



Your way forward for Native Title

MESSAGE STICK

2025

Vol 2



*Message Stick is published by the North Queensland Land Council Native Title Representative Body Aboriginal Corporation.
The cover image was captured by Reilly Wilson-Neil at Mowbray River, Mowbray.*



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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BOARD UPDATE

To begin, 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.

Directors Workshop

In recent months, the NQLC Board has remained focused on strengthening governance, strategic direction, and unity across our footprint. A recent Board workshop in Cairns provided an opportunity for deep discussions and meaningful engagement.

We were pleased to welcome Richard Aspinall, Regional Manager from the National Indigenous Australians Agency (NIAA) and Tricia Stroud from the Office of the Registrar of Indigenous Corporations (ORIC). Tricia provided valuable updates on policy changes, internal review processes and the evolving responsibilities of corporations like ours.

Director, Member and Staff rights, changes to AGM support, and the process of member engagement in shaping good governance. The session also touched on ORIC's new model Rulebook and pathways to strengthening corporate structures. As Chair, I requested further information regarding PBC membership management—critical to ensuring we support our members in meaningful ways.

At the same workshop, we were honoured to hear from ex-Director & ex-Chairperson of NQLC Board, Terry O'Shane, who shared the powerful story of NQLC's origins. Drawing connections to global anti-colonial movements like the Mau Mau, Black Panthers, and resistance in South Africa, Terry reminded us that Native Title has always been about more than land. It's about social justice, cultural strength, political rights, and economic freedom. His reflections were a powerful call to action—urging the board to reflect on legacy, invest in youth, and never forget the political roots of our movement.



QRBA

The Queensland Representative Body Alliance (QRBA) also held a significant meeting. One key outcome was a collective agreement to work more closely with government on scheduling regular meetings with departments and the Minister. With Aboriginal and Torres Strait Islander peoples now recognised in Queensland's Constitution, QRBA represents a vital platform for policy change. We offer a unique opportunity for government to partner with Native Title bodies to build a stronger, more inclusive Queensland.

NQLC New Directors

In other updates, we welcomed three new Directors: **Jacob Cassidy** (Tully Ward), **Shannah Richards** (Tablelands Ward), and **Patrick Wheeler** (Mt Garnet Ward). We look forward to their contributions as we head into a critical six months of governance focus, including the upcoming endorsement of the proposed Rulebook and implementation of our updated Strategic Plan and policies.



AIATSIS

Finally, I'd like to thank the Larrakia People for hosting NQLC at this year's AIATSIS Summit. It was a powerful gathering of culture, policy, and connection. You can read more about it on page 14 & 15.

Let's continue building on this momentum together.

OUR DIRECTORS

as at 30 May 2025



Angie Akee - Chairperson
Townsville Ward



Sarah Addo - Deputy Chairperson
Cairns Ward



Richard Hoolihan - Treasurer
Charters Towers/ Hughenden Ward



Joann Schmider - Corr Secretary
Tablelands Ward



Shannah Richards - Director
Tablelands Ward



Warren Martens - Director
Cairns Ward



Patrick Wheeler - Director
Mt Garnet Ward



Jacob Cassady - Director
Tully Ward



Rona Hart - Director
Innisfail Ward



Errol (Mala) Neal - Director
Yarrabah Ward



Gary Mooney - Director
Mackay/ Proserpine Ward



Alf Lacey - Director
Palm Island Ward

EXECUTIVE UPDATE

Wanjirra! (pronounced wan-ji-da)

Hello again everyone, I hope this report finds you in good health and spirits. This could be considered our winter report and despite the rain easing, and move to the winter solstice - shorter days and longer cooler nights.

I trust our members are actively involved in your community events held at this time of year and continuing your cultural practices and creating lasting memories for our next generation.



What have we been up to?

The land council has continued to progress our work with the current claims and provide support to our PBC's. Staff attention was focused on our administration work. The management team have continued to be focused on managing change and pursuing our operational and strategic goals.

Teams have been busy engaging with clients and stakeholders, and I am proud of all the individual work performed and service conducted. As we move toward the end of financial year, internal focus has shifted to audit preparation, and process review.

As the CEO, I have been working with my team to address the business challenges. I have attended to internal and external demands, ensuring NQLC is represented and connected. The work in this regard involved attendance and participation in a number of other forums and meetings and demonstrating progress within the sector.

In the past 3 months, Activities attended included:

2025 Mabo Oration, delivered by Katie Kiss, the Aboriginal and Torres Strait Islander Social Justice Commissioner. Commissioner C'Zarke Maza from the Office of the Commissioner (Meriba Omasker Kaziw Kazipa) hosted the event. The Mabo oration honors Eddie Mabo and the pivotal High Court ruling that acknowledged the unique connection Indigenous people have with the land, a bond that existed long before colonisation.

Bandarran Marra'Gu, Gathering Strength Summit 2025 held at the State Library in Brisbane and included Aboriginal and Torres Strait Islander representatives from around Queensland. Commissioner Katie Kiss.



During National Reconciliation Week, I had the opportunity to speak with the team at King & Company Solicitors in Brisbane. I was invited to share my story and perspectives on reconciliation.

It was a powerful reminder that requires genuine reflection, honesty and most importantly, action. These conversations help build mutual understanding and lay the foundations for a more inclusive future where the voices, rights, and cultures of Aboriginal and Torres Strait Islander peoples are recognised and respected. Thank-you to King & Company for the invitation.



The National Gathering - on 15th - 17th September 2025, local and regional First Nations organisations from across Australia will gather in Port Douglas for the National Traditional Owner Gathering. Native Title bodies and other First Nations representative organisations will journey from Country, coming together in the spirit of respect and unity to shape the future of our peoples.

Over three days, participants will work together to identify shared strategic priorities, influence government policy and lead change in the areas that most affect Aboriginal and Torres Strait Islander peoples.

Importantly, the Gathering will also provide space to consider the formation of a new national body, one that honours the independence of each First Nation while advocating with a unified voice.

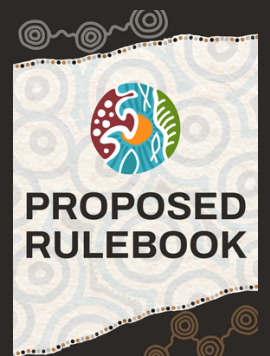
Prescribed Bodies Corporate (PBCs) will be notified directly and asked to nominate their representatives. Public details, including the full program and registration information, are currently being finalised and will be released shortly.

Scan the QR code above to stay informed about this historic event and register your interest.

Rulebook Consultations

The board completed their ward consultation process and progressed activities toward Phase 2 (after the consultation draft has been collated) – two meetings planned (1 each) in Cairns and Townsville to incorporate into the proposed Rulebook amendments put forward by members from ward consultation

Information about the amendments to the proposed Rulebook will be posted on our website.



National Native Title Council

NQLC continues to support the work done through the National Native Title Council. The need for unity and active engagement is a key position adopted by NQLC.

As CEO I actively engage as a member in strategic conversations and perform additional roles as Co-Chair for the Cultural Heritage committee and as a member of the Steering Committee - Dhawura Ngilan Business and Investor Initiative.

Key activities to progress the Cultural Heritage agenda include online activities and face to face engagements AIATSIS conference presentation, Darwin Intensive policy review workshop in Sydney.

Queensland Representative Body Alliance (Alliance)

NQLC has continued to promote the benefits and advantages of being part of an Alliance – one Native Title voice for Queensland.

QRBA delegates meet with the new Minister and Department Heads to introduce the work of the alliance and discuss scope for future engagement opportunities around Native Title in Queensland.



Wet Tropics Management Authority 2025 Regional Agreement Forum

20 year commemoration – held in Port Douglas. Chairperson and CEO attended and contributed to the forum. This was a great opportunity for PBC's in our Wet Tropic Region to come together and engage with other stakeholders. Terrain NRM jointly organised the activity and members of the Rainforest Aboriginal Peoples Think Tank contributed to the forum activities. NQLC will seek to engage with our stakeholder partners to secure rights and interest for our Rainforest peoples.

Staffing

NQLC is continuing our quest to be come an employer of choice. Whilst stable, we continue to experience instability in one or two roles in the organisation. We are actively seeking legal staff and recent recruitment activities has yielded positive responses. Thanks to everyone who contributed to the planning, engagement and onboarding of new team members.

Our Townsville Office still remains closed due to water damage in February. The recent dry spell has seen remediation works completed. A lingering mould issue is holding up staff movement back into the office. This is being addressed by contract cleaners and once we receive a satisfactory report, the plan is to reopen the office.

Visitors

NQLC hosted ORIC Registrar Tricia Stroud and NIAA Regional Manager Richard Aspinall during our annual Strategic Plan review workshop. Registrar Stroud was clear in her update message, citing accountability focus on organisations incorporated through ORIC. As the decision maker authorising rule book changes, the Registrar indicated ORIC has an appetite for rulebook changes, especially where member input is evident and the proposed changes support good governance arrangements.

Mr Richard Aspinall indicated that he is moving from the role and took the opportunity to introduce Kasmina Birch as his replacement. Kasmina is well known in the region and has worked with NQLC during this time – the board congratulated Kasmina on her appointment.



Leon Yeatman
Chief Executive Officer



EDST UPDATE

Julia (Jules) Taylor is the Senior Legal Officer – Manager of NQLC’s Engagement and Development Support Team that encompasses the PBC Support Unit and the Future Acts Mining and Exploration (FAME) Unit.

With half the year over it is a busy time for both the PBC Support Unit for the end of financial year and also for the future acts mining and exploration unit with many financial decisions being made future act projects.

Below are updates for the Future Act Mining and Exploration (FAME) Unit and PBC Support Unit that make up the Engagement and Development Support Team.

BEINQ

The Engagement and Development support Team (EDST) has been working with the NQLC Building the Indigenous Economy in North Queensland NQLC board subcommittee to finalise the 10 year plan for NQLC’s future role for economic engagement with PBCs. See page 14 & 15 for an article about the BIENQ NQLC board subcommittee article on the presentation given at the 2025 AIATSIS Conference held in Darwin in the first week of June.

Site Visits

It is critical that NQLC clients when negotiating with proponents are afforded the opportunity not just to information about a project but also to visit site to have a greater understanding of how a project will impact country. Please see page 18 for an article about a recent visit to the Genex Power pumped hydro and solar project on Ewamian country. We have more visits coming up in the latter half of 2025 so with the consent of the PBCs and proponents hopefully we can share some more stories.



Carbon Projects

The federal government has provided funding to NQLC to be able to provide legal and technical advice to PBCs in relation to Eligible Interest Holder consents for Carbon projects in NQLC’s Region. This has been well received and is well timed as many of our PBCs have been approached for savannah burning and human induced re-vegetation projects in the past 12 months and we have also just received a request for assistance for the new methodology to sequester soil carbon.

Central Land Council PBC Camp

In May EDST staff Jasmine Clubb and Joanne Chapman were invited by Central Land Council to attend their PBC Camp 85km east of Alice Springs. Read about their adventure and opportunity to showcase NQLC’s EDST and PBC Support Unit on page 19.



Jules Taylor

**Engagement and
Development Support
Team Manager**



FAME UPDATE

John Cecchi is the Senior Legal Officer – Coordinator who leads our Future Acts Mining and Exploration (FAME) Unit providing services to Prescribed Bodies Corporate (PBCs) and Claim Groups for future acts and cultural heritage matters.



The States plan to deliver Queensland's tourism future

NQLC, through the FAME Unit, is monitoring closely the potential implications for Traditional Owners within NQLC's representative area of the State's government's recent announcement which they have called 'Destination 2045: Delivering Queensland's Tourism Future' which is the Queensland governments 20-year plan (the Plan) for Queensland's tourism industry. The Plan notes that success of the plan includes delivering 45 world-class ecotourism projects by 2045 and increased light footprint accommodation options in protected areas. It also includes initiatives to achieve the Plan, some of which are listed below:

- a streamlined and simplified process to facilitate and accelerate ecotourism growth in protected areas;
- a streamline of the permitting process for businesses;
- deliver key government priority ecotourism projects;
- work with First Nations peoples to support culture and Country and create access to valued tourism experiences; and
- deliver 150 new Park and Indigenous Land and Sea Rangers to ensure environments are protected from weeds and invasive species.

Some of the projects listed in the Plan are known to NQLC and it is expected that proponents will seek to escalate progression of these projects or will seek to develop new projects within NQLC's representative area in the near future. FAME will monitor both existing and potential new projects to monitor how some of the State's proposed initiatives might impact on Traditional Owners rights and interests in the area where projects are being developed.

On Country with Gurambilbarra Wulgurukaba People

In April 2025 members of the FAME Unit and Gurambilbarra Wulgurukaba People representatives enjoyed a tour of the facilities of the Port of Townsville (the Port). The tour assisted the GW Applicant to better understand the Port's future proposed development plans to accommodate a growing Townsville city population and the potential emerging industries that will use the Port. The tour was an important first step in negotiations towards an Indigenous Land Use Agreement.



On Country with the Gia and Ngaro Applicant

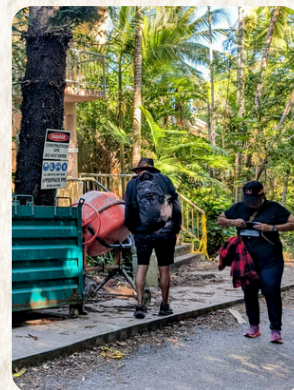
Members of the FAME Unit and the Gia and Ngaro Applicant recently had the pleasure of visiting Lindeman Island with the resort owners, Well Smart Group (WSG). WSG is in the process of restoring the former resort which has been abandoned and run down for some time. The parties are working closely together to ensure cultural heritage is protected during any further expansion of the resort and its facilities, and to maximise opportunities that the reopening of the resort presents to the community.



Native Title Act Future Act Review

The ALRC is now well advanced in its review of the future acts regime of the Native Title Act and the FAME Unit has met with ALRC members to provide some preliminary comments to guide questions for a Discussion Paper (the Paper) before making formal submissions to ensure NQLC's concerns about the functionality of the regime are taken into consideration.

The Paper was released in May 2025 and NQLC is now in the process of addressing the questions raised in the Paper by way of formal submission.



John Cecchi

**Future Acts Mining
and Exploration
Coordinator**



PBCSU UPDATE

David Jesudason is the PBC Support Unit Senior Legal Officer – Coordinator and leads our PBC Support Unit team in providing services to Prescribed Bodies Corporate (PBCs)

The PBC Support Unit offers corporate support to the 32 Registered Native Title Body Corporates (RNTBCs) within the NQLC RNTB area. PBCSU is also assisting 3 native title claim groups to develop policies and establish their corporations to be the RNTBC upon a successful determination of their claim.

The PBC Support Unit will be working closely with PBCs now that the end of the financial year has passed to ensure that NIAA basic support funding has been acquitted and new agreements are in place for the 2025/2026 financial year.

If your PBC needs any assistance from the PBC Support Unit please contact them directly at pbcsupport@nqlc.com.au

PBC Support is Growing Join Our Team!

PBC Support is expanding its services and looking for passionate individuals to join our team.

We are currently recruiting for two exciting roles:

- Legal Officer
- Administration Officer



Scan the
QR Code

To view our current vacancies and apply today!

NQLC National Native Title Tribunal PBC Forum

The 2025 National Native Title Council/NQLC PBC Forum has been rescheduled to 26-28 August 2025 and an invitation and agenda will shortly be settled and sent to all PBCs.

The PBC Forum is an event hosted by the National Native Title Council organised by PBC Support Unit that invites every PBC in the NQLC area to a forum once every two years. This year we have invited PBCs to discuss and share their success stories as 'Peer to Peer Learning' sessions with ORIC, National Native Title Council, National Native Title Tribunal, AIATSIS & National Indigenous Australians Agency.

This year after a lot of feedback from PBCs the forum will be showcasing the work of four PBCs within the NQLC region as part of 'Peer to Peer Learning' on topics including:

- (a) establishing and running a Ranger Program;
- (b) managing IPAs;
- (c) implementing large agreements; and
- (d) establishing and running a for-profit Tourism venture,

and the PBC Support Unit looks forward to seeing everyone there.

David Jesudason

Prescribed Body
Corporate Support
Unit Manager



33 MABO

YEARS OF

Since the historic 1992 Mabo v QLD (no2) decision



1936

29 Jun 1936

Eddie (Koiki) Mabo was born on Mer (Murray) Island, Torres Strait.

1957

Mabo left Mer Island and moved to mainland Australia at 21.

1967

Mabo took a job as a gardener at James Cook University (JCU) in Townsville.

1974

After speaking with JCU historians, Mabo learned he had no legal ownership of his traditional lands under Queensland law.

1981

Mabo spoke at a Land Rights Conference about Traditional Islander ownership, then decided to take his case to the High Court.

1982

20 May 1982

Mabo and co-plaintiffs, Reverend David Passi, Celuia Mapoo Saee, Sam Passi and James Rice lodged a case in the High Court of Australia.

1986

27 Feb 1986

The High Court refers the case to Queensland Supreme Court to take evidence, examine and make findings of fact.

1988

17 Nov 1986

Supreme Court proceedings adjourned to allow challenge in the High Court to validity of **Queensland Coast Islands Declaratory Act (1985)**.

1989

2 May 1989

The Supreme Court hearing re-commences

6 Sept 1989

The Supreme Court hearing concludes.

1992

21 Jan 1992

Sadly Eddie Koiki Mabo passed away, five months before the now famous judgement was delivered.

3 Jun 1992

The Court overturned the legal doctrine of terra nullius' land belonging to nothing, no one' delivering a verdict in favour of the Murray Islanders in Mabo v QLD (No 2.).

AIATSIS 2025





At the 2025 AIATSIS Summit on Larrakia Country, NQLC proudly presented "Strengthening Indigenous Economic Empowerment through Native Title" under the theme of Rights, Recognition, and Representation. The panel, which brought together both board leadership and operational delivery, showcased a comparative analysis of regional and national strategies to drive long-term Indigenous economic transformation. At the heart of the presentation was BIENQ, a 10-year regional initiative developed by NQLC to transition RNTBCs from legal entities to governance and enterprise hubs.

Built on legal empowerment and place-based strategies, BIENQ aligns with the national push led by the NNTC and reinforced by the JSCATSIA report, which affirms economic self-determination as a right and calls for legislative reform and sustainable resourcing. The presentation emphasised the shared agenda across BIENQ, NNTC, and JSCATSIA—each advancing Indigenous-led economic governance in different but complementary ways.

With intergenerational leadership, cultural authority, and flexible funding at its core, BIENQ's next steps include formalising its structure, piloting projects, and building strategic partnerships.

NQLC reaffirmed its commitment to institutionalising Indigenous economic empowerment and called for ongoing collaboration to realise this vision.

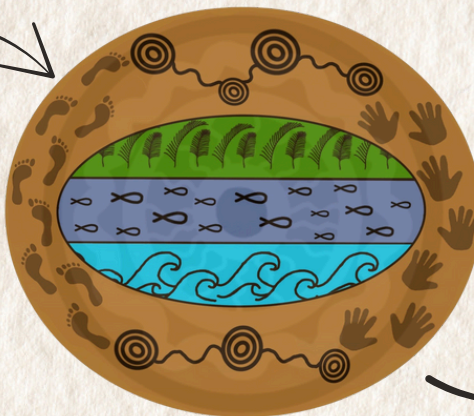
Throughout the week, NQLC Directors took the opportunity to meet with key figures from across the native title and heritage sectors. These included Chairperson of Nguddaboolgan NTAC Lynley Halliday, Dr Rose Barrowcliffe and Clarice Stanley from Queensland State Archives, and senior members of the AIATSIS Council and Collection team, who are vital to helping our communities access historical records. Our board also held constructive talks with Yamatji Marlpa Aboriginal Corporation to strengthen our MOU and explore opportunities for future collaboration.

The summit also gave space to reflect and connect. NQLC representatives attended the candlelight vigil, enjoyed the vibrant Larrakia hospitality at Mindil Beach Markets, and joined cultural events throughout the week—from performances by Electric Fields to conversations with trailblazers like Professor Tom Calma and Social Justice Commissioner Katie Kiss. With the next summit set for the Gold Coast in 2025, NQLC looks forward to returning with more stories, insights, and a strong voice for our people.

NQLC'S NEW LOGO



NQLC's Original Logo.



Winning Artwork by Natasha Davui.



NQLC's New Logo by Leigh Harris

Introducing North Queensland Land Councils new logo!

The NQLC Board endorsed a brand refresh last year and launched a logo redesign competition. We're proud to reveal the winning artwork by Natasha Davui, a proud Djabugay and Gunggari woman.

"The story of the artwork is about 4 yarning circles at the top symbolise NQLC core activities such as native title claims, future acts, agreement negotiation and economic development and show that these are all connected one or another.

The 3 yarning circles at the bottom embody the visions and values of NQLC connecting together to present commitment to preservation, protection and promotion of native title. The hands and feet represent the NQLC staff and their work to embody these core activities and values for the people of Far North Queensland.

The middle design depicts the regions that NQLC cover and the colours show the fish cultural diversity of these regions.

Rainforest people in the beautiful green with tropical plants. Freshwater people is in clear blue with freshwater fish. Saltwater people in shimmering blue with the ocean waves. There is an eye in the background that represents transparency, commitment and dedication as an overarching theme to what NQLC does for its people."

We then partnered with Leigh Harris at Ingeous Studios to bring this vision into a bold, contemporary logo.



Have Your Say - NQLC Website Refresh Coming Soon!



Scan the QR code and share your feedback

We're updating our website and want to hear from you! What features or information would you like to see? Your input will help us build a better, more user-friendly platform for everyone.



THE NEXT GENERATION: STRENGTH, VISION & LEGACY

6-13 JULY 2025



GENEX VISIT

Ewamian site visit to Genex Power Kidston Pumped Storage Hydro and Solar Project at Kidston Station

Since 2017 Ewamian People Aboriginal Corporation RNTBC (EPAC) and Ewamian Limited (EL) have been working with Genex Power on the 50MW Kidston Solar Project that is now operating, and the 250MW Pumped Storage Hydro Project which is under construction.

The Kidston Pumped Storage Hydro Project is the first pumped hydro project in Australia for over 40 years and the first to be developed by the private sector. The site of the project is at the old Kidston Gold Mine that ran from 1907 to 2001 and is an amazing example of what can be achieved after mine closure.



The EPAC and EL directors have been working with Genex Power for future development of the site and have entered into various agreements including a sponsorship agreement since 2017.

A site visit was arranged on 23 June 2025 where EPAC and EL directors, together with Julia (Jules) Taylor and Helena Raison from NQLC, were invited by Genex Power to see the work that has been occurring since 2021 for the pumped hydro which included an underground visit of the site as well as site visits of the 50MW solar farm which is made up of 540,000 solar panels and also the new Powerlink 275kv transmission line that will run through to Mt Fox.

Site visits are critical for PBCs and Traditional Owners to understand the impact projects will have on their country and discuss the size and scope of projects as they are developed. NQLC and the directors thank Genex Power for arranging this visit. See below photos of the day.



STRONGER TOGETHER

Supporting our PBC's through Shared Learning

Recently, NQLC staff members Joanne Chapman and Jasmine Clubb from the EDST team had the opportunity to attend the Central Land Council (CLC) PBC Camp at Ross River Resort, just east of Alice Springs. The camp was a valuable opportunity to learn how CLC supports its PBCs—and there were many great insights to take away.

CLC operates on a significantly larger scale than NQLC, with over 380 staff delivering a wide range of services across their region. One of the standout strengths of their model is their commitment to meeting Traditional Owners on Country, often using interpreters to ensure full participation, particularly where English is a fourth or fifth language.

CLC's PBC Unit supports 33 PBCs with:

- AGM and community meeting support
- Assistance with ORIC compliance and governance paperwork
- Updates to rule books, reports, and director details
- Support with securing exemptions for smaller PBCs
- Coordination of multiple AGMs each year

CLC also provides broader support in areas like land management, economic development, ranger programs, and governance training. Throughout the camp, we also heard from NNTC, ORIC, NIAA, and AAPA—who shared updates on training programs, governance improvements, funding support, and sacred site protections.

A key highlight was the launch of CLC's PBC Story Governance booklets—a series of eight illustrated, easy-to-read resources developed with PBC directors. These booklets explain complex governance topics like meetings, financial management, strategic planning, and decision-making in a culturally appropriate and engaging way. During their trip, Jo and Jazz also took time to visit important cultural sites including Uluru, Simpsons Gap, Anmatjere, and the Santa Teresa Community, deepening their understanding of the region's cultural landscape.



The EDST team is committed to building stronger, more consistent relationships with our PBCs. We want to better understand your challenges and offer the kind of practical support that makes a difference—not just at AGM time, but throughout the year. If your PBC needs operational or Governance support, please don't hesitate to reach out to the PBCSU team.

THE ROLE OF APPLICANTS & PBCs

NQLC receives many queries from Traditional Owners about what their rights and responsibilities are during both a claim process and also after there has been a determination of native title.

Here is some background information and NQLC is available to answer any questions you may have. It is important to note that NQLC takes instructions from the Applicant for claims and PBCs post-determination unless there is a legal reason to receive instructions directly from common law holders.

What happens during a claim process?

NQLC assists native title claim groups to bring native title claimant applications (known interchangeably as claims or **applications**) in the Federal Court of Australia (**Federal Court**), and to progress these applications to determinations of native title.



The Applicant is typically a small group of claim group members authorised to lodge a Native Title application. Under the Native Title Act, they can manage all related matters, but must act within any conditions set by the claim group.



The Applicant represents the whole native title claim group and must act in their collective interest. As legal recognition applies to the entire community, the Applicant should promote the claim publicly and follow legal advice from NQLC, who represent the group in the Federal Court.

Responsibility of the Applicant

Being an Applicant in a native title claim carries significant responsibility and requires a strong commitment to representing the interests of the entire claim group.



What about after a determination?

After a determination of native title Traditional Owners are recognised by the Federal Court as Common Law Holders with certain rights and how they are then managed is set out below.

What is a PBC?

The Native Title Act 1993 (Cth) (**NTA**) requires that common law holders have a Prescribed Body Corporate (**PBC**) to manage and protect their native title rights and interests.

PBCs are nominated by native title holders to manage their recognised native title rights and interests.

The Federal Court determines the PBC, usually at the time of the native title determination.



PBCs act as either agents or trustees for the native title holders, depending on the group's preference.

PBCs are incorporated under the CATSI Act (Corporations (Aboriginal and Torres Strait Islander) Act 2006).

THE ROLE OF APPLICANTS & PBCs

Which laws govern a PBC?

1

Native Title Act 1993
(Cth) (**NTA**)

2

Native Title (Prescribed Bodies
Corporate) Regulations 1999
(Cth) (**PBC Regulations**)

3

Corporations (Aboriginal and
Torres Strait Islander) Act 2006
(**CATSI Act**)

4

Corporations (Aboriginal and
Torres Strait Islander) Regulations
2017 (**CATSI Regulations**)

In addition to this legislation, PBCs are required to comply with other corporate compliance obligations such as employment, taxation, superannuation, insurances and the like and have fiduciary duties to the PBC, members and common law holders.

What is the role of a PBC?

To protect and manage determined native title in accordance with the wishes of the common law holders.

To act as a legal entity or 'go between' for government and other parties wanting to conduct business on land where native title has been recognised.

Decisions in PBCs

PBCs are required to make lots of types of decisions. Some might be related to native title, while others related to the day-to-day corporate operations.

It's important to make sure decisions are made the **right way**.

How are native title decisions made?

When a PBC wants to make a native title decision, it must follow regulations and rules in:

1. the PBC Regulations
2. the Native Title (Indigenous Land Use Agreements) Regulations 1999 (Cth)
3. Its rule book (if the rule book may also have special rules for native title decisions)

Native Title Decision v Corporation Decision



Native Title Decisions

- Surrender native title rights and interests
- Enter into an ILUA or RTN (s.31) agreement
- Allow non-common law holders to become members
- Consent to alternative consultation processes in the rulebook
- Do or agree to acts affecting native title rights
- Apply for compensation



Corporate Decisions

- Cultural Heritage Management Agreements/Plans
- Employ staff or lease office space
- Call and conduct directors' meetings and AGMs
- Approve grant agreements
- Process membership applications
- Deliver programs and services
- Manage Indigenous Protected Areas



Member Decisions

- Appoint an auditor
- Elect directors
- Set board remuneration

THE ROLE OF APPLICANTS & PBCs

Evidence of Consultation and Consent

RNTBC's must prepare a certificate every time a native title decision is made.

Reg 9 – As soon as practicable after a native title decision is made by a PBC, it must prepare a certificate. It must certify that the PBC has consulted and obtained consent in relation according to regulation 8.

The certificate must include:

The date

Details of the decision-making process

Details of the consultation and consent process

Names of the people who participated in the decision-making process

It must be signed by 2 directors or the chief executive officer.

How are Corporate Decisions made?

The PBC directors (or their delegates) make these decisions pursuant to the CATSI Act and the PBC's rule book. These decisions are usually made during directors' meetings. Although these are corporate decisions, there may be decisions for which it is a good idea to consult with common law holders. An example of this may be a large project that only requires a cultural heritage management agreement however will have a large impact on country.

Most rule books provide that the Directors may exercise all the powers of the Corporation except any that the Act or the Corporation's Rule Book requires the Corporation to exercise in General Meeting or a meeting for a Native Title Decision.

What is the role of a CEO?

CEO is:



Responsible for the day-to-day operations of the PBC



Accountable to the directors and members



Appointed by the directors and reports to the board

PBC's policies and procedures can set out the delegation of responsibility to the CEO. Therefore not all decisions need to go through the board if there is an instrument of delegation to the CEO. This makes sure the CEO can get on with the day-to-day operations as matters arise.





North Queensland Land Council

NTRB Aboriginal Corporation | ICN 1996

Carins Office

61 Anderson St, Manunda QLD 4870

Townsville Office

Level 6, 122 Walker St, Townsville QLD 4810

Contact

PO BOX 679 Cairns North QLD 4870

1800 814 779 | 07 4042 7000 | www.nqlc.com.au