

YOUR WAY FORWARD

# MESSAGE STICK

DECEMBER 2023



**BOARD  
UPDATE**

4



**EXECUTIVE  
UPDATE**

7



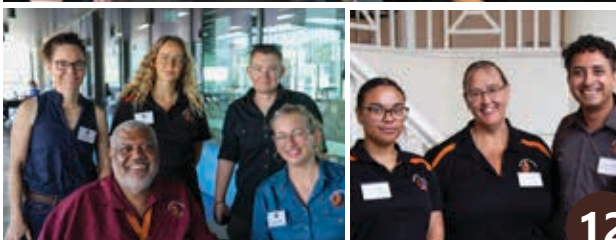
**EDST UPDATE**

12



**CLAIMS UPDATE**

9



**DJABUGAY  
NATION**

16

A close-up photograph of two hands, likely belonging to an Indigenous Australian, pouring water from a small container over a dark, textured rock. The rock has a prominent, light-colored, skull-like shape carved into it. The lighting is warm and dramatic, highlighting the texture of the rock and the skin of the hands.

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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# TABLE OF CONTENTS

---

**04** Board Update

---

**06** 2023-2025 Board of Directors

---

**07** Executive Update

---

**09** Claims Update

---

**12** Engagement and Development  
Support Team Update

---

**16** Djabugay Nation  
A feature article brought to you by our FAME Unit.

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**North Queensland Land Council NTRB Aboriginal Corporation | ICN 1996**

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**Front row:** Director Joann Schmider, Deputy Chairperson Sarah Addo, Chairperson Angie Akee, Director Tracey Joseph. **Back row:** Secretary Errol (Mala) Neal, Treasurer Alfred Lacey, Director Richard Hoolihan, Director Nicole Huxley, Director Ross Sauney, Director Warren Martens and Chief Executive Officer Leon Yeatman. (Missing: Director Rona Hart and Director Danny Hooligan)

# BOARD UPDATE

By **ANGIE AKEE**  
NQLC Chairperson

Welcome to the December 2023 edition of the NQLC Message Stick. I hope this update finds you well. Before diving into the updates, I would like to acknowledge and pay my respects to the Traditional Owners of the land on which we operate. We extend our appreciation to the Elders, both past and present who continue to guide us, as well as the emerging leaders who we welcome as the next generation of elders for our communities.

## BOARD OF DIRECTORS 2023-2025

First and foremost, heartfelt congratulations to the newly elected Board of Directors. The North Queensland Land Council held ward meetings in each of the 10 representative

wards on Saturday, 21 October 2023, to elect the representatives for 2023-2025. All positions were filled on the day, with the below taking office at the close of NQLC’s Annual General Meeting, held Saturday 4 November 2023, in Townsville:

CAIRNS WARD	Ms. Sarah Addo Mr. Warren Martens
CHARTERS TOWERS/ HUGHENDEN WARD	Mr. Richard Hoolihan
INNISFAIL WARD	Ms. Rona Hart
MACKAY/PROSERPINE WARD	Mr. Ross Sauney
MT GARNET WARD	Mr. Danny Hooligan
TABLELANDS WARD	Ms. Joann Schmider Ms. Tracey Joseph
PALM ISLAND WARD	Mr. Alf Lacey
TOWNSVILLE/AYR WARD	Ms. Angelina Akee
TULLY WARD	Ms. Nicole Huxley
YARRABAH WARD	Mr. Errol (Mala) Neal

On behalf of the Board, we extend our heartfelt gratitude and appreciation to the outgoing directors: Mr. Gary Mooney, Ms. Kayleen Malthouse, and Ms. Delena Foster for their significant contributions to the North

Queensland Land Council. I would like to take a moment to extend special recognition to outgoing Director Gary Mooney, who has represented the Mackay/Proserpine ward since 2009. Gary's contributions have been invaluable, and we express our deepest gratitude for his service and commitment and the legacy he leaves behind.

### **EXECUTIVE COMMITTEE ELECTED**

The first Board Meeting with the newly elected directors was held on Thursday, 30 November 2023, with the first order of business being to elect the executive committee for the coming 12 months. The elected members of the Executive Committee were:

CHAIRPERSON	Ms. Angie Akee
DEPUTY CHAIRPERSON	Ms. Sarah Addo
SECRETARY	Mr. Errol (Mala) Neal
TREASURER	Mr. Alfred Lacey

I would like to express my appreciation for the outgoing executive officers, particularly former Chairperson, Richard Hoolihan, who remains director and representative for the Charters Towers/Hughenden ward. I am eager to continue from him in advancing NQLC's agenda.

### **LOOKING TO THE FUTURE**

With new Board members, CEO Leon Yeatman now secured through to May 2026, and several additions to our staff, the organisation has experienced a positive rejuvenation. The Board is focused on working closer with NQLC staff and looks forward to the collective impact we can make together. This Board will be a proactive Board. We want to be out visiting our PBCs and Common Law Holders. This outreach is crucial for hearing the experiences and issues our people are facing in our communities and ensuring that our strategic direction is in harmony with their aspirations.

The Board will continue to work closely with the representative bodies in Queensland and strengthen our dialogue with the State and Federal governments (on pre and post-native title) and to act on our promises.

Our first order of business for 2024 is a scheduled meeting in February for induction. During this activity, we will continue our work to finalise the corporate governance documents, including the strategic plan, rule book, and policies. This action is key to good governance, and necessary groundwork to set the foundation for our collective efforts to drive the organisation forward.

As we approach the end of 2023, I extend my sincere wishes for a fulfilling Christmas season to our esteemed Elders, Native Title constituents, Aboriginal, Torres Strait Islanders, and South Sea Islanders, along with our entire community. May this festive season be marked by moments of joy with your loved ones.

I would like to express my acknowledgment and condolences to those who have lost a loved one during this period. Our thoughts are with you, and we extend our heartfelt sympathies. May the sense of unity and support within our community offer comfort and strength in the face of these challenging times.

Thank you for your ongoing support, and here's to a successful and collaborative journey ahead.

*Angie.*



# Board of Directors

2023-2025



**Errol (Mala) Neal - Corr. Secretary**  
Yarrabah Ward



**Ross Sauney - Director**  
Mackay/Proserpine Ward



**Nicole Huxley - Director**  
Tully Ward



**Alf Lacey - Treasurer**  
Palm Island Ward



**Rona Hart - Director**  
Innisfail Ward



**Joann Schmider - Director**  
Tablelands Ward



**Sarah Addo - Deputy Chairperson**  
Cairns Ward



**Richard Hoolihan - Director**  
Charters Towers / Hughenden Ward



**Tracey Joseph - Director**  
Tablelands Ward



**Angie Akee - Chairperson**  
Townsville Ward



**Warren Martens - Director**  
Cairns Ward



**Danny Hooligan - Director**  
Mt Garnet Ward



Townsville Elders Dinner (4/11/2023): Brian Barlow, Jenny Prior and Leon Yeatman

# EXECUTIVE UPDATE

By **LEON YEATMAN**

NQLC Chief Executive Officer

**Wan-jirra** (*Gunggandji word for welcome*), to this edition of the message stick, which seeks to build on our stories on recent work and our plans moving forward. I take the opportunity to acknowledge our Elders, past, present and emerging. Through their lived experience, we continue our claims work to map out the cultural maps in the landscape and progress our work to transition to mob who have their Prescribed Body Corporates up and running into the post-determination space.

Countryman, I am happy to confirm that my probation period has passed successfully, which means I will be the CEO through until May 2026. I am honoured to lead the North Queensland Land Council and perform the

key advisory role for the Board. My role is the administration of the business and ensuring our processes and procedures are applied according to the 'good governance' framework. This includes addressing daily challenges related to staffing and resourcing, implementing strategies in accordance with our agreements, managing our operations in accordance with our agreement, and ensuring the functions detailed in the Native Title Act are administered accordingly.

I have established a positive working relationship with the Chairperson and will continue to provide each director with advice and assistance.

My challenges in this role will be:

- Securing funding opportunities - adequate funding for the current workload and pursuing resources for various projects
- Securing Native Title across our regional footprint
- Managing expectations and risk
- Supporting capacity building and identifying pathways (internally and externally)
- Reenergising established associations and Memorandums of Understanding

- Promoting our vision, goals, and achievements within our networks
- Communicating our vision with our various stakeholders
- Managing relationships and navigating the path contained within the *Native Title Act 1993*
- Managing the change process and working with our teams to promote solidarity, confidence in the process, and promoting NQLC one-talk.

We are aware that our role as the Native Title Representative Body does, at times, put us at odds with the aspirations of claimants. We are mindful that the legal nature of our service means NQLC is actively involved in litigation, and in this space, there are winners and losers. It is not our intention to get offside with anyone, and this will be handled with the utmost care. However, we remain steadfast in our resolve to conduct our business in accordance with the rules - staff are clear about their responsibilities to uphold our standards and promote our code of conduct.

Looking forward, the team is consolidating around the vision of the council. As the CEO, I intend to empower our authorised officers to do their best work, work efficiently and celebrate our successes. We expect this will translate into positive energy, confidence in

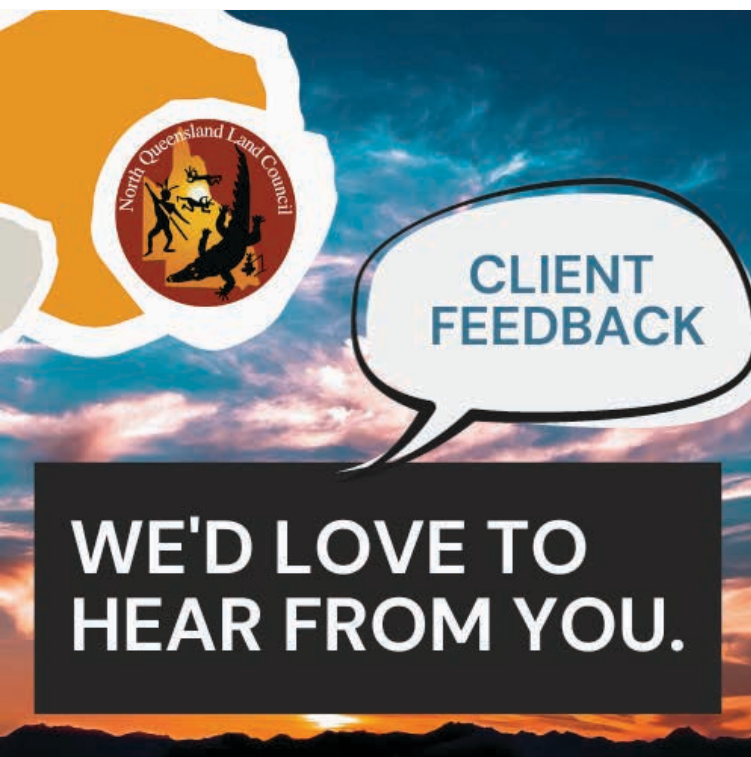
their engagement and positive determination outcomes for our Traditional Owners.

At NQLC, we are committed to actively engaging with other stakeholders, to understand the situation and to advocate throughout the various levels of government. Our history centres around activism, advocacy, and leadership – we are proud to continue this pursuit, which will be demonstrated in the future stories posted here in our Message stick and on social media.

I acknowledge the fantastic work of our team and their commitment to securing your Native Title. Internal processes are being reviewed with the intent of addressing business efficiency issues. We look forward to receiving your feedback and implementing positive changes into the organisation. We will close for the festive season on the 22nd of December and will reopen on the 2nd of January.

We wish you a Merry Christmas and joyous festive season. I look forward to seeing you in the new year.

*Leon.*



**Community engagement is an integral part of the North Queensland Land Council's work.**

**We seek community feedback to identify gaps and make necessary changes to align our services to client needs. Your opinion is held in high regard and this valuable information also keeps us in touch with client experiences and guides us in our decisions to make improvements.**

**We kindly request a few moments of your time to complete this survey.**

**Rest assured, your responses will be treated with utmost confidentiality, and we sincerely appreciate the input you provide.**

**Take our Client Feedback Survey:**

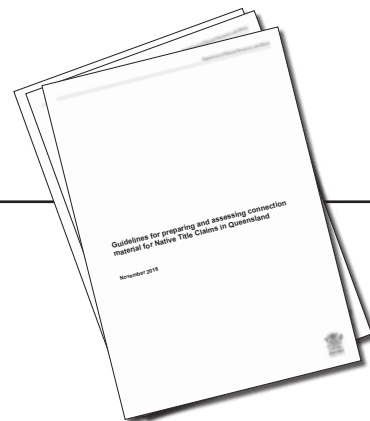
<https://www.surveymonkey.com/r/nqlcfeedback23>

# CLAIMS UPDATE

## REVIEW OF THE GUIDELINES FOR PREPARING AND ASSESSING CONNECTION MATERIAL FOR NATIVE TITLE CLAIMS IN QUEENSLAND

By **SUSAN WALSH**

Acting Principal Legal Officer  
NQLC Claims Team



In December 2023, the Department of Resources announced it is embarking on a collaborative review of the current 'Guidelines' for preparing and assessing connection material for Native Title Claims in Queensland. The State's *Guidelines* were last reviewed in 2016.

The NQLC and other Queensland-based NTRBs have welcomed the invitation from the Queensland Government to participate in this rare and important opportunity to have a say in how the State assesses connection evidence.

Staff of the NQLC, CYLC and Queensland Government attended a workshop in Cairns on 7 December to discuss ideas on how to improve the Guidelines and assessment process. The discussion included but was not limited to the role of the State, streamlining and efficiency, reducing trauma and clarifying

the evidentiary requirements to satisfy s223 of the Native Title Act.

The Department of Resources plans to make recommendations on their review of the Guidelines by March-April 2024.

*Susan*





Gia and Ngaro Authorisation Meeting (9 December 2023) - Shute Harbour, Airlie Beach.

# GIA AND NGARO NATIVE TITLE CLAIM - AUTHORISED

By **ASHLEY JAN** - Legal Officer, NQLC Claims Team and  
**PASCALE TAPLIN** - Senior Anthropologist / Researcher, NQLC Claims Team

On 9 December 2023, the Gia and Ngaro Peoples attended an authorisation meeting held by NQLC to authorise a claim over the Whitsundays Region, including Airlie Beach, Proserpine, islands and sea Country. NQLC will be working with the nominated Applicant to prepare a Form 1 native title determination application for filing in the Federal Court of Australia. The next step after the claim is filed is for the National Native Title Tribunal to apply the registration test. Once accepted for registration, the Gia and Ngaro Peoples claim group will have procedural rights under the *Native Title Act 1993 (Cth)*, such as the right to be notified and the right to negotiate with proponents when it comes to certain activities that are to occur on Country.

This was an amazing day for the Gia and Ngaro Peoples with attendance exceeding expectations and a great opportunity to spend time on Country. NQLC is proud to be able to assist the Gia and Ngaro Peoples in their fight for recognition of their native title rights and interests.





# 2023 AUSTRALIAN ANTHROPOLOGICAL SOCIETY CONFERENCE - VULNERABILITIES

By **EMMA KING**

Research Manager – Anthropology  
NQLC Claims Team

In November, NQLC anthropologists Pascale Taplin, Kara Dunn, Luis Lopez and Louise Allwood attended the Australian Anthropological Society (AAS) conference at Macquarie University's Wallumattagal campus on Eora country. The conference theme, 'Vulnerabilities', examined uncertainty and risk in society and culture, and included a sub-theme on 'settler society assaults on Indigenous land and cultures'. The annual conference attracts international participants and presenters, and this year, our very own Pascale Taplin and Louise Allwood presented at the conference.

At the AAS Centre for Native Title Anthropology (CNTA) Pre-conference assembly, Pascale chaired a session exploring native title practice and the role of anthropological research in compensation matters. She also presented a paper on the impact of disinformation and conspiracy theories on native title practice.

Pascale also convened the panel 'Bridging Polarised Discourse' with Dr Tim Pilbrow and

presented a joint paper on how anthropologists might contribute to improving public dialogue when opinions are divided. During the same session, Louise Allwood presented a paper on building positive relationships in the often stressful native title setting. Congratulations to Pascale and Louise for representing NQLC on this national stage and presenting their critical research experience.

The NQLC team were able to meet with interstate colleagues in the native title sector and had many valuable discussions on applied anthropological practice in their work. The team have returned to work reinvigorated and with new ideas to bring to their work back in North Queensland.

*Emma*





# EDST UPDATE

By **JULES (JULIA) TAYLOR**

Senior Legal Officer - Acting Manager  
Engagement and Development Support Team

How is it December already?

The PBC webinars have been a success so far covering Intellectual Cultural, Intellectual Property and Employment Law. We strongly encourage PBCs to engage with these webinars into the 2024 calendar year. Please read more about the Intellectual Cultural, Intellectual Property and Employment Law sessions in the PBC Support Unit update. In 2024 we will be continuing with these webinars covering areas including governance training for PBC directors, future acts and Indigenous Land Use Agreements, carbon projects, Aboriginal cultural heritage 'on the ground', grant writing, financial management and risk management.

A big congratulations to all out PBCs that have recently held AGMs. The EDST look forward to engaging with the newly elected boards and those continuing directors. Many PBCs had new Rule Books for these AGMs following updates to the Rule Books flowing from the March 2021 amendments. If your PBC has not updated their Rule Books and you require assistance please contact the PBC Support Unit. The PBC Support Unit update below contains further information about some of the key mandatory changes.

FAME Unit had a new staff member start in November 2023 in the Cairns Office. We welcome Helena Raison to the team as a legal officer. Please read a little bit about Helena on page 12.

Have a relaxing festive season with family and friends and we look forward to continuing to work with you in 2024.

*Jules.*



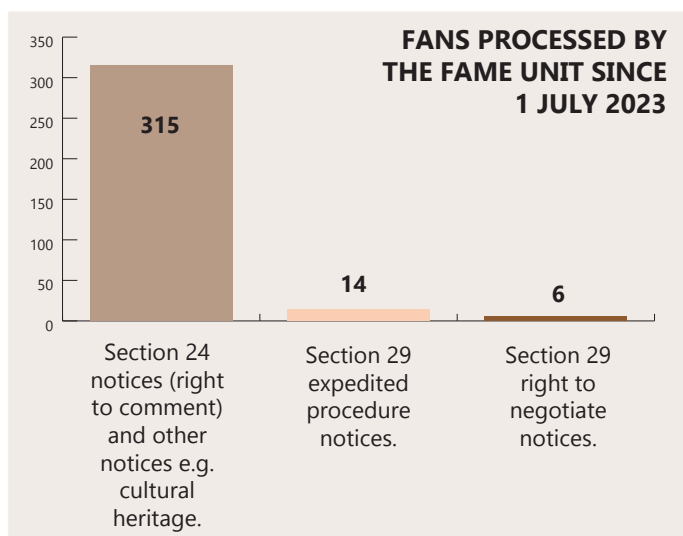


## FAME UPDATE

By **JULIA (JULES) TAYLOR**

Senior Legal Officer – Acting Manager, Engagement and Development Support Team, and Senior Legal Officer – Coordinator, Future Acts Mining and Exploration (FAME) Unit

Future act notices (FANs) processed by the FAME Unit since the start of this financial year have totalled:



Flowing from these notices, clients may request legal advice and representation to respond including negotiations particularly under the right to negotiate regime. There has been a drop in the first half of last financial year however many other Indigenous Land Use Agreement and Cultural Heritage Management Agreement/Plan requests for larger projects are being received which are time exhaustive for NQLC and our clients so these number do not give an accurate picture of the volume of work being undertaken by the FAME Unit.

FAME Unit is in the final stages of settling the text and engaging a web designer for an online future acts portal for use by PBCs. We are hoping that from next year this will be a great online tool for PBCs in responding to and managing future act notices. FAME Unit will of course be still available for assistance as requested and for matters that require specific legal advice however we are hoping that this assists in building the capacity of PBC staff in managing the notices received.

Negotiations arise when there is a section 29 'right to negotiate' (RTN) issued or when a proponent approaches a native title group to negotiate and ILUA for their project, this is usually the case with large projects. The larger ILUA project negotiations are mostly related to renewable energy projects: windfarms, solar and carbon, larger scale mining, environmental offset or tourism projects and there are number of negotiations currently on foot.

As an example, the Djabugay Nations Applicant have been negotiating with the State through Department of Tourism, Innovation and Sport for a 92km walking trail stretching from Palm Cove to the Mowbray River. Discussions started formally in late 2020 and after considerable engagement with Djabugay Nations People the Indigenous Land Use Agreements for the first two stages of the public trail were authorised on 4 October 2023. Please see separate article about the Wangetti Trail on page 15.

Please continue to contact us directly at [fameunit@nqlc.com.au](mailto:fameunit@nqlc.com.au) for any assistance.

## Introducing...

**HELENA RAISON**  
LEGAL OFFICER, FAME

I am a newly admitted lawyer who has just moved up to Cairns from Melbourne. I was previously working at a small commercial firm that focusses on native title and environmental law. Prior to becoming a lawyer, I worked overseas as a coffee buyer, working directly with farmers for import.

I love the outdoors, yoga and trail running and am looking forward to exploring all the natural beauty Cairns has to offer.





## PBCSU UPDATE

By **DAVID JESUDASON**

Senior Legal Officer – Coordinator, PBC Support Unit

The NQLC PBC Support Unit (**PBCSU**) continues to provide corporate support and capacity development services to PBCs to further their corporate and governance skills.

Since the start of the financial year, PBCSU has assisted several PBCs with their General Meetings, updating rulebooks, updating policies, responding to dispute notices, and registering with the Australian Charities and Not-for-profits Commission (**ACNC**). PBCSU is also rolling out a Common Law Holder register to assist PBCs identify who their people are.

In October 2023, PBCSU delivered the first webinar of a series of high-level webinars on subjects impacting PBCs which will continue into 2024.

PBCSU continues to administer PBC Support funding provided by the National Indigenous Australians Agency (**NIAA**). NIAA provides funds each year to support the operational needs of a PBC to fulfil their legal obligations. All PBCs are eligible to apply.

### WEBINARS

Following feedback from the PBC Annual Forum in February 2023, PBCSU launched a webinar series to provide high-level expert advice and tips on a range of subjects relevant to PBCs. In October, Terri Janke & Co. delivered the first webinars on Indigenous Cultural Intellectual Property (**ICIP**). In November, HR Dynamics discussed issues such as recruitment, Fair Work obligations and performance management.

The webinar series will continue into 2024 with upcoming topics that include:

- Mining and Exploration; s24 notices, the right to negotiate and the native title protection conditions;
- Renewable energy, wind farms and carbon farming;
- Aboriginal Cultural Heritage Act & Cultural Heritage on the ground;

- Acquittals, Audits and Financial Governance; and
- Finding and Applying for Funding Grants.

Webinars are held twice a month from 12-1 pm during the week, designed to fit into your lunch break, with an industry expert leading the discussion. Webinars are free and we encourage all PBC directors and staff to attend.

To book your attendance and suggest a topic for discussion please contact

[pbcsupport@nqlc.com.au](mailto:pbcsupport@nqlc.com.au).

### **COMMON LAW HOLDER REGISTER**

Working together with the NQLC Research team, PBCSU is providing PBCs with a Common Law Holder Register. Similar to a Membership list, the Common Law Holder Register attempts to record all known Common Law Holders of a group so that the PBC can:

- identify as many Common Law Holders as possible to invite them to native title and/or community meetings;
- identify whether a person applying for membership is eligible; and
- identify which Common Law Holder a member belongs to (for voting/election).

### **REVIEWING RULEBOOKS & POLICIES**

PBCSU continues to assist PBCs in conducting comprehensive reviews of their rulebooks and policies.

The Native Title Amendment Act 2021 and the requirement for Director Identification Numbers came into full effect this year and many PBCs are wanting to register with the ACNC and obtain charitable status. PBCSU is available to assist PBCs in amending their rulebook and policies to meet these obligations.

### **NATIVE TITLE AMENDMENT ACT 2021**

The *Native Title Amendment Act 2021* brought in some significant changes regarding how PBCs can operate and requires some specific clauses in every PBC Rulebook. The new changes relate to:

- Members rights;
- Dispute resolution;
- Increasing the transparency and accountability of PBCs to common law holders; and
- Streamlining PBC decision-making.

### **DIRECTOR IDENTIFICATION NUMBERS**

Director Identification Numbers are now a legal requirement for all Directors across Australia. Significant penalties apply to those directors without a Director ID. NQLC is available to assist PBCs with managing this new requirement and help members obtain their Director ID.

### **ACNC REGISTRATION**

ACNC Registration brings employee and tax benefits to PBCs. To register, your PBC must have the appropriate rulebook objectives and some specific clauses relating to how the PBC's funds are used. Many PBCs would be eligible for ACNC registration based on the work they already do but may not have the appropriate rulebook clauses or submitted an application. If you would like to discuss ACNC registration for your PBC, please contact [pbcsupport@nqlc.com.au](mailto:pbcsupport@nqlc.com.au).

If you have any questions in relation to your PBC please contact the PBC Support Unit at [pbcsupport@nqlc.com.au](mailto:pbcsupport@nqlc.com.au).

*Dave.*





Djabugay Nation and State representatives.

# DJABUGAY NATION

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The Future Act Mining and Exploration (**FAME**) Unit continues its work on large projects for mining, renewables, carbon and other large infrastructure projects with a team of external support to ensure that experts are available for PBCs and Applicant groups for best practice agreements.

One project that FAME has been working on for the last three years with the Djabugay Nation Native Title Claim (**DNNTC**) Applicant is the Wangetti Trail Eco-Tourism project (**the Trail**). After a very busy year the DNNTC Applicant, with the assistance of North Queensland Land Council (**NQLC**) FAME Unit and Claim staff, held a community authorisation meeting on the 4th of October 2023 for DNNTC People comprising the Djabugay, Bulway, Yirrganydji, Nyakali and Guluy Peoples to consider authorising the:

1. Part 1 Wangetti Project (Southern Area) Palm Cove to Wangetti ILUA; and
2. Part 2 Wangetti Project (Northern Area) Wangetti to Mowbray River ILUA.

At that meeting the DNNTC People in attendance agreed to authorise the ILUAs. The authorisation meeting followed on from two community meetings that were held at Yarrabah and Cairns on the 24th and 25th of August 2023 to provide information and to update the community on the project.

The ILUAs that were authorised allow for construction and development of approximately 90 kilometres of the Trail and will be Queensland's first purpose-built multi-use walking and mountain biking track in a national park.

## BACKGROUND

The authorising of the ILUAs was the culmination of a lot of hard work which commenced in 2020 when the State of Queensland (**the State**) officially engaged in negotiations and an initial team of 15 Cairns Regional Claim representatives that were



Djabugay Nation

nominated to form the Trail Negotiation Team who were tasked with negotiating with the State with the assistance of NQLC.

After the reauthorisation of the DNNTC in October 2022 the DNNTC Applicant took over the negotiations.

### **CULTURAL HERITAGE MANAGEMENT AGREEMENT (CHMA) IN PLACE**

It was considered early on in negotiations that the best practice for the parties to follow, before entering into any ILUA that would allow construction of the Trail, was for the parties to first execute a CHMA.

A CHMA is an agreement between an Aboriginal Party and a proponent (in this case the State) that outlines a process for which the parties agree to implement to manage the proposed activities to avoid harm to Aboriginal Cultural Heritage.

A CHMA is in place for the ILUAs and was executed in June 2023. An earlier version of the CHMA was in place from May 2021 but was deemed as being not fit for purpose as over time it became apparent that the initial CHMA

did not cover the whole trail footprint so a new one was settled in June 2023 and was replaced with the version executed in June 2023.

### **NEXT STEPS**

The State has recently lodged the ILUAs and supporting documents with the National Native Title Tribunal (**Tribunal**) where the Tribunal will ensure that there are no issues with registration compliance and will also provide notification of its intention to register the ILUAs.

This is a great outcome for Djabugay, Bulway, Yirrganydji, Nyakali and Guluy Peoples for realising tourism opportunities associated with the Trail and securing a partnership with State agencies for the use of the Trail.

Further information about the Trail can be seen at:

<https://www.dtis.qld.gov.au/tourism/qld-ecotourism-trails/wangetti-trail>



# Merry Christmas!

**On behalf of the Board of Directors and Staff at the North Queensland Land Council, we wish everyone a very Merry Christmas and a safe festive season.**

**We look forward to seeing you all in the new year.**