>
Qualifications	Certificate IV in Business Governance
Experience	Director of North Queensland Land Council (2009 – 2013)
Ward	Cairns
Traditional Owner	Western Yalanji
<b>Phil Rist</b>	<b>Deputy Chairperson and Director – ceased 23 September 2019</b>
Qualifications	Certificate IV in Business Governance
Experience	First Indigenous Marine Park Inspector for QLD Parks & Wildlife Service Founding Member and current CEO of Girringun Aboriginal Corporation Working Group Leader for Referendum Council Chair Indigenous Art Centre Alliance (IACA) Chair Indigenous Reef Advisory Committee (IRAC)
Ward	Tully
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>Tracey Heenan</b>	<b>Treasurer and Director</b>
Experience	Previous Director of NQLC (2008-2010) Secretary of Biddi Biddi Community Advancement Co-operative Society Ltd
Ward	Tablelands
Traditional Owner	Tableland Yidinji
<b>Errol Neal</b>	<b>Director</b>
Qualifications	Certificate IV in Business Governance
Experience	Indigenous Cultural Educator and Performer Mayor of Yarrabah Aboriginal Shire Council Qld (2012 – 2016) 30 Years Activist on the issues of Social Justice and Land Rights Chairperson of NQLC Board (2012 – 2015)
Ward	Yarrabah
Traditional Owner	Gunggandji/Djungan
<b>Patricia Dallachy</b>	<b>Director</b>
Qualifications	TAFE Certificate IV in Business Governance Completed a short course in Archaeology and Anthropology
Experience	Treasurer NQLC Board (2013 – 2015)
Ward	Hughenden/Charters Towers
Traditional Owner	Gudjala
<b>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>Victor Maund</b>	<b>Director</b>
Experience	Association with the Mandubarra Turtle Rehab
Ward	Innisfail
Traditional Owner	Mamu



<b>Danny Hooligan</b>	<b>Director – Appointed 4 June 2020</b>
Experience	Former Police Liaison Officer of Mount Garnet Police Station Founding member of the North Queensland Land Council
Ward	Mount Garnet
Traditional Owner	Warrungu
<b>Alwyn Lyall</b>	<b>Director – Ceased 27 May 2020</b>
Experience	Previous Chair of Western Yalanji Aboriginal Corporation RNTBC (2011-2017) Member of FAME Reference Group
Ward	Mt Garnet
Traditional Owner	Kuku Yalanji
<b>Arthur Clumpoint</b>	<b>Director</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
<b>Samson Backo</b>	<b>Director – Appointed 14 November 2019</b>
Experience	Coordinator at Time to Work Employment Services (TRACQS) Lifelong advocate of Indigenous rights Former professional rugby league football player and in 2000 awarded an Australian Sports Medal
Ward	Tully
Traditional Owner	Warrgamay
<b>Brad Grogan</b>	<b>Director – Appointed 7 November 2019</b>
Experience	Current CEO of Western Yalanji Aboriginal Corporation
Ward	Tablelands
Traditional Owner	Western Yalanji

### Corporation secretary

Mr Stephen Ducksbury was appointed to the position of Corporation Secretary on 12 September 2019 following the resignation of Mr Martin Dore who held the position since 3 November 2005.

### Principal activities

The principal activity of the Corporation during 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 \$203,975 (2019: \$238,131).

### **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, 16 board meetings and 2 executive meetings of directors were held. The NQLC AGM scheduled for 16 November 2019 has been deferred to 30 November 2020 due to the NQLC restructure process and COVID 19 issues. At year end there were 12 directors and 10 wards.

## Directors' meetings continued

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	4	4	-	-
Phil Rist	3	4	-	-
Angelina Akee	14	15	2	2
Gary Mooney	15	15	2	2
Errol Neal	11	15	-	-
Patricia Dallachy	10	15	-	-
Tracey Heenan	13	15	2	2
Terence O'Shane	12	15	1	1
Vana O'Shane	15	15	2	2
Victor Maund	14	15	-	-
Alwyn Lyall	9	13	-	-
Arthur Clumpoint	6	15	-	-
Brad Grogan	5	8	-	-
Samson Backo	6	8	-	-
Danny Hooligan	1	1	-	-

## 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 2020 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 auditor's independence declaration is set out on the following page and forms part of the directors' report for the financial year ended 30 June 2020.

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

  
Director

  
Director

Dated at Cairns this 1st day of October. 2020



# Auditor's independence declaration

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## 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 2020, I declare that, to the best of my knowledge and belief, there have been:

- a 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
- b 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, 1<sup>st</sup> Oct 2020

Grant Thornton Audit Pty Ltd ACN 130 913 594  
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## Statement of comprehensive income

For the year ended 30 June 2020

	Note	2020 \$	2019 \$
<b>Income</b>			
Revenue	5	10,775,558	9,164,806
Gain/(Loss) on sale of property, plant and equipment		(20,190)	25,809
<b>Total income</b>		<b>10,755,368</b>	<b>9,190,615</b>
<b>Expenses</b>			
Contractors and consultants	6	1,970,778	1,172,652
Director expenses		148,291	166,125
Motor vehicles		25,559	29,003
Travel and meetings		274,752	337,939
Employee expenses	7	4,856,988	4,725,175
Rent		47,409	158,719
Interest		15,327	-
Service expenses	8	2,138,752	2,021,699
Finance costs		1,844	2,978
Depreciation and amortisation		278,424	173,974
Other expenses	9	793,269	164,220
<b>Total expenses</b>		<b>10,551,393</b>	<b>8,952,484</b>
<b>Net surplus before tax</b>		<b>203,975</b>	<b>238,131</b>
Income tax expense	4e	-	-
<b>Surplus for the year</b>		<b>203,975</b>	<b>238,131</b>
Other comprehensive income		-	-
<b>Total comprehensive income</b>		<b>203,975</b>	<b>238,131</b>

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

## Statement of financial position

As at 30 June 2020

	Note	2020 \$	2019 \$
<b>Assets</b>			
Cash and cash equivalents	10	3,993,092	4,137,438
Investments	4j	-	54,945
Trade and other receivables	11	126,026	94,565
Prepayments	12	95,687	83,910
<b>Total current assets</b>		<b>4,214,805</b>	<b>4,370,858</b>
Property, plant and equipment and work in progress	13	1,788,066	1,838,088
Right-of-use assets	14	277,868	-
Intangible assets	15	184,389	207,652
<b>Total non-current assets</b>		<b>2,250,323</b>	<b>2,045,740</b>
<b>Total assets</b>		<b>6,465,128</b>	<b>6,416,598</b>
<b>Liabilities</b>			
Trade and other payables	17	781,442	1,101,559
Contract liabilities	18	2,709,281	-
Lease liabilities	20	112,566	-
Employee benefits	19	547,062	575,890
Grants unexpended, repayable or received in advance	5	-	2,809,599
<b>Total current liabilities</b>		<b>4,150,351</b>	<b>4,487,048</b>
Lease liabilities	20	192,521	-
Employee benefits	19	123,323	134,592
<b>Total non-current liabilities</b>		<b>315,844</b>	<b>134,592</b>
<b>Total liabilities</b>		<b>4,466,195</b>	<b>4,621,640</b>
<b>Net assets</b>		<b>1,998,933</b>	<b>1,794,958</b>
<b>Equity</b>			
Retained surplus		1,998,933	1,794,958
<b>Total equity</b>		<b>1,998,933</b>	<b>1,794,958</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 2020

	2020 \$	2019 \$
<b>Retained surplus</b>		
Balance at 1 July	1,794,958	1,556,827
Net surplus for the year	203,975	238,131
Total other comprehensive income for the year	-	-
<b>Balance at 30 June</b>	<b>1,998,933</b>	<b>1,794,958</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 2020

	Note	2020 \$	2019 \$
<b>Cash flows from operating activities</b>			
Receipts from government grants		9,225,709	8,221,100
Payments to suppliers and employees		(10,361,778)	(8,534,361)
Cash generated from (used in) operating activities		(1,136,069)	(313,261)
Interest received		22,829	61,376
Other receipts		1,127,385	314,259
<b>Net cash from/ (used in) operating activities</b>	21	<b>14,145</b>	<b>62,374</b>
<b>Cash flows from investing activities</b>			
Proceeds from sale of property, plant and equipment		-	25,809
Acquisition of property, plant and equipment		(30,028)	(280,648)
Acquisition of intangibles		(84,153)	(131,455)
Acquisition of investments		54,945	(1,526)
<b>Net cash from/ (used in) investing activities</b>		<b>(59,236)</b>	<b>(387,820)</b>
<b>Cash flows from financing activities</b>			
Payment of lease liabilities		(99,255)	-
<b>Net cash from/ (used in) financing activities</b>		<b>(99,255)</b>	<b>-</b>
Net increase (decrease) in cash and cash equivalents		(144,346)	(325,446)
Cash and cash equivalents at 1 July	10	4,137,438	4,462,884
<b>Cash and cash equivalents at 30 June</b>	10	<b>3,993,092</b>	<b>4,137,438</b>

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

## Notes to the financial statements

### For the year ended 30 June 2020

#### 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") and the Corporations (Aboriginal and Torres Strait Islander) Act 2006. Because the Corporation is a not-for-profit entity and AASBs include requirements for not-for-profit entities which are inconsistent with International Financial Reporting Standards ("IFRSs") to the extent these inconsistencies are applied, the financial statements of the Corporation do not comply with IFRSs adopted by the International Accounting Standards Board. The main impact is the timing of the recognition of grant income.

The financial statements 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 entered into a contract to rent office space as disclosed in Note 20. Management has determined that the contract conveys the right to control the use of an identified asset for a period of time, in exchange for consideration, and has therefore determined the contract contains a lease.



#### 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 Economic dependency and going concern**

During the year the Corporation has had to manage with the COVID-19 situation which has impacted organisations around the world. This has led to uncertainties surrounding future funding, including a revised six-month funding period until 31 December 2020.

Management and the Board have undertaken several measures to mitigate future funding risks:

- Introduction of virtual meetings, using Zoom and teleconference facilities to enable business as usual, and thus reducing travel and overhead expenses;
- Employee retrenchment resulting in substantial cost savings of approximately \$800,000;
- Telecommunications changes, resulting in cost savings of approximately \$100,000;
- Deferment of proposed external contracts, resulting in cost savings of approximately \$320,000;
- Continued dialogue with our government funding body to negotiate a further 18-24-month funding agreement from 1 January 2021.

As a result of these measures, Management and the Board are confident that the Corporation's activities will continue, albeit in a reduced form until the COVID-19 situation resolves and a return to normal business practices can be restored.

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's working capital position has improved from a shortfall in 2019 of (\$116,190) to a surplus in 2020 \$64,454. The Corporation has adequate cash reserves of \$3,993,092.

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 initially applied AASB 15, 16 and 1058 from 1 July 2019. A number of other new standards are also effective from 1 July 2019, but they are not relevant to and/or do not have a material effect on the Corporation's financial statements.

#### **AASB 15 Revenue from Contracts with Customers**

AASB 15 has been adopted from 1 July 2019. The standard provides a single comprehensive model for revenue recognition. The core principle of the standard is that an entity shall recognise revenue to depict the transfer of promised goods or services to customers at an amount that reflects the consideration to which the entity expects to be entitled in exchange for those goods or services. The standard introduced a new contract-based revenue recognition model with a measurement approach that is based on an allocation of the transaction price. This is described further in the accounting policies below. Credit risk is presented separately as an expense rather than adjusted against revenue. Contracts with customers are presented in an entity's statement of financial position as a contract liability, a contract asset, or a receivable, depending on the relationship between the entity's performance and the customer's



payment. Customer acquisition costs and costs to fulfil a contract can, subject to certain criteria, be capitalised as an asset and amortised over the contract period.

#### AASB 1058 Income of Not-for-Profit Entities

AASB 1058 has been adopted from 1 July 2019. The standard replaces AASB 1004 *Contributions* in respect of income recognition requirements for not-for-profit entities.

Grants received by an entity will now be accounted for under AASB 15 where the grant received arises from an agreement which is enforceable and contains sufficiently specific performance obligations. As such, the grant revenue is recognised when each performance obligation is satisfied. This excludes certain capital grants referred to below.

Other grants, including certain capital grants, will generally now be accounted for under AASB 1058. For those grants, the timing of income recognition under AASB 1058 is dependent upon whether the transaction gives rise to a liability or other performance obligation at the time of receipt. Income under the standard is recognised where:

- an asset is received in a transaction, such as by way of grant, bequest, or donation;
- there has either been no consideration transferred, or the consideration paid is significantly less than the asset's fair value; and
- the intention is to principally enable the entity to further its objectives.

For transfers of financial assets (usually cash or a receivable) to the entity which enable it to acquire or construct a recognisable non-financial asset, i.e. capital grants, the entity must recognise a liability amounting to the excess of the fair value of the transfer received over any related amounts recognised. Related amounts recognised may relate to contributions by owners, AASB 15 revenue or contract liability recognised, lease liabilities in accordance with AASB 16, financial instruments in accordance with AASB 9, or provisions in accordance with AASB 137. The liability is brought to account as income over the period in which the entity satisfies its performance obligation.

Where fair value of volunteer services received can be measured, a private sector not-for-profit entity can elect to recognise the value of those services as an asset where asset recognition criteria are met or otherwise recognise the value as an expense.

#### Impact of transition

The adoption of AASB 15 and AASB 1058 has mainly affect the following areas:

AASB 15 and AASB 1058 were adopted using the modified retrospective approach and as such the comparatives have not been restated on the date of initial application of the standards, no adjustments to net surplus or opening retained surplus were made.

The tables below highlight the impact of AASB 15 and AASB 1058 on the statement of comprehensive income and the statement of financial position for the year ended 30 June 2020. The adoption of these standards did not have a material impact on the statement of cash flows.



	Amounts under the previous standards \$	Adjustments \$	Amounts under AASB 15 and 1058 \$
<b>Statement of comprehensive income</b>			
Grant income	9,275,666	318,217	9,593,883
Other income	(20,190)	-	(20,190)
Other revenue	1,181,675	-	1,181,675
Total expenses	(10,551,393)	-	(10,551,393)
<b>Net surplus / (deficit)</b>	<b>(114,242)</b>	<b>318,217</b>	<b>203,975</b>

	Amounts under the previous standards \$	Adjustments \$	Amounts under AASB 15 and 1058 \$
<b>Statement of financial position (extract)</b>			
<b>Assets</b>			
Current assets	4,214,805	-	4,214,805
<b>Current assets</b>	<b>4,214,805</b>	<b>-</b>	<b>4,214,805</b>
Non-current assets	2,250,323	-	2,250,323
<b>Non-current assets</b>	<b>2,250,323</b>	<b>-</b>	<b>2,250,323</b>
<b>Total assets</b>	<b>6,465,128</b>	<b>-</b>	<b>6,465,128</b>
<b>Liabilities</b>			
Grant unexpended	2,759,642	(2,759,642)	-
Revenue received in advance	267,856	(267,856)	-
Contract liability	-	2,709,281	2,709,281
Other current liabilities	1,441,070	-	1,441,070
<b>Current liabilities</b>	<b>4,468,568</b>	<b>(318,217)</b>	<b>4,150,351</b>
Non-current liabilities	315,844	-	315,844
<b>Non-current liabilities</b>	<b>315,844</b>	<b>-</b>	<b>315,844</b>
<b>Total liabilities</b>	<b>4,784,412</b>	<b>(318,217)</b>	<b>4,466,195</b>
<b>Net assets</b>	<b>1,680,716</b>	<b>318,217</b>	<b>1,998,933</b>
<b>Equity</b>			
Retained surplus	1,680,716	318,217	1,998,933
<b>Total equity</b>	<b>1,680,716</b>	<b>318,217</b>	<b>1,998,933</b>

The adjustments above relate to the calculation of contract liabilities (carried forward grant balances) which don't include activity generated income this year.

#### AASB 16 Leases

AASB 16 has been adopted from 1 July 2019. The standard replaces AASB 117 *Leases* and for lessees eliminates the classifications of operating leases and finance leases. Except for short-term leases and leases of low-value assets, right-of-use assets and corresponding lease liabilities are recognised in the statement of financial position. Straight-line operating lease expense recognition is replaced with a depreciation charge for the right-of-use assets (included in operating costs) and an interest expense on the recognised lease liabilities (included in finance costs). In the earlier

period of the lease, the expenses associated with the lease under AASB 16 will be higher when compared with lease expenses under AASB 117. For classification within the statement of cash flows, the interest portion is disclosed in operating activities and the principal portion of the lease payments is separately disclosed in financing activities. For lessor accounting, the standard does not substantially change how a lessor accounts for leases.

#### Impact of transition

While this represents significant new guidance, the implementation of this new guidance did not have a significant impact on the result of the Corporation during the year. Similarly, there were no adjustments required to opening retained surplus on transition.

### **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 2019 and have not been applied in preparing these financial statements. The Corporation has not yet assessed the impact of these new or amended standards.

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, except for the changes in accounting standards as explained in Note 3.

### **a Revenue**

#### Policy applicable from 1 July 2019

Revenue from contracts with customers is recognised by reference to each distinct performance obligation in the contract with the customer. Revenue from contracts with customers is measured at its transaction price, being the amount of consideration which the Corporation expects to be entitled to in exchange for transferring promised goods or services to a customer, net of goods and services tax, returns, rebates and discounts. The transaction price is allocated to each performance obligation based on the relevant standalone selling price of each distinct good or service promised in the contract. Depending on the substance of the contract, revenue is recognised when the performance obligation is satisfied, which may be at a point in time or over time.

The Corporation recognises other revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Corporation and specific criteria have been met for each of the Corporation's activities. The Corporation bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Revenue is recognised for the major business activities using the methods outlined below.

#### Fee income

Revenue arising from fees is recognised at a point in time when the performance obligation is completed and the customer receives the benefit of the services being provided.

The performance obligation relates to the specific services provided to the customer.

As amounts are billed to the customer upfront, these are recognised as a contract liability until after the meeting has taken place and the Corporation has a right to payment.



#### Contract balances

Contract assets are recognised when the Corporation has transferred goods or services to the customer but where the Corporation is yet to establish an unconditional right to consideration. Contract assets are treated as financial assets for impairment purposes.

Contract liabilities represent the Corporation's obligation to transfer goods or services to a customer and are recognised when a customer pays consideration, or when the Corporation recognises a receivable to reflect its unconditional right to consideration (whichever is earlier) before the Corporation has transferred the goods or services to the customer.

#### Policy applicable before 1 July 2019

##### Services

Revenue from rendering of services was previously recognised in proportion to the stage of completion of the transaction at reporting date. The stage of completion was assessed based on surveys of work performed.

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

##### Policy applicable from 1 July 2019

##### Grants under AASB 15

Grants (other than certain capital grants) are accounted for under AASB 15 where the grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations. As such, the revenue is recognised when each performance obligation is satisfied.

##### Grants under AASB 1058

Other grants, including certain capital grants, are generally accounted for under AASB 1058.

The timing of income recognition under AASB 1058 is dependent upon whether the transaction gives rise to a liability or other performance obligation at the time of receipt. Income under the standard is recognised where:

- an asset is received in a transaction, such as a by way of grant, bequest, or donation;
- there has either been no consideration transferred, or the consideration paid is significantly less than the asset's fair value; and
- the intention is to principally enable the entity to further its objectives.

Assets arising from grants in the scope of AASB 1058 are recognised at the assets' fair values when the assets are received. Any related liability or equity items associated with the asset are recognised in accordance with the relevant accounting standard. Once the asset and any related liability or equity items have been recognised, then income is recognised for any remaining asset value at the time the asset is received.

For transfers of financial assets (usually cash and/or a receivable) to the Corporation which enable it to acquire or construct a recognisable non-financial asset, a liability is recognised for the excess of the fair value of the transfer received over any related amounts recognised. Related amounts recognised may relate to contributions by owners, AASB 15 revenue or contract liability recognised, lease liabilities in accordance with AASB 16, financial instruments in accordance with AASB 9, or provisions in accordance with AASB 137. The liability is brought to account as income over the period in which the Corporation satisfies its performance obligation.

##### Policy applicable before 1 July 2019



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

Reciprocal transfers were those where approximately equal value was exchanged in the transfer between the transferor (grantor) and the transferee (grantee). Non-reciprocal transfers were those where equal value was not exchanged. Where grants and other contributions were received that were reciprocal in nature, revenue was recognised over the term of the funding arrangements.

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

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

##### **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.

##### **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 2020 were \$598,548 (2019: \$588,124).

##### **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. That benefit is discounted to determine its present value. Remeasurements are recognised in income or expense in the period in which they arise.

##### **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 Intangible assets**

### Recognition and measurement

#### *Acquired intangible assets*

Acquired computer software licences are capitalised based on the costs incurred to acquire and install the specific software.

#### *Internally developed software*

Expenditure on the research phase of projects to develop new customised software is recognised as an expense as incurred.

Costs that are directly attributable to a project's development phase are recognised as intangible assets, provided they meet the following recognition requirements:

- the development costs can be measured reliably
- the project is technically and commercially feasible
- the organisation intends to and has sufficient resources to complete the project
- the organisation has the ability to use or sell the software; and
- the software will generate probable future economic benefits

Development costs not meeting these criteria for capitalisation are expensed as incurred.

### Subsequent measurement

All intangible assets, including internally developed software, are accounted for using the cost model whereby capitalised costs are amortised on a straight-line basis over their estimated useful lives, as these assets are considered finite. Residual values and useful lives are reviewed at each reporting date and adjusted if appropriate. The following useful lives are applied:

- Software 3 – 5 years

#### Remaining amortisation period:

- Document management system 3 – 5 years
- Other software 4 years

Subsequent expenditure on the maintenance of computer software are expensed as incurred.

## **g Property, plant and equipment**

### 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.



#### 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.

#### 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. 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% - 25%
• Motor vehicles	12.5%
• Office equipment	10% - 33.33%
• Leasehold improvements	23.26% - 28.57%

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

#### **h 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 2019-20, include computer software.

#### **i 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.

#### **j Rental bond**

During the year ended 30 June 2020 the Corporation terminated the lease of its Townsville office at 61-73 Sturt Street on 21 July 2019. The terms of the lease agreement required the Corporation to secure a bank guarantee of \$54,945 in the event of default. The term deposit established to secure the bank guarantee has been terminated and the funds returned to the Corporation.

#### **k Financial instruments**

Recognition, initial measurement and derecognition

Trade receivables are initially recognised when they are originated. All other financial assets and financial liabilities are initially recognised when the Corporation becomes a party to the contractual provisions of the instrument.

A financial asset, unless it is a trade receivable without a significant financing component, or a financial liability is initially measured at fair value plus, for an item not at fair value through profit or loss, transaction costs that are directly attributable to its acquisition or issue. A trade receivable without a significant financing component is initially measured at the transaction price.

A financial asset is derecognised when the contractual rights to the cash flows from the financial asset expire, or when the financial asset and all substantial risks and rewards of ownership are transferred.



A financial liability is derecognised when its contractual obligations are discharged, cancelled or expire.

#### Classification and subsequent measurement

##### Financial assets

For the purpose of subsequent measurement, financial assets are classified into the following categories upon initial recognition:

- amortised cost
- fair value through profit or loss
- equity instruments at fair value through other comprehensive income
- debt instruments at fair value through other comprehensive income

Classifications are determined by both:

- the Corporation's business model for managing the financial asset
- the contractual cash flow characteristics of the financial asset

All income and expenses relating to financial assets that are recognised in income and expenses are presented within finance income, finance costs or other financial items, except for impairment of trade receivables which is presented within other expenses.

##### *Financial assets at amortised cost*

A financial asset is measured at amortised cost if it meets both of the following conditions and is not designated as at fair value through profit or loss:

- it is held within a business model whose objective is to hold assets to collect contractual cash flows, and
- its contractual terms give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

After initial recognition, these are measured at amortised cost using the effective interest method. Discounting is omitted where the effect of discounting is immaterial. The Corporation has determined that all its financial assets fall within the amortised cost category.

##### Financial liabilities

For the purpose of subsequent measurement, financial liabilities are classified as measured at amortised cost or fair value through profit or loss. A financial liability is classified as fair value through profit or loss if it is held-for-trading. Other financial liabilities are subsequently measured at amortised cost using the effective interest method.

The Corporation has only financial liabilities classified as measured at amortised cost.

## **I Impairment**

##### Non-derivative financial assets

##### *Financial assets and contract assets*

The Corporation uses forward looking information to recognise expected credit losses – the 'expected credit losses (ECL) model'. Instruments within the scope of the new requirements include loans and trade receivables.

The Corporation considers a broad range of information when assessing credit risk and measuring expected credit losses, including past events, current conditions, reasonable and supportable forecasts that affect the expected collectability of the future cash flows of the instrument.

In applying this forward-looking approach, a distinction is made between:

- financial assets that have not deteriorated significantly in credit quality since initial recognition or that have low credit risk ('Stage 1') and
- financial assets that have deteriorated significantly in credit quality since initial recognition and whose credit risk is not low ('Stage 2').

'Stage 3' would cover financial assets that have objective evidence of impairment at the reporting date.

'12-month expected credit losses' are recognised for the first category while 'lifetime expected credit losses' are recognised for the second category.

Measurement of the expected credit losses is determined by a probability-weighted estimate of credit losses over the expected life of the financial asset.

#### *Trade and other receivables*

The Corporation makes use of a simplified approach in accounting for trade and other receivables and records the loss allowance at the amount equal to the expected lifetime credit losses. In using this practical expedient, the Corporation uses its historical experience, external indicators and forward-looking information to calculate the expected credit losses using a provision matrix.

The Corporation assesses impairment of trade receivables on a collective basis as they possess credit risk characteristics based on the days past due. The Corporation does not allow for write off from Government grants as default has never occurred. The Corporation has assessed trade receivables at 30 June 2020 and has determined that no impairment is required at that date.

#### *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 written down 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.



## **m Provisions**

Provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the liability. The unwinding of the discount is recognised as finance costs.

## **n Leases**

The Corporation has applied AASB 16 using the modified retrospective approach and therefore the comparative information has not been restated and continues to be reported under AASB 117 and IFRIC 4. The details of accounting policies under AASB 117 and IFRIC 4 are disclosed separately.

Policy applicable from 1 July 2019

At inception of a contract, the Corporation assesses whether the contract is, or contains a lease. A contract is, or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. To assess whether a contract conveys the right to control the use of an identified asset, the Corporation uses the definition of a lease in AASB 16.

This policy is applied to contracts entered into on, or after 1 July 2019.

### **As a lessee**

At commencement or on modification of a contract that contains a lease component, the Corporation allocates the consideration in the contract to each lease component based on its relative stand-alone price. Non-lease components included in the lease agreement have been separated and are recognised as an expense as incurred.

The Corporation recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost, which comprises the initial amount of the lease liability adjusted for any lease payments made at or before the commencement date, plus any initial direct costs incurred and an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located, less any lease incentives received.

The right-of-use asset is subsequently depreciated using the straight-line method from the commencement date to the end of the lease term, unless the lease transfers ownership of the underlying asset to the Corporation by the end of the lease term or the cost of the right-of-use asset reflects that the Corporation will exercise a purchase option. In that case, the right-of-use asset will be depreciated over the useful life of the underlying asset, which is determined on the same basis as those of property, plant and equipment. In addition, the right-of-use of asset is periodically reduced by impairment losses, if any, and adjusted for certain re-measurements of the lease liability.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, the Corporation's incremental borrowing rate. Generally, the Corporation uses its incremental borrowing rate as the discount rate.

The Corporation determines its incremental borrowing rate by obtaining interest rates from various external financing sources and makes certain adjustments to reflect the terms of the lease and type of the asset leased.

Lease payments included in the measurement of the lease liability comprise the following where applicable:

- fixed payments, including in-substance fixed payments;



- variable lease payments that depend on an index or a rate, initially measured using the index or rate as at the commencement date;
- amounts expected to be payable under a residual value guarantee; and
- the exercise price under a purchase option that the Corporation is reasonably certain to exercise, lease payments in an optional renewal period if the Corporation is reasonably certain to exercise an extension option, and penalties for early termination of a lease unless the Corporation is reasonably certain not to terminate early.

The lease liability is measured at amortised cost using the effective interest method. It is re-measured when there is a change in future lease payments arising from a change in an index or rate, if there is a change in the Corporation's estimate of the amount expected to be payable under a residual value guarantee, if the Corporation changes its assessment of whether it will exercise a purchase, extension or termination option or if there is a revised in-substance fixed lease payment.

When the lease liability is re-measured in this way, a corresponding adjustment is made to the carrying amount of the right-of-use asset, or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to nil.

The Corporation presents right-of-use assets as a separate line item and lease liabilities within "loans and borrowing" in the statement of financial position.

The Corporation has elected not to recognise right-of-use assets and lease liabilities for leases of low-value assets and short-term leases. The Corporation recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

#### Policy applicable before 1 July 2019

For contracts entered into before 1 July 2019, the Corporation determined whether the arrangement was or contained a lease.

#### As a lessee

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

Assets held by the Corporation under leases which transferred to the Corporation substantially all risks and rewards of ownership were classified as finance leases. The leased assets were 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 were accounted for in accordance with the accounting policy applicable to that asset.

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

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

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

	2020 \$	2019 \$
<b>5 Revenue</b>		
Revenue streams		
Revenue from contracts with customers		
Grants received	9,225,708	8,221,101
Grant balances at 1 July	2,809,600	3,418,349
Grant balances at 30 June	(2,441,425)	(2,809,600)
	<u>9,593,883</u>	<u>8,829,850</u>
Fee income	<u>1,108,846</u>	<u>273,580</u>
	<b>10,702,729</b>	<b>9,103,430</b>
Other revenue		
Interest	22,829	61,376
Sundry	50,000	-
	<u>72,829</u>	<u>61,376</u>
	<b>10,775,558</b>	<b>9,164,806</b>

#### Performance obligations and revenue recognition policies

Revenue from contracts with customers is measured based on the consideration specified in the contracts. Revenue is recognised when control over a good or service is transferred to a customer.

The following provides information about the nature and timing of the satisfaction of performance obligations in contracts with customers, including significant payment terms and the related revenue recognition policies.

##### Grant income

Grants (other than certain capital grants) are accounted for under AASB15 where grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations. As such, the revenue is recognised when each performance obligation is satisfied

Each performance obligation is considered to ensure that the recognition of revenue reflects the transfer of control and within funding agreements, there may be some performance obligation where control transfers at a point in time and others which have continuous transfer of control over the life of the contract.

Where control is transferred over time, generally the input methods, being either costs or time incurred, are considered the most appropriate methods to reflect the transfer of benefits.

##### Fee income

Revenue arising from fees is recognised at a point in time when the performance obligation is completed and the customer receives the benefit of the services being provided.

The performance obligation relates to the specific services provided to the customer.



As amounts are billed to the customer upfront, these are recognised as a contract liability until after the meeting has taken place and the Corporation has a right to payment.

	2020 \$	2019 \$
<b>6 Contractors and consultants</b>		
Accounting and auditing	31,150	34,418
Anthropological	570,201	459,073
Legal	1,024,724	449,625
IT	4,932	47,743
Other	339,771	181,793
	<u>1,970,778</u>	<u>1,172,652</u>
<b>7 Employee expenses</b>		
Wages, salaries	4,131,669	3,932,509
Leave and other entitlements	56,030	87,957
Superannuation	598,548	588,124
Professional development and training	49,746	88,767
Fringe benefits tax	11,035	16,502
Other employee expenses	9,960	11,316
<b>Total employee expenses</b>	<u>4,856,988</u>	<u>4,725,175</u>
<b>8 Service expenses</b>		
Administration	238,287	275,148
Communications	326,047	385,452
PBC Support	1,386,755	1,221,571
Repairs and maintenance	22,816	19,939
Supplies and consumables	87,920	100,979
Other	76,927	18,610
	<u>2,138,752</u>	<u>2,021,699</u>
<b>9 Other expenses</b>		
Proponent expenses	793,269	164,220
	<u>793,269</u>	<u>164,220</u>
<b>10 Cash and cash equivalents</b>		
Cash on hand	5,599	7,153
Cash at bank	3,987,493	4,130,285
<b>Total cash and cash equivalents in the statement of cash flows</b>	<u>3,993,092</u>	<u>4,137,438</u>



## 11 Trade and other receivables

	2020 \$	2019 \$
Current		
Receivables	6,874	2,660
Less: Allowance for impairment losses	-	-
Deposits	44,931	56,676
Other	-	35,229
GST receivable	74,221	-
<b>Total trade and other receivables</b>	<b>126,026</b>	<b>94,565</b>

Expected credit loss assessment for customers as at 30 June 2020

The Corporation applies the AASB 9 simplified model of recognising lifetime expected credit losses for all trade receivables as these items do not have a significant financing component.

In measuring the expected credit losses, the trade receivables have been assessed on a collective basis as they possess shared credit risk characteristics. They have been grouped based on the days past due and also according to debtor type.

The Corporation does not allow for write off from Government grants receivable, as default has never occurred.

The expected loss rates are based on the payment profile for sales over the past 12 months before 30 June 2020 as well as the corresponding historical credit losses during that period. The historical rates are adjusted to reflect current and forward-looking macroeconomic factors affecting the customer's ability to settle the amount outstanding.

The Corporation has identified age of customer relationship and type of debtor to be the most relevant factors and accordingly adjusts historical loss rates for expected changes in these factors. However, given the short period exposed to credit risk, the impact of these macroeconomic factors has not been considered significant within the reporting period.

Trade receivables are written off (i.e. derecognised) when there is no reasonable expectation of recovery. Failure to make payment within 180 days from the invoice date and failure to engage with the Corporation on alternative payment arrangements amongst others are considered indicators of no reasonable expectation of recovery.

On the above basis the expected credit loss for trade receivables as at 30 June 2020 is nil.

## 12 Prepayments

Insurance	65,386	67,257
Rent	15,491	5,007
Other	14,810	11,646
	<b>95,687</b>	<b>83,910</b>

**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
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Cost</b>								
Balance at 1 July 2018	290,000	1,235,072	64,674	397,244	389,522	66,034	204,792	2,647,338
Additions	-	222,229	-	73,203	16,182	-	3,514	315,128
Disposals	-	-	-	(98,293)	-	(26,842)	-	(125,135)
Transfers	-	63,154	-	-	-	-	(204,792)	(141,638)
Balance at 30 June 2019	290,000	1,520,455	64,674	372,154	405,704	39,192	3,514	2,695,693
<b>Depreciation and impairment</b>								
Balance at 1 July 2018	-	-	-	-	-	-	-	-
Additions	-	(248,189)	(58,672)	(188,545)	(303,315)	(41,007)	-	(839,728)
Disposals	-	(51,222)	(288)	(54,639)	(28,057)	(8,805)	-	(143,011)
Balance at 30 June 2019	-	-	-	98,293	-	26,841	-	125,134
Balance at 30 June 2019	-	(299,411)	(58,960)	(144,891)	(331,372)	(22,971)	-	(857,605)
Balance at 1 July 2019	-	(299,411)	(58,960)	(144,891)	(331,372)	(22,971)	-	(857,605)
Additions	-	(51,179)	(592)	(42,260)	(18,257)	(3,992)	-	(116,280)
Disposals	-	-	13,233	-	73,441	23,476	-	110,150
Balance at 30 June 2020	-	(350,590)	(46,319)	(187,151)	(276,188)	(3,487)	-	(863,735)
<b>Carrying amounts</b>								
At 1 July 2018	290,000	986,883	6,002	208,699	86,207	25,027	204,792	1,807,610
At 30 June 2019	290,000	1,221,044	5,714	227,263	74,332	16,221	3,514	1,838,088
At 30 June 2020	290,000	1,175,614	13,837	185,003	51,600	12,077	59,935	1,788,066



## 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 \$1,465,614 (2019: \$1,511,044) is subject to a caveat in favour of the Commonwealth Government (via ATSIC, a former statutory body of the Commonwealth Government).

## 14 Right-of-use-assets

### Reconciliation of carrying amount

	Property \$	Total \$
<b>Cost</b>		
Balance at 1 July 2019	-	-
Adjustment on adoption of AASB 16	-	-
Additions	389,015	389,015
<b>Balance at 30 June 2020</b>	<b>389,015</b>	<b>389,015</b>
<b>Depreciation and impairment</b>		
Balance at 1 July 2019	-	-
Adjustment on adoption of AASB 16	-	-
Depreciation for the year	(111,147)	(111,147)
<b>Balance at 30 June 2020</b>	<b>(111,147)</b>	<b>(111,147)</b>
<b>Carrying amounts</b>		
At 30 June 2020	277,868	277,868

The Corporation leases office space at 19 Stanley Street for its Townsville office; the lease is for 3 years and 6 months ending on 14 January 2023 with an option to renew for 3 years. The lease contains an annual pricing mechanism based on a fixed 3% increase at each anniversary of the lease inception.

## 15 Intangible assets

	Document management system \$	Other software \$	Total \$
<b>Cost</b>			
Balance at 30 June 2019	229,551	9,064	238,615
Additions	13,746	-	13,746
Transfers	6,598	7,391	13,988
<b>Balance at 30 June 2020</b>	<b>249,894</b>	<b>16,455</b>	<b>266,349</b>
<b>Depreciation and impairment</b>			
Balance at 30 June 2019	(28,538)	(2,425)	(30,963)
Depreciation for the year	(47,099)	(3,898)	(50,997)
<b>Balance at 30 June 2020</b>	<b>(75,637)</b>	<b>(6,323)</b>	<b>(81,960)</b>
<b>Carrying amounts</b>			
At 30 June 2019	201,013	6,639	207,652
At 30 June 2020	174,257	10,132	184,389



## 16 Financial instruments – Fair values

### Accounting classifications and fair values

The following table shows the carrying amounts of financial assets and financial liabilities. Since all financial assets and financial liabilities are not measured at fair value, i.e. they are measured at amortised cost, the carrying amounts are reasonable approximations of fair value.

	Carrying amount	
	2020 \$	2019 \$
<b>Financial assets measured at amortised cost</b>		
Cash and cash equivalents	3,993,092	4,137,438
Investments	-	54,945
Trade and other receivables	126,026	94,565
	<b>4,119,118</b>	<b>4,286,948</b>
<b>Financial liabilities measured at amortised cost</b>		
Trade and other payables	781,442	1,101,559
Lease liabilities	305,087	-
	<b>1,086,529</b>	<b>1,101,559</b>

## 17 Trade and other payables

	2020 \$	2019 \$
Trade payables	148,975	317,991
Annual leave entitlements	356,800	281,746
PAYG	69,011	94,512
Payroll liabilities	206,656	151,758
Revenue received in advance	-	239,910
GST Payable	-	15,642
<b>Total trade and other payables</b>	<b>781,442</b>	<b>1,101,559</b>

## 18 Contract liabilities

Grants under AASB 15	2,441,425	-
Amounts received in advance (proponent funds)	267,856	-
	<b>2,709,281</b>	<b>-</b>

## 19 Employee benefits

Current		
Long service leave	547,062	575,890
Non-current		
Long service leave	123,323	134,592
Balance at 1 July	710,482	630,547
Provisions made during the year	128,128	114,354
Provisions used during the year	(168,225)	(34,419)
<b>Balance at 30 June</b>	<b>670,385</b>	<b>710,482</b>

## Long service leave

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

## 20 Leases

### Leases as lessee

	2020 \$	2019 \$
Current		
Lease liabilities	112,566	-
Non-current		
Lease liabilities	192,521	-

The Corporation leases its Townsville office at 19 Stanley Street. The Corporation has a rental bond over these premises. The lease is for a period of 3.5 years, with an option to renew the lease after that date. Lease payments are increased each year on a fixed percentage of 3% and does not include a contingent rental. The Corporation terminated the lease of the Townsville office at 61-73 Sturt Street on 21 July 2019.

### 2020 – Leases under AASB 16

Interest on lease liabilities 15,327

### 2019 – Operating leases under AASB 117

Lease expense 158,719

## 21 Reconciliation of cash flows from operating activities

Net surplus	203,975	238,131
<i>Adjustments for:</i>		
Depreciation	116,280	143,011
Amortisation – intangibles	50,997	30,963
Amortisation – leased assets	111,147	-
Loss/(Gain) on sale of property, plant and equipment	20,190	(25,809)
	502,589	386,296
<i>Changes in:</i>		
Trade and other receivables	(31,461)	40,679
Trade and other payables	(320,118)	158,659
Contract liabilities	2,709,281	-
Prepayments	(11,777)	5,555
Provisions and employee benefits	(40,097)	79,935
Deferred income/revenue, including government grants	(2,809,599)	(608,750)
Interest paid	15,327	-
<b>Net cash from operating activities</b>	<b>14,145</b>	<b>62,374</b>



## 22 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

The key management personnel compensation comprised the following:

	2020 \$	2019 \$
Short-term employee benefits	562,990	554,966
Post-employment benefits	7,359	85,422
Other long-term benefits	79,792	7,971
Termination benefits	13,422	-
	<u>663,563</u>	<u>648,359</u>

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

## 23 Expenditure commitments

The Corporation has expenditure commitments totalling \$530,724 at reporting date, but not provided for in the financial statements, which relate to Anthropological research into potential claimants for application of native title, the implementation of a data management system and unspent PBC auspice funds.

## 24 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 2020 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 1st day of October 2020

## 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 2020, 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:

- giving a true and fair view of the Corporation's financial position as at 30 June 2020 and of its financial performance for the year then ended; and
- complying with Australian Accounting Standards – Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and any applicable determinations made by the Registrar of Aboriginal Corporations under Division 336 of the Act.

#### Basis for opinion

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

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

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

The directors are responsible for the other information. The other information comprises the information included in the Corporation's annual report for the year ended 30 June 2020, but does not include the financial report and our auditor's report thereon.

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

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

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

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

The directors of the Corporation are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards 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/an4.pdf](http://www.auasb.gov.au/auditors_responsibilities/an4.pdf). This description forms part of our auditor's report.

Grant Thornton

GRANT THORNTON AUDIT PTY LTD  
Chartered Accountants

Helen Wilkes

H A Wilkes  
Principal – Audit & Assurance

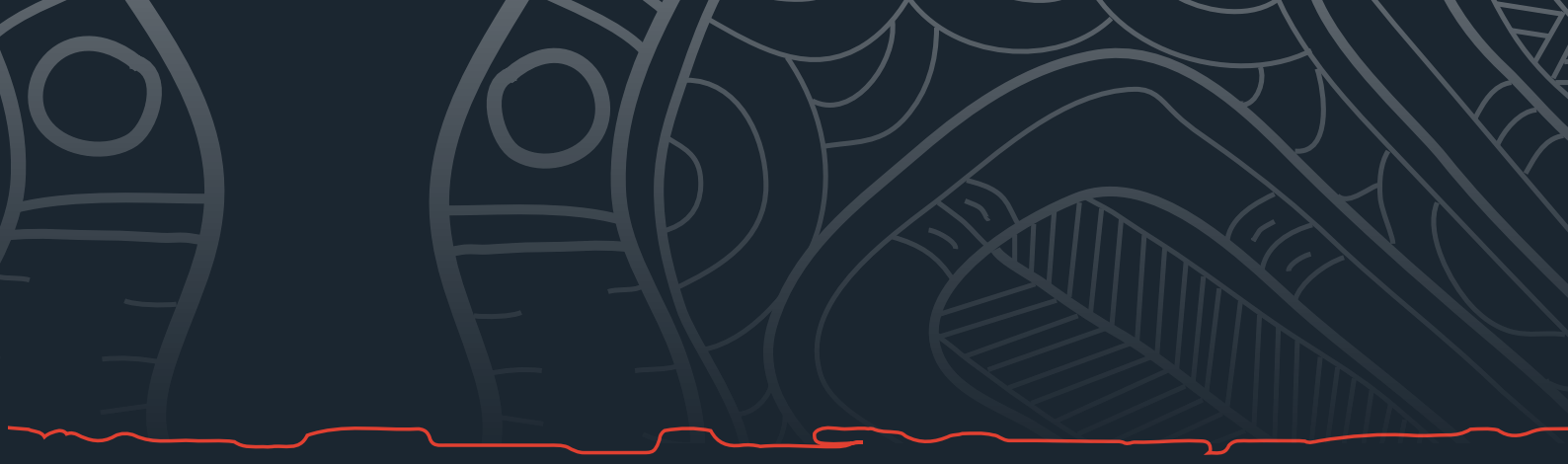
Cairns, 1<sup>st</sup> October 2020



# 11. Glossary and Acronyms



ACHA	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
ADJR Act	<i>Administrative Decisions (Judicial Review) Act 1977</i>
AgForce	AgForce Queensland
AGI	Activity Generated Income
AGM	Annual General Meeting
AIATSIS	Aboriginal Institute of Aboriginal and Torres Strait Islander Studies
ALA	<i>Aboriginal Land Act 1991</i>
ATSLIP	Aboriginal Torres Strait Islander Implementation Program
Aurora	Aurora Project was established following the Report into professional development needs of the Native Title Representative Body lawyers in April 2005. They have a number of programs that work with Australia's Indigenous communities and organisations to facilitate prosperity through capacity building.
AWAs	Australian Workplace Agreements
the Board	The Board of Directors of NQLC
CATSI Act	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>
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)
EDST	Engagement and Development Support Team (within 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 (of NQLC, part of EDST)



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	<i>Native Title Act 1993</i>
NIAA	National Indigenous Australians Agency
NTPC	Native Title Protection Conditions
NTRB	Native Title Representative Body
NTSP	Native Title Service Providers
PFA	Programme Funding Agreement
PBC	Prescribed Body Corporate
PBCSU	Prescribed Body Corporate Support Unit (of NQLC, part of EDST)
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





Image: Red wildflower, found in the surrounds of the Atherton Tablelands.







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Aboriginal Corporation  
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