



YOUR WAY FORWARD

MESSAGE STICK

Message Stick is published by the North Queensland Land Council Native Title Representative Body Aboriginal Corporation.

MAY 2023

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NQLC acknowledges the
Traditional Owners of our
representative region.

We recognise their continuous
relationships to the lands and
waters, and pay our respects
to Elders past, present and
emerging.

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One of the outcomes of the PBC forum held in February was to look at grant fund writers that would be able to assist PBCs. This article looks at the services Regional Development Australia (RDA) Tropical North may be able to provide.



Above: Day 1 of the PBC Forum, February 2023. Location: Cairns

Below: Day 1 of YMAC's visit to NQLC. Location: Yarrabah



Below: Yamatji Marlpa Aboriginal Corporation (YMAC) Study visit to NQLC

(Back left-right) Simon Hawkins (YMAC), Mala Neal (NQLC), Amy Usher (YMAC), Donny Wilson (YMAC), Deborah Oakley (YMAC), Warren Martens (NQLC) and Peter Kilduff (NQLC). (Front left-right) Jane Mitchell (YMAC), Rhonda (Jake) Jacobsen (NQLC), Dionne Lamb (YMAC), Richard Hoolihan (NQLC), Chris Dann (YMAC), Glenn Archer (YMAC), Gary Mooney (NQLC) and Peter Windie (YMAC)



BOARD UPDATE



BY RICHARD HOOLIHAN
CHAIRPERSON

Firstly, I would like to acknowledge the Traditional Owners of country throughout NQLC's representative footprint and recognise their continuing connection to land, waters and culture. I pay my respects to Elders past, present, and emerging.

fellow directors in guiding the corporation's strategic direction for the future. Collectively, we'll be putting our shoulder to the wheel so this Land Council can function in the best way it can and working for the people of our region.

2023 OFFICE BEARERS

The first Board Meeting of the year was held on 17 February 2023, with the first item of business being the election of office bearers. Myself and Sarah Addo returned to the roles of Chair and Correspondence Secretary respectively, with Angie Akee elected Deputy Chair and Nicole Huxley elected as Treasurer. I look forward to serving another term as Chairperson for the NQLC and working alongside my

CEO RECRUITMENT

On behalf of the Board of NQLC, I am pleased to advise that the recruitment process for the CEO has been finalised and the successful candidate has accepted the position. Starting in late May 2023, Leon Yeatman – a proud Gunggandji man from Yarrabah, will commence as CEO of the NQLC. Leon Yeatman brings with him extensive experience at executive management level including a period of 16 years, over 2 terms, as the CEO of the Yarrabah Shire Council.



The Board and I would also like to take this opportunity to thank Rhonda Jacobsen (better known as 'Jake') for acting in the CEO role for the last 15 months. Jake's extensive executive management experience, wealth of knowledge as a senior native title lawyer and a long-standing NQLC employee, meant the operations of the NQLC continued to run smoothly and efficiently while the recruitment process took place. The Board and I would also like to thank the staff of NQLC for their continued hard work and commitment to our region's traditional owners throughout this process.

Please join me in welcoming Mr Leon Yeatman to the role of CEO.

YAMATJI MARLPA ABORIGINAL CORPORATION (YMAC) STUDY VISIT TO NQLC

In late March, we were delighted for the opportunity to host delegates from the Yamatji Marlpa Aboriginal Corporation (YMAC). YMAC reached out to us for a proposed 'Queensland Study Trip' to discuss best practice and shared issues in the provision of representative body and native title service provision.

The delegation included Co-Chairpersons Mr Peter Windie and Ms Deborah Oakley, along with Chief Executive Officer, Simon Hawkins; Principal Legal Officer, Mr Glenn Archer; Pilbara Regional Manager, Mr Donny Wilson; Yamatji Regional Manager, Ms Chris Dann; Research Manager, Ms Amy Usher; Communications Manager, Ms Jane Mitchell and Executive Assistance, Ms Dionne Lamb.

NQLC Director for Yarrabah, Mr Errol Neal kindly hosted the YMAC delegates in Yarrabah for a cultural welcome and Kup Murri. Many thanks go to Errol, his family and the Yarrabah Dancers for the delicious spread and dance performances. The delegates also took the opportunity to visit the Yarrabah Art Centre, purchasing a piece from local artist, Uncle Errol Thomas for their Geraldton office.

Agreement in Principle was reached to establish a framework for cooperation and collaboration between NQLC and YMAC in order to protect, promote and advance the interests of traditional owners in their respective representative body areas in accordance with section 203BJ(f) of the *Native Title Act 1993 (Cth)*. The development of a Memorandum of Understanding (MoU) is in motion.

PBC FORUM

In February the NQLC, along with the National Native Title Council (NNTC) and the National Indigenous Australians Agency (NIAA), hosted a PBC forum in Cairns. Myself and fellow directors attended, along with representatives from 16 PBCs within NQLC's region. Please refer to the EDST update for further information.

2023 WARD ELECTIONS

Many will know that members of the NQLC Board are elected on a ward system, which is designed to ensure that there is representation across the geographic area covered by the NQLC. In most cases, directors elected have a term of two years. As 2023 is an election year, meetings will be held in each of NQLC's 10 wards toward the end of the year to elect the ward representatives which would take office at the conclusion of the 2023 annual general meeting. It is very important that if you wish to take part in the election process that your membership is current. If you are in doubt about your NQLC membership status, phone the office on freecall 1800 814 779.

Regards,

Richard Hoolihan

EXECUTIVE UPDATE



BY RHONDA M JACOBSEN
INTERIM CHIEF EXECUTIVE OFFICER

STAFFING

As noted in Chairperson Hoolihan's Board Update, the NQLC is delighted to share the successful appointment of Mr Leon Yeatman to the role of CEO, NQLC and we all look forward to welcoming Leon later this month.

I am also pleased to advise that David Jesudason was the successful candidate for the substantive position of SLO-Coordinator of the PBC Support Unit. David was previously a SLO for the Future Acts, Mining and Exploration (FAME) Unit and has been acting in the SLO-Coordinator, PBCSU role since January.

The NQLC has also recently welcomed new legal officers to the Legal and FAME Units. Staff profiles of the new legal officers will be included in the next Message Stick.

NOUS REVIEW

The National Indigenous

Australians Agency (NIAA) has engaged Nous Group (Nous) to conduct a review of 13 Native Title Representative Bodies / Service Providers (NTRB-SPs) for the period of 1 July 2019 to 30 June 2022.

The review will seek answers to the following questions:

1. How effectively and efficiently do the NTRB-SPs perform functions relating to native title (as per the terms of reference (TOR))?
2. What is the comparative performance of these organisations relative to each other?
3. How can the effectiveness and efficiency of the NTRB-SPs be improved both individually and collectively?

In addition to the NQLC, Nous are also reviewing the following NTRB/SBs: Cape York Land Council; Carpentaria Land Council Aboriginal Corporation; Central Desert



Images 1-3 above - YMAC Visit to NQLC. Location: Yarrabah and Cairns.

Image 3: Day 1 of the PBC Forum. Location: Cairns

Native Title Services; Central Land Council; First Nations Legal and Research Services (previously Native Title Services Victoria); Goldfields Land and Sea Council; Kimberley Land Council; Northern Land Council; NTSCORP; Queensland South Native Title Services; South Australia Native Title Services and Yamatji Marlpa Aboriginal Corporation.

As part of Nous' review process, they will be seeking input from the Traditional Owners of our region as NQLC clients/potential clients and as the ultimate intended beneficiaries of our services. The NQLC will be sharing an invitation on behalf of Nous' Review Team in the coming weeks to our website and Facebook page. A notice will also be advertised with relevant publications.

YAMATJI MARLPA ABORIGINAL CORPORATION STUDY TRIP TO NQLC

As reported by the Chair in the Board Update, a delegation from Yamatji Marlpa Aboriginal Corporation (YMAC) visited the NQLC in late March. As the Native Title Representative Body for the Mid West, Murchison, Gascoyne, and Pilbara regions of Western Australia, it was incredibly valuable for both corporations to get together and discuss shared concerns and learn the operational functions of each corporation. We look forward to continuing our relationship

with YMAC under the Memorandum of Understanding (MoU).

OPERATIONAL ACTIVITIES

In addition to information on the recent PBC Forum and the EDST Update referred to by the Chair in his Board report, I invite readers to the Claims Team update by Principal Legal Officer, Peter Kilduff on page 8.

It's been an honour to have performed the role of the Interim CEO over the last 15 months and I look forward to the future with Leon at the helm.

Regards,

Take

MEET THE Principal Legal Officer



Introducing Peter Kilduff, the recently recruited Principal Legal Officer (PLO) of NQLC. Peter joins us with an extensive career as a barrister specialising in criminal defence and native title, with over 30 years practice as solicitor and counsel in various jurisdictions including Victoria, ACT, Queensland, NSW and Northern Territory. Most recently Peter was the PLO and General Manager Land and Law at the Northern Land Council (NLC) based in Darwin. On behalf of all the staff at NQLC, we warmly welcome Peter to the team.

- 1. What motivated you to get into native title?** Appeared as Junior Counsel in *Coe v Commonwealth* in 1993 arguing, among other things, sovereignty and genocide. I have always been motivated by the need to overcome injustice, disadvantage and discrimination inflicted upon Aboriginal people.
- 2. What do you see happening in the next 10 years of native title?** There should be a comprehensive settlement of all claims and compensation applications in favour of Aboriginal people.
- 3. In one year's time, if you were to celebrate what a great year it has been, what did you achieve?** Progressing claims to the point of finalisation.
- 4. Who inspires you and why?** Anthony McAvoy SC, a fighter for justice for Aboriginal people.
- 5. What do you like to do in your spare time?** Walking up hills and swimming.



CLAIMS TEAM UPDATE

Welcome to the Claims Team update for the first quarter of 2023. The Claims Team, comprising of the Legal and Anthropology Units, continue to work at maximum capacity to progress the active and proposed claims list. A detailed update on the claims work being undertaken can be found later in this article.

RESEARCH

The Claims Team, together with NQLC anthropologists and independent consultant anthropologists commissioned by NQLC are working on the following research projects:

MULGRAVE RIVER RUSSELL RIVER RESEARCH PROJECT (MRRR)

Research has been progressed by consultant anthropologist, Kim McCaul, with the undetermined areas to the south, west and east of Cairns where there are a number



BY PETER KILDUFF
PRINCIPAL LEGAL OFFICER

of existing determinations, including for Tableland Yidinji, Wanyur Majay, Dulabed and Malanbara Yidinji and Gunggandji and Mandingalbaj Yidinji Peoples. Mr McCaul's report to the NQLC is expected to be provided by early May 2023.

NORTHWEST REGION

This research project has been commissioned to Dr Natalie Kwok by NQLC. The research area covers a large swathe of country in the northwestern reaches of NQLC's region, where there are no current native title

claims or determinations, apart from a non-claimant application by the Strathmore pastoral lease holder (Scott Harris). The NQLC is a party to the non-claimant application and has provided, in NQLC's submission, objectively arguable evidence of native title to the Federal Court. Dr Kwok has undertaken some fieldwork and will continue to work on the research.

GIA and NGARO

NQLC has sought funding from NIAA to brief the matter to an external lawyer up until the registration of the claim.

HELLS GATE DAM RESEARCH PROJECT

NQLC is considering recent reports from consultant anthropologist, Kevin Mayo, and NQLC senior anthropologist, Louise Allwood in relation the footprint of the Hells Gate Dam project area.

PREPARING FOR AUTHORISING / AUTHORISED / EARLY CLAIM

NQLC is representing three claims in their early stages:

- Eastern Kuku Yalanji People (#2)
- Manbarra People
- Gudjula

CONNECTION NEGOTIATION

The NQLC has a number of native title claims at the stage of the State considering whether sufficient and credible evidence has been provided to support recognition of native title. The shorthand for this is "connection." The term "connection" refers to a legal test in the Native Title Act which all native title claims must satisfy. Native Title recognition is given to native title groups who can show a connection to their lands and waters through the continuing acknowledgement and observance of traditional laws

and customs of the Aboriginal peoples who were on the claimed lands and waters before British invasion. The Courts have said that there can be some change and adaptation over time of the traditional laws and customs now acknowledged and observed by the group or groups claiming native title recognition.

The Native Title Act encourages the parties to native title proceedings to seek to negotiate an agreement on connection without this having to be determined at a full trial in the Federal Court and this is the stage currently occupied by the following claims:

- Djungan People #5
- Muluridji People #3
- Gugu Badhun People #3
- Djabugay Nation (previously Cairns Regional Claim)
- Gurambilbarra Wulgurukaba Mada (GW sea claim)

CONNECTION DISPUTED / CONTESTED HEARING MATTERS

There are three matters in which connection is disputed such that a contested connection hearing has been scheduled, or may be scheduled, failing resolution of

Indigenous respondent party assertions. These are:

- Bindal People #2, which is scheduled to go to a connection evidence hearing in September
- Gurambilbarra Wulgurukaba
- A proposed Gudjala Peoples claim over the northern area of the Jangga People #2 matter

MATTERS SCHEDULED FOR CONSENT DETERMINATION

There are two matters scheduled for consent determinations this year:

- Jirrbal People #4
- Wakaman People #3, #4 & #5

That concludes the Claims Team update for this quarter of 2023. We look forward to updating you further in our next update, due out 2023. Until then, if you have any questions regarding your claim or would like to get in touch, please call us on 1800 814 779 (freecall) or email us at reception@nqlc.com.au.

Djabugay Nation Applicants with NQLC staff: (Standing L-R) Kara Dunn (NQLC), Jasmine Clubb (NQLC), George Singleton, Florence Williams, Sydney Gray, Dianne Ambrym, Mercy Baird, Earl Hobbler, William Brim, John Cecchi (NQLC), Alfred Gray Jnr. (Kneeling L-R) Richard Bing Jnr, Jules Taylor (NQLC), Gavin Singleton Jnr, Astro Brim, Jasmin Phillips (NQLC). | Missing: B Banning, R Franks and K Lakatos.



ENGAGEMENT^{AND} DEVELOPMENT SUPPORT TEAM UPDATE

EDST is continuing to see many PBCs structuring their business with regular monthly meetings held exclusively on virtual platforms and some PBCs have also adopted for this as a preferred platform for negotiations, using breakout rooms and other strategies for best practice negotiations. The take up of members that live out of the region has been very encouraging especially for AGMs and consultation and consent meetings. It keeps the EDST on their toes for managing Zoom but it is very encouraging to see the take up from people who have historically not be able to engage with meetings.

This model of monthly meetings is also now being adopted for some claim groups that have significant business on, so it provides certainty of

Djabugay Nation Applicants (L-R standing) George Singleton, Richard Bing Jnr, Florence Williams, Sydney Gray, Mercy Baird, Dianne Ambrym, Earl Hobbler, William Brim, Alfred Gray Jnr. (L-R kneeling) Gavin Singleton Jnr, Astro Brim. | Missing: B Banning, R Franks and K Lakatos.



meeting dates for Applicants to plan and is allowing the Claims and EDST teams to work closely together. Check out the smiling faces of Djabugay Nation Applicants and NQLC staff at a two-day meeting in Mid-March that was held for claims updates, multiple future acts and included a structured agenda for multiple proponents to attend to progress business. This structure is moving away from proponents trying to call urgent meetings where we can

give them scheduled dates that work for the Applicants, PBCs and NQLC.

Following on from the PBC forum (detailed in the PBCSU update) NQLC is looking to hold workshops for administration and coordinator staff within PBCs for capacity building and also another National Native Title Council forum later this year to talk about key issues impacting on PBCs. I thank each PBC for their feedback at the forum in February to be able to

detail what additional support NQLC should consider for the growth of PBCs and their staff.

We look forward to continuing to work with you in 2023 in whatever format that may be.



BY JULIA (JULES) TAYLOR
SENIOR LEGAL OFFICER –
ACTING MANAGER, EDST

FUTURE ACT, MINING AND EXPLORATION UNIT

The FAME Unit is continuing to see many large scale projects come up for PBCs and Applicant groups including mining and renewables. There are also some big ticket tourism projects on the cards for beautiful FNQ. FAME Unit is acting for many groups for these projects and have now developed a team of experts to also assist groups. This includes lawyers with specialities in mining or renewables, commercial advisors, financial advisors and other experts needed for Applicants and PBCs to be able to negotiate best practice agreements. This model has been well received by groups and with the use of technology has meant we have been able to coordinate the right advisors in the rooms at the right time to progress these matters.

NQLC is working closely with PBCs to provide assistance, to ensure that they are ready for implementation of these large agreements. For Applicant groups that do not yet have a

PBC, the PBC Support Unit is also working closely with groups to establish corporations as they move toward determination, which is an exciting space and also is allowing PBC Support Unit to form relationships with Applicant groups leading up to a determination. As previously reported, the opportunities for self-determination and direct management of charitable trusts for benefits to common law native title holders has been work of the FAME Unit ancillary to the large negotiations. With measured safeguards in place for PBCs and considerable work in assisting with the development of governance and operational policies and procedures this is providing real growth opportunities for PBCs.

The FAME Unit has continued to be incredibly busy with respect to future acts and other cultural heritage matters. We have seen a drop in smaller projects and an increase in larger projects which is being managed internally.

Many future act notices only give claim groups and PBCs the rights to comment under the Native Title Act, but the activity that will be permitted under the future acts will have a large impact on cultural heritage. Or where there are no native title rights (i.e. freehold) this leads to the negotiation for comprehensive cultural heritage management agreements and plans. As reported in the last three Message Sticks, some of the large scale projects that do not give rise to a right to negotiate have also included benefits within the cultural heritage management agreements themselves as community benefits for the impacts of the various projects. FAME Unit continues to closely assess these notices to leverage benefits for claim groups and PBCs.

Please continue to contact us directly at fameunit@nqlc.com.au for any assistance.



PBCSU Staff (L-R): (Acting) PBC Administration Support Officer, Jameelia Bin Dol; PBC Support Officer, Joanne Chapman; Senior Legal Officer-Coordinator PBCSU, David Jesudason and former PBC Administration Support Officer, Patricia Whitla.



PREScribed BODY CORPORATE SUPPORT UNIT

There are currently 31 PBCs in the NQLC region. With the progression of claims, we may see another 2-3 PBCs this calendar year and PBCSU is working with the Claims Team for the development of rule books in advance of these future determinations. This is a large shift in the role of EDST and the PBC Unit, as reported in the EDST update, this is providing real opportunities for PBCSU to work with Applicant groups pre determination to ensure they are business ready at determination, with a strong PBC ready to represent common law holders in exercising native title rights and interests and protecting country, as well as other opportunities to build the strength of groups post determination.

The PBCSU has been continuing to assist PBCs to update their rulebooks to incorporate the new *Native Title Legislation Amendments Act 2021* and Director Identification Number (**DIN**) requirements. Directors

who have been appointed after 1 November 2022 must have a DIN before they are appointed or face heavy penalties. Those directors who were appointed before 1 November 2022 have until 30 November 2023 to apply for their DIN. At the forum (detailed below) ORIC did state that they will change rule books post 25 March 2023 however we encourage PBCs to contact NQLC if their rule books have not yet been updated, to do so as soon as possible.

NQLC, with the National Native Title Council (**NNTC**) and the National Indigenous Australians Agency (**NIAA**), hosted a PBC forum in February this year to hear PBCs' priorities, aspirations, concerns and challenges. The forum was open to all PBCs in the NQLC statutory region with representatives from ORIC, NQLC, NNTC and NIAA all present to answer questions from PBC representatives. 16 PBCs were represented, and we understand that many could not attend as they have other



full time commitments. It was however a good turnout and an opportunity for PBCs to speak directly to agencies about their concerns. The NNTC is preparing a detailed report that we will circulate to all PBCs once it has been settled.

One of the key concerns raised was about the basic support funding and its inadequacies, including that only supporting a part time administration officer is not providing the level of expertise that PBCs need to be able to undertake key native title and cultural heritage business while also be able to undertake other commercial and cultural opportunities. Both the agencies and NNTC have taken this on notice.

Another key outcome of the forum was the establishment of a working group to assist NQLC with consultation, advocacy and operational support. NQLC will be in contact with PBCs shortly about nominating representatives so that we can then schedule an inaugural meeting and establish working groups to progress key business and advocacy positions.

At the forum there were some government agencies that could not send senior personnel as Senate's Estimates was moved by a week, however they did arrange for those staff to attend by Zoom to present on Treaty and the Voice to Parliament. This will be detailed in the report.

PBCSU continues to offer ongoing assistance through the engagement of strategic planners, business planners and land planners to provide a framework for the management and economic development of their native title rights and interests and other assets, consistent with their communities' aspirations and expectations. Applications for PBC Basic Support Funding will soon open from mid-May so please make sure your 2022-23 financial year acquittals are complete and you're ready for the 2023-24 financial year.

If you have any questions in relation to your PBC please contact the PBC Support Unit at pbcsupport@nqlc.com.au.

PBC Forum, hosted by NQLC, with the National Native Title Council (NNTC) and the National Indigenous Australians Agency (NIAA). February 2023





GRANTS

One of the outcomes of the PBC forum held in February was to look at grant fund writers that would be able to assist PBCs. The agencies present noted that Regional Development Australia (RDA) Tropical North may be able to assist.

RDA branches operate differently across the country and for RDA Tropical North, they are unable to write grants, however they do offer the following:

- Grants & Tenders e-alert – fortnightly newsletter which provides corporate, philanthropic, government grants (and government tenders) - subscribe to the newsletter on their home page (rdatropicalnorth.org.au).
- Economic modelling – they offer free of charge, to community organisations, using economyID, a potential construction project or event's contribution to Gross Regional Product. This is very useful for grant submissions as it shows the government how much economic impact is created by a proposed project. Contact the RDA Tropical North office directly for this service. Otherwise, organisations can access economyID data on the RDA Tropical North website Free of Charge to support their grant submissions. <https://profile.id.com.au/rda-tropical-north>.
- Services Directory – this is an online resource for organisations wanting grant writers and other services (<https://www.rdatropicalnorth.org.au/resources/project-development-services-directory/>).
- Letters of Support – they will provide letters to entities from our region to support their applications (free of charge).
- Webinars – they will from time to time offer in person events and webinars about the regional grant rounds (previously it was Building Better Regions Fund (BBRF)) – the new grant called Growing our Regions is yet to be announced, but they will promote this and offer events for interested parties.
- Grant submission review – RDA Tropical North is able to review grant submissions and offer insights, when capacity allows.

They only have a small staff base in FNQ however are more than happy where they have capacity to offer assistance as detailed above. The economic modelling sure looks good!

RDA Tropical North can be contacted at engage@rdatropicalnorth.org.au.

NQLC has identified service providers that can assist PBCs with grant fund writing. Please get in touch with our PBC Support Unit at pbcsupport@nqlc.com.au if this is something your PBC would like assistance with.



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