

# >>NATIVE TITLE REPORT



Barkly kids.

# >>NATIVE TITLE REPORT

## ABOUT THE NORTHERN LAND COUNCIL

The NLC was recognised as the Native Title Representative Body (NTRB) for the northern region of the Territory (now including the Tiwi Islands and Groote Eylandt) in January 1994.

For practical purposes, the NLC's functions under the NTA generally concern the half of its region that is not Aboriginal land. This includes areas of Crown land or other land in towns, national parks, land vested in the Northern Territory Land Corporation, pastoral leases and offshore areas.

The NLC is a statutory authority established under the *Aboriginal Land Rights (Northern Territory) Act*. The NLC has a Full Council comprising 78 members and an additional 5 co-opted women's positions. Elections are held every three years. The Full Council then elects its Chair, Deputy Chair and seven Executive Members. The term of the 10th Full Council of the NLC commenced in October 2004.

At an administrative level the NLC comprises seven specialist branches: legal, anthropology, secretariat, natural resources, mining, regional services and corporate services. In contrast to some other representative bodies, the NLC does not have a separate native title unit which is solely responsible for the performance of all native title functions and for expending funds provided for that purpose. The NLC has combined native title functions with other functions. This approach recognises that the NLC must perform related functions under two statutory schemes and is intended to increase administrative efficiency and flexibility.

The NLC currently has 17 native title funded positions. The positions are distributed throughout relevant branches. Other NLC positions are funded under the *Land Rights Act* (with the exception of some positions funded from other sources).



NAIDOC March, Darwin 2005.

The NLC seeks to promote the interests, and sustain the aspirations, of Aboriginal people in its region, initiate and pursue action to represent their interests in land and support their native title rights.

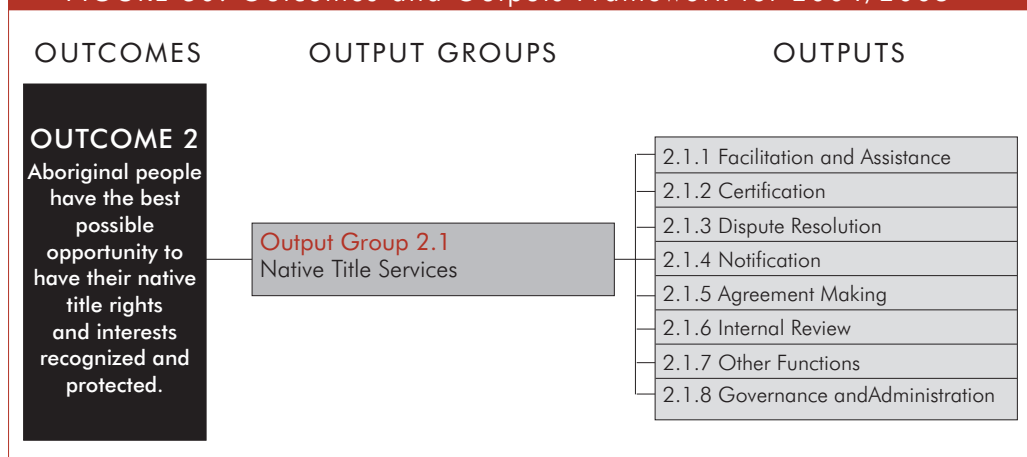
The core responsibility of the NLC is to assist Aboriginal people with matters affecting their traditional lands and seas, through the exercise of their legal rights under State and Commonwealth native title and land rights legislation.

In consultation with the Aboriginal people of its region, the NLC has identified clear priorities and objectives for all its activities. These priorities and objectives are outlined in further detail in the NLC's Native Title Strategic Plan.

**N**ative title can be a firm foundation for economic prosperity.

## OUTPUT GROUP 2.1: NATIVE TITLE SERVICES

>>FIGURE 30: Outcomes and Outputs Framework for 2004/2005



## OVERVIEW

This report focuses on the NLCs Outcomes and Outputs as is required by legislation. It is a condition of the NLC's native title grant funding that it reports against the outcomes/outputs framework developed by the Office of Indigenous Policy Coordination. The NLC has prepared this report in compliance with this requirement.

There are public policy reasons for developing an outcomes/outputs framework that applies across the NTRB sector. The NLC understands that the Australian Government wishes to compare the efficiency and effectiveness of NTRBs. However, the current framework presents a number of difficulties.

The NLC is particularly concerned that the outcomes/outputs framework developed by OIPC is inconsistent with the NLCs overarching reporting obligations under the *Companies and Authorities Act* and related Finance Minister's Orders). The NLC is

advised that Governance and Administration is an input and must be included against the costs of each output group to ensure that the reported figures accurately reflect the true cost of NLC outputs. Accordingly, the NLC includes the cost of administration and governance in the price of outputs. The OIPC framework requires the NLC to re-calculate all output costs and provide a separate figure exclusive of Governance and Administration costs. This is a significant administrative burden. The NLC has written to the Minister on two occasions to seek clarification of the reporting requirements in relation to this output. However, in the absence of a reply, two reports are provided.

The OIPC framework also includes a number of other activities which are properly characterized as inputs. These include Certification, Notification, Dispute Resolution and Internal Review. The NLC is required to certify applications for determination of native



## NATIVE TITLE REPORT continued...

title (and applications for the registration of Indigenous Land Use Agreements (ILUAs)), and notify native title claimants of matters potentially impacting upon their rights and interests, in order to properly discharge its facilitation and assistance and agreement-making functions. The resolution of disputes between Aboriginal groups (and inside Aboriginal groups) is similarly required in order for the NLC to discharge its facilitation and assistance and agreement-making functions. The NLC considers that transparent and appropriate internal review processes are an aspect of Governance and Administration.

The inclusion of inputs into the outputs reporting framework makes it difficult for the NLC to properly cost its services. It is difficult to calculate with accuracy, the cost of activities

undertaken in the course of producing another outcome. For example, the research and consultations conducted to prepare and lodge an application for determination of native title are the basis of each certification by the NLC. If the true cost of certification is to be described accurately, research and consultation costs should be included. However, research and consultations are rarely, if ever, conducted solely for the purpose of certification. The NLC trusts that these issues will be resolved satisfactorily in the upcoming reporting period.

Lastly, it must be acknowledged that while it is important to set objectives and measure performance, statistics can only ever provide a very limited understanding of the scope and complexity of native title work.

## A BRIEF HISTORY OF NATIVE TITLE IN AUSTRALIA

1788	The British occupy Australia – describing the country as ‘terra nullius’ – belonging to no-one.
1972	Yolngu people of North Eastern Arnhem Land unsuccessfully assert their native title rights and seek a court order restraining a mining company from mining on their land.
1982	The High Court upheld Eddie Mabo’s claim for recognition of his traditional land rights. The Court ruled that the Meriam people were ‘entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands.’
1993	The Commonwealth Parliament enacted the <i>Native Title Act</i> to provide a mechanism for the recognition and protection of native title in the post-Mabo era.
1994	The <i>Native Title Act</i> came into operation.
1995	The Indigenous Land Corporation and the Aboriginal and Torres Strait Islander Land Fund was established to replace similar existing organisations.
1996	The High Court of Australia decides in the case of <i>Wik Peoples v Queensland</i> that native title co-exists on certain pastoral leases to the extent that it is not inconsistent with the rights of the pastoralist.
1997	The Commonwealth Government releases its 10 Point Plan for amendments to the NTA.
1998	After 293 amendments, the <i>Native Title Amendment Act 1998</i> was passed by the Commonwealth parliament.



1998	The United Nations Committee on the Elimination of Racial Discrimination (CERD) expresses concern about several amendments to the NTA in its decision on Australia and the Commonwealth Government rejects the Committee's findings.
1999	The Northern Territory's alternative right to negotiate procedures were disallowed by the Senate under the disallowance powers given to both Houses of Parliament in the NTA.
1999	The High Court found in the case of <i>Yanner v Eaton</i> that the statutory scheme vesting property in fauna in Queensland did not extinguish native title rights to take crocodiles for traditional purposes.
2002	The High Court found in <i>Yamirr v Northern Territory</i> that native title exists over the entire areas of the sea-bed claimed in the Croker Island case.
2002	The High Court handed down its decision in the case of <i>Ward v Western Australia &amp; Ors</i> providing extensive clarification of the nature of native title rights and interests and the manner in which they may be extinguished.

## 2.1.1 FACILITATION AND ASSISTANCE

### Description of Output

The NLC facilitates the researching, preparation and making of applications for determinations of native title and for compensation for acts affecting native title on behalf of groups of Aboriginal people from the northern region of the Territory.

The determination process is long, difficult and expensive. There are practical limits to the number of applications that the NLC can progress each year. Native title is widely recognised as a complex area of law with limited (but developing) jurisprudence. In researching, preparing and making applications, the NLC affords priority to applications that are appropriate test cases regarding both legal and factual issues and applications over land or waters where development is imminent.

The native title determination applications facilitated to hearing by the NLC have assisted to clarify the law on important issues such as the nature of native title and extinguishment.

In formulating and implementing its strategy regarding native title litigation, the NLC has actively participated in Federal Court case management processes designed to facilitate

consultation with the Northern Territory Government and other stakeholders.

### Performance

The performance measures for facilitation and assistance are:

- Quantity – number of native title determinations facilitated.
- Quality – native title is recognised in all or part of the claim area.
- Resource usage – cost per determination.

>>TABLE 23: Performance at a Glance

	Target	Result
Quantity	1	1
Quality	Native title exists	Native title exists
Price	-	\$856,788

### Comment on Performance

The NLC made progress in facilitating determinations of native title for three claimant groups for the areas of Blue Mud Bay, Timber Creek and Darwin.



## NATIVE TITLE REPORT continued...

The Federal Court heard evidence in support of the Blue Mud Bay application in August and September 2004. A decision recognising the existence of native title was handed down in February 2005 and the formal determination will be made early in the next financial year.



*Gawirrin Gumana at the hearing of the Blue Mud Bay claim.*

The determination that native title exists in the Blue Mud Bay case brings the total number of litigated determinations obtained with the assistance of the NLC to 5: *Yarmirr* (Croker Island seas), *Ward* (Miriuwung and Gajerrong, representation being limited to land in the Northern Territory), *Wandarang* (St Vidgeon pastoral station), *Ngalakan* (Township of Urapunga). Each claim has assisted in the development of native title law through clarification of both legal and factual issues.

During the reporting period, the NLC also facilitated to hearing an application by the traditional owners of the Town of Timber Creek. That application will clarify the nature of native title rights within town boundaries, particularly in small remote towns. The Federal Court heard evidence in support of the application in March 2005 in Timber Creek. A decision is expected in the next financial year.

The traditional owners of Timber Creek presented strong evidence of their culture and knowledge of country. The photograph below shows senior elder, Alan Griffiths giving evidence using his painting of the dreamings and landscape around Timber Creek.



*Alan Griffiths showing his painting to the Court.*

The NLC facilitated representation of the traditional owners of Timber Creek in an application for Special Leave to Appeal to the High Court against a decision concerning the compulsory acquisition of native title rights. The High Court has reserved its decision until the Federal Court has made a determination of native title in the related Timber Creek application.

In July 2004, the Federal Court heard expert evidence and final submissions in relation to the application by the Larrakia People to vacant crown land in the Darwin region. The hearing is now complete and a decision is expected in the next financial year.

The NLC lodged 3 new applications for determination of native title bringing the cumulative total of applications lodged by the NLC to 159. Claims have now been lodged over the most of the land and waters within the NLC region. While the NLC anticipates making some further applications, the rate of lodgement of native title determination is not expected to increase.

There are currently 136 active claims covering a total area of 271,850 km<sup>2</sup>

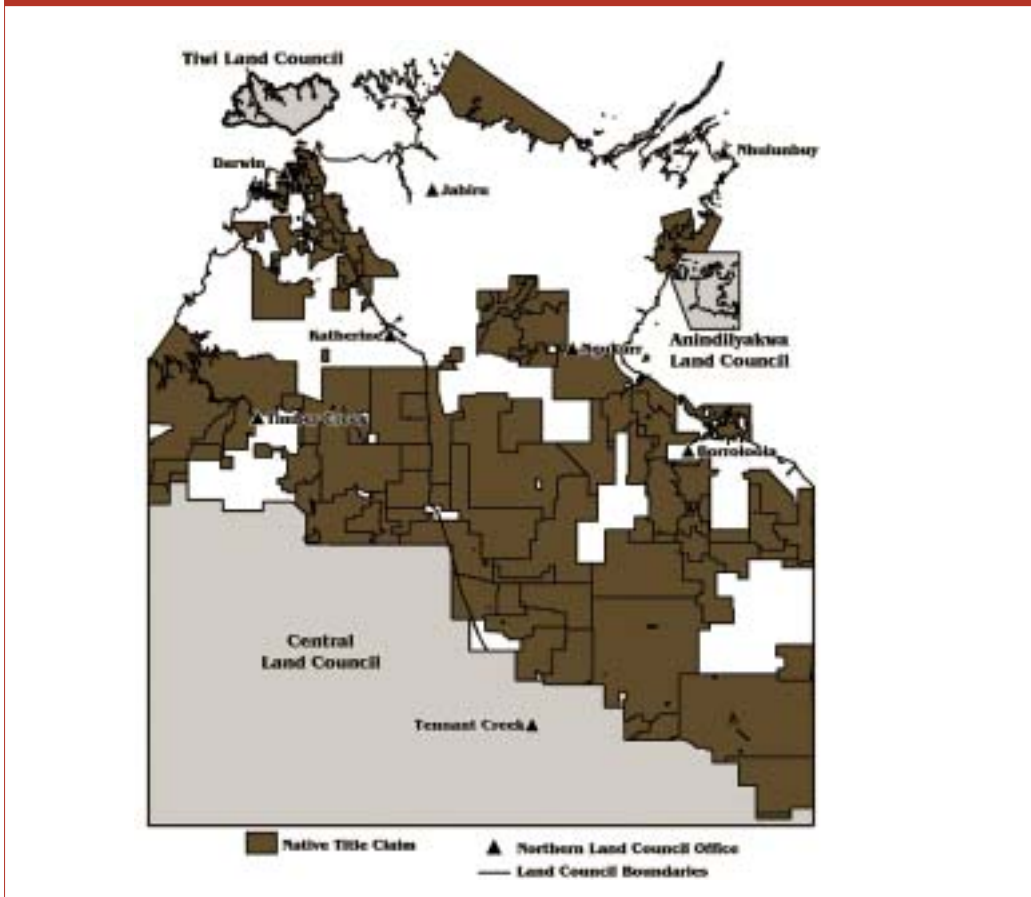
The following map shows the total area of land subject to applications for determination of native title within the NLC region.

The NLC did not lodge any applications for compensation for extinguishment or impairment of native title this year.

At this stage, compensation applications are not a priority bearing in mind the importance of first proving that native title exists and given that important legal issues in relation to the question of compensation are expected to be resolved in the Yulara native title compensation application (which is currently being facilitated to hearing by the Central Land Council).

To date, the NLC has lodged 2 applications for compensation, both of which related to major developments in Darwin. The NLC has lodged 34 applications for compensation under the Territory *Land Acquisition Act*. These were lodged to prevent the traditional owners becoming statute barred under Northern Territory laws.

>>MAP 4:Native Title Claims



## NATIVE TITLE REPORT continued...

During the next reporting period, the NLC will facilitate the hearing of the Newcastle Waters matters, which include 6 separate applications for determination of native title. The applications are a test case regarding native title/pastoral lease issues in the Northern Territory and are expected to be heard in 2006. During the reporting period, the NLC

engaged counsel and an anthropological consultant. The anthropological report will be ready for filing in late 2005. The NLC also conducted a proofing of witnesses on country, and filed necessary legal documentation.

The resolution of the Newcastle Waters matters is aimed at promoting the efficient settlement of the majority of claims in the NLC region.

### 2.1.2 CERTIFICATION

#### Description of Output

Section 203BE of the NTA requires that NTRBs certify that native title applications and Indigenous Land Use Agreement (ILUA) registrations are properly authorised by the relevant members of the community. If the area is covered by more than one application the NLC must make all reasonable efforts to achieve agreement between applicants and minimise the number of applications covering the area, prior to certification.

In relation to each native title application and ILUA, the NLC certifies that:

- all persons in all of the persons in the native title claim group have authorised the applicant to make the application (and to deal with matters arising in relation to it) and
- all reasonable efforts have been made to ensure that the application describes or otherwise identifies all the other persons in the native title claim group

To do this, the NLC must conduct detailed research and extensive consultations with claimant groups.

#### Performance

The performance measures for certification are:

- Quantity – number of certifications.
- Quality – there are no overlapping applications for determination of native title.
- Resource usage – cost per certification.

>>TABLE 24: Performance at a Glance

	Target	Result
Quantity	25	20
Quality	No overlapping claims	No overlapping claims
Price	-	\$1,348

#### Comment on performance

The NLC certified three applications for determination of native title and eighteen ILUAs.

The majority of certification activity during the reporting period related to the Territory Government's offer to settle land claims and native title claims over parks and reserves.

The NLC produces a detailed report for each certification outlining the research underlying the identification of traditional rights and interests and the consultations undertaken in relation to the claim or agreement.

There will be less certification-related activity in the upcoming reporting period.



## 2.1.3 DISPUTE RESOLUTION

### Description of Output

As part of its broader functions under the NTA, the NLC assists to resolve disputes between Aboriginal groups and encourages an efficient, effective and cooperative approach to claims, agreements and ILUAs.

Dispute resolution varies in complexity. Disputes may occur within or between groups, or both. They may be dealt with through formal or informal processes, resolved in a single meeting or take many years.

Disputes generally come to the attention of the NLC within the context of group decision-making. Disputes often arise in response to land use proposals or in relation to a proposed distribution of benefits. Because of this, the performance measures for dispute resolution are related to agreement making.

### Performance

The performance measures for dispute resolution are:

- Quantity – number of disputes.
- Quality – 80% native title groups are able to make decisions in relation to proposals put before them.
- Resource usage – per dispute.

>>TABLE 25: Performance at a Glance

	Target	Result
Quantity	12	10
Quality	80%	90%
Price	-	\$12,987

### Comment on Performance

Dispute resolution is an integral part of each of the NLC's native title outputs. For this reason, it is difficult to accurately estimate the level of activity associated with dispute resolution or the cost of this activity.

Throughout the year, the NLC assisted traditional owners to manage disputes and make group decisions about a range of proposals.

A measure of the NLC's success is that 4 of the 17 ILUAs have been registered on the Register of Indigenous Land Use Agreements without objection. A further 11 ILUAs were in the notification phase at the time of writing, while 2 others had not yet been notified.

The NLC resolved a higher number of disputes than usual during the reporting period for the purpose of assisting traditional owners to make group decisions about the Territory Government's offer to settle native title claims over parks and reserves. The NLC was unable to resolve all disputes.

The NLC's key dispute resolution strategy is to ensure that traditional owners are identified as accurately as possible at the outset. This work acts to prevent (or at least minimise) many potential disputes. The success of this strategy is reflected in the low numbers of overlapping claims in the NLC region. The NLC has lodged over 80% of the total number of applications within its representative body area (155 of 187) and almost 100% of applications lodged outside of the greater Darwin region.

For many years, the research focus of the NLC has been on Aboriginal land and land subject to claims under the ALRA. The NLC has not conducted the same level of research into the nature of traditional rights and interests in the pastoral estate. In order to discharge its statutory functions in relation to dispute resolution, and all other areas of native title, the NLC will need to invest significant resources in research for the foreseeable future.



### 2.1.4 NOTIFICATION

#### Description of Output

As far as is reasonably practicable, the NLC must ensure that future act notices are brought to the attention of any person who holds or may hold native title in the area affected by the notice and that they are advised of the timeframes for responding to the notice.

There are strict timeframes for responding to notices. The timeframe commences from the notification date given in the notice.

#### Performance

The performance measures for notification are:

- Quantity – number of future act notifications.
- Quality – 100% of future act notices are assessed against the NLC’s environmental, cultural and social impact criteria.
- Resource usage – cost per assessment.

>>TABLE 26: Performance at a Glance

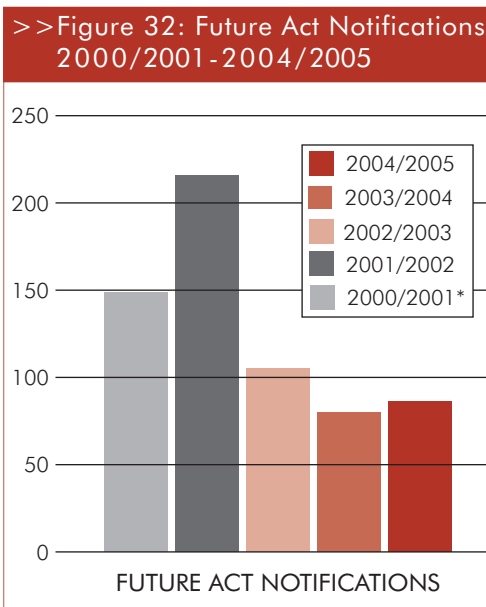
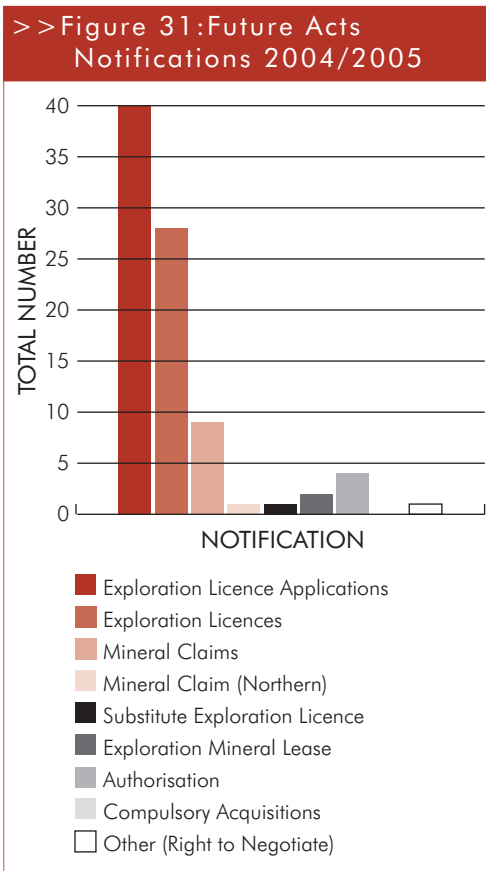
	Target	Result
Quantity	80	86
Quality	100%	100%
Price	-	\$427

#### Comment on Performance

During the reporting period, the NLC was notified of 86 future acts potentially affecting the rights and interests of traditional owners within its region.

The rate of notification of future acts has remained steady over the last two years after a spike in activity generated by the Territory Government’s decision to process the backlog of applications for exploration and mining licences.

The graph at right shows the total number of advertised future act notifications in the NLC region over the last five years.

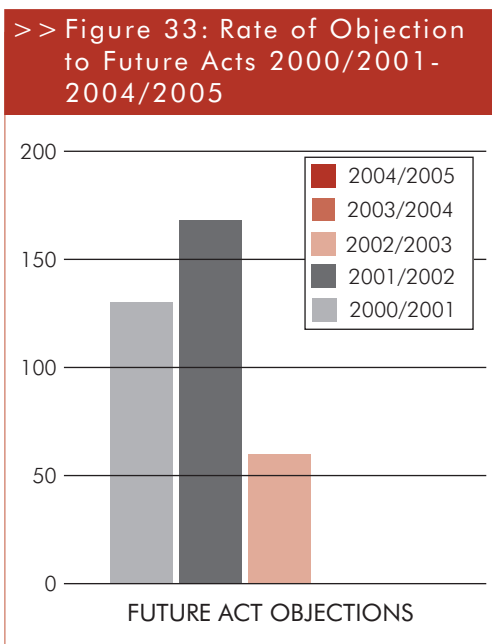


\*Accessible electronic records were only available from 6 September 2000



The NLC has developed procedures for the efficient and effective assessment of future act notices against cultural, environmental and social impact criteria. The NLC has also developed template agreements for mining and exploration on native title affected lands and waters. These templates have been negotiated with the largest mining exploration companies operating within the NLC region.

The following table shows the impact of the NLC’s merit testing procedures on the rate of objection to future acts within the region.



During the reporting period, two future act proposals were assessed as having a significant impact on native title. Both proposals concerned mining activity. These proposals were notified and the NLC facilitated negotiations for ILUAs to protect native title rights and interests.

The NLC was not notified of any proposed compulsory acquisitions of native title this year. Given the significant impact of compulsory acquisition, the NLC has, in previous years, facilitated the filing and registration of native title applications, lodgement of objections,

and conduct of hearings before the Lands and Mining Tribunal. The Tribunal has invariably recommended that any native title that may exist be acquired. For this reason, the NLC facilitated a test case in relation to the extent of the Territory Government’s power to compulsorily acquire native title which was heard by the High Court of Australia during the reporting period. The High Court has reserved its decision on this issue.

In 2002, the NLC (together with the CLC) established working groups with the Territory Government to develop improved processes and approaches to compulsory acquisitions. There have been no compulsory acquisition proposals referred to the Lands and Mining Tribunal since 2002.

This year, 2 ILUAs were finalised in relation to previously notified proposals for compulsory acquisition of native title. In both cases, the agreements allow developments for community purposes to proceed without the extinguishment of native title.

The combination of future act assessment, template agreements and test case litigation has significantly reduced the workload of the NLC in relation to the notification of future acts.

However, it remains the case that notification poses particular difficulties for the NLC. More than 40,000 Aboriginal people live in the NLC region, most living outside of the major towns and centres in small, remote communities. Services to remote communities, including mail and telephone services are limited and unreliable. Many Aboriginal people speak languages other than English as their first language and the education system does not provide them with high levels of literacy or education.

In most cases, traditional owners cannot be notified by letter of proposals impacting upon their rights and interests. Wherever possible, NLC regional office staff notify traditional owners of proposals impacting upon their



rights and interests. In determining priorities for notification, the NLC's first priority is always the protection of native title rights.

The level of notification activity is difficult to

### 2.1.5 INTERNAL REVIEW

#### Description of Output

The NLC is required to have a transparent process for the internal review of its decisions and actions.

There are two primary methods of review within the NLC. An Aboriginal person or group who is aggrieved by a decision of the NLC may write directly to the Chairperson. Alternatively, the person or group may approach their NLC Representative, Regional Council or the Full Council. In both cases, the NLC conducts an internal review of the decision.

#### Performance

The performance measures for internal review are:

- Quantity – number of requests for review.
- Quality – Full Council endorses the decision.
- Resource usage – cost per review.

### 2.1.6 AGREEMENT MAKING

#### Description of Output

Agreement making is one of the central functions of Native Title Representative Bodies.

Agreement making is defined as work carried out by the NLC to obtain benefits for traditional owners from developments or other activities on their land and waters through a process of negotiation with one or more parties.

#### Performance

The performance measures for agreement making are:

- Quantity – number of ILUAs finalised.
- Quality – total area of native title land subject to benefit sharing agreements is increasing.
- Resource usage – cost to process an agreement.

predict with accuracy. However, based on three year trends, the NLC anticipates a similar level of future act related activity in the next financial year.

>>TABLE 27: Performance at a Glance

	Target	Result
Quantity	N/A	1
Quality	Full Council Endorsement	N/A
Price	-	\$7,352

#### Comment on Performance

There was one request for internal review of NLC native title decisions or actions during the reporting period. The matter was successfully resolved through conciliation

This is consistent with previous years.

During the reporting period, the NLC revised its internal review policy.

>>TABLE 28: Performance at a Glance

	Target	Result
Quantity	21	18
Quality	-	20,430 km <sup>2</sup>
Price	-	\$2,450

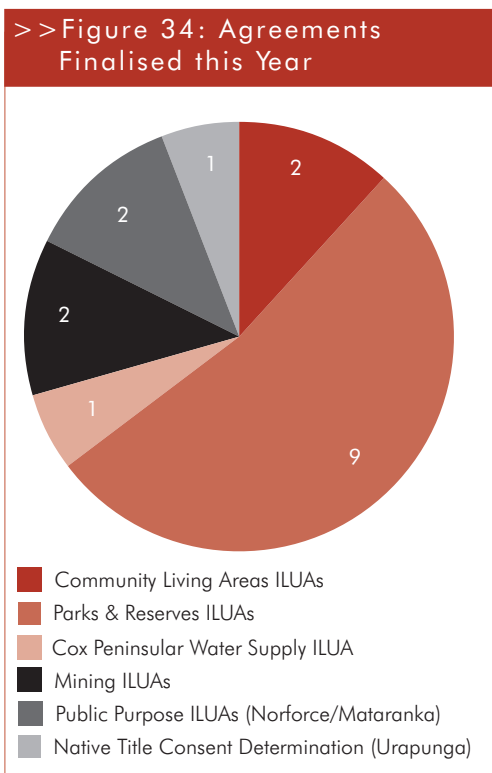
#### Comment on Performance

During the reporting period, the NLC finalised 18 native title agreements, including 17 Indigenous Land Use Agreements, 4 of which are now registered with others still in notification.



The large number of ILUAs is partially explained by the Territory-wide Parks and Reserves settlement. However, the NLC concluded an equal number of non-parks related ILUAs.

The following graph shows the range of agreements finalised this year.



The mining agreements negotiated by the NLC will bring significant social and economic benefits to traditional owners.

The Bootu Creek Manganese mine project is a testament to the fact that major native title agreements can be successfully negotiated in timeframes which fit within the commercial realities of the global economy.

Bootu Creek Resources Pty Ltd announced in late November 2003 that it intended to develop a manganese mine on Banka Banka Station, south of Renner Springs. The mine is designed to produce 500,000 tonnes of

manganese ore per annum. The company entered into negotiations with the traditional owners for the purpose of securing their agreement to the development of the mine and road access corridor, together with agreement for the construction of an airstrip on Banka Banka station and gravel extraction pits to build the road.

The negotiation of all necessary agreements for the project was completed within 9 months. The short negotiation timeframe was commercially significant for the company, which is seeking to take advantage of high commodity prices, and a major Chinese building program currently generating high demand for manganese. The ILUA protects Aboriginal interests, provides fair recompense for the impairment of native title rights and commits the company to providing opportunities for Aboriginal participation in the development of the mine.





*Inspection of Mount Porter mine site with Wagiman and Jawoyn traditional owners.*

There was success also with a negotiated native title agreement between traditional owners and the NT based Arafura Resources. The agreement opens the way for the construction of a new gold mine in the NT. This agreement not only provides employment opportunities for local Aboriginal people, but also incorporates aspects of site rehabilitation and heritage protection. The mine is expected to create significant economic benefits for the traditional owners both in terms of income and employment.

A milestone was reached this year in relation to community living areas. The former Northern Territory Government had argued that native title concerns prevented the transfer of titles to community living areas because the grant of a freehold title would have extinguished native title. The joint efforts of the NLC, CLC and Northern Territory Government have resulted in the negotiation of a template ILUA for community living areas. During the reporting period, the NLC applied

for the registration of two community living area ILUAs, Jingaloo and Powell Creek. The Jingaloo community living area was the first title granted in the NLC region since 1996.

The Larrakia Development Corporation continues to consolidate its commercial success building on a series of unique native title settlements. The Corporation is 'the business arm' of the Larrakia. Its aim is to ensure that the Larrakia become a major force in the financial and social fabric of Darwin. Since its incorporation in 2002, the LDC has turned off and sold over 100 residential blocks, repaid loans and generated full-time jobs for Aboriginal people. During the reporting period, the NLC, the LDC and the Territory Construction Association entered into a Memorandum of Understanding to ensure positive employment and training outcomes for the Larrakia from the Darwin Waterfront and Lee Point suburban developments.



*John Daly and Kelvin Costello sign a Memorandum of Understanding regarding the Lee point Development.*

The ILUAs concluded during this reporting period, bring the total area of land in the NLC region covered by current Indigenous Land Use Agreements to 20,430 km<sup>2</sup>.

Most, but not all, of the agreements facilitated by the NLC have been preceded by the lodgement and registration of a native title application.

Agreement making requires the allocation of considerable resources. The finalisation of an agreement does not mean that the NLC's role is completed. The NLC ordinarily is responsible under agreements for the distribution of benefits in accordance with decisions made under traditional law and custom. Many agreements require the allocation of resources to, for example, take advantage of employment, training and business opportunities which may occur when

a project proceeds (major agreements ordinarily contain provisions to that effect). Supporting the agreements finalised this year will have a significant impact on the resources of the NLC for many years.

The NLC anticipates that it will continue to be necessary for priority to be given to the negotiation of a range of agreements regarding proposed developments (including developments which have not yet been proposed). There will also be a need to lodge further ILUAs to facilitate the grant of community living areas. Major matters anticipated to require considerable resources during upcoming financial year include the proposed expansion of the McArthur River Mine.



## 2.1.7 OTHER FUNCTIONS

### Description of Output

The NLC also performs other native title functions including providing information to Aboriginal communities and the public about native title and the native title process. The NLC promotes native title outcomes by providing capacity-building assistance and assisting Aboriginal groups to engage in participatory planning for agreement-making.

In order to maximise efficiency in resource use, the NLC cooperates with other representative bodies and particularly its neighbouring land councils – the Central Land Council, Kimberley Land Council and Carpentaria Land Council. The NLC also enters into agreements with other key agencies such as the Aboriginal Areas Protection Authority.

### Performance

The performance measures for other functions are:

- Quantity – number of native title information materials produced.
- Quality – NLC is recognised as an authoritative voice measured by hits on the website.
- Resource usage – cost per information material.

>>TABLE 29: Performance at a Glance

	Target	Result
Quantity	-	8
Quality	Figures not yet available	
Price	-	\$1,500

### Comment on performance

During the reporting period, the NLC produced 8 Fact Sheets about native title for Aboriginal people and other stakeholders.

Land Rights News is the NLC's key public awareness activity for land rights and native title. The cost of the production of Land Rights News is shared between the NLC and CLC and across the NLC's ALRA and NTA functions. Land Rights News featured [insert number] of native title stories.

The NLC produced information materials to publicise the election of the Full Council and the nomination process. Resources were also directed towards maintaining and updating the NLC web site.

The NLC's Chairperson, Chief Executive Officer and Executive Members made 6 speeches and public addresses this year, the majority about native title.

Progress was made towards the negotiation of a sacred sites protocol with the Territory's Aboriginal Areas Protection Authority. The protocol will streamline the process for obtaining site clearances on land subject to native title. The aim of the negotiations is to maximise the protection of sacred sites and minimise the duplication of work in areas where the two organisations have overlapping functions.

This year, the NLC coordinated the repatriation of a skull taken from the area over a century ago and sent to Edinburgh University in the early 1900's. The burial ceremony was an important cultural event and was overseen by senior song and dance men from the region.



Members and staff of the NLC attended the annual National Native Title Conference in Coffs Harbour. The conference provided an opportunity for the NLC to participate in important national debate about Indigenous land tenure principles. The NLC Chairman John Daly advised the conference that it is already possible to lease Aboriginal lands under the ALRA and traditional owners will reject any proposal to compulsorily acquire their land.



*Burial of skeletal remains at Anthony Lagoon, Barkly Tablelands, 2005.*

## OUTPUT GROUP 2.1.8: GOVERNANCE AND ADMINISTRATION

### Description of Output

The NLC maintains appropriate accountability and management systems in accordance with legal and accounting requirements.

Full Council members are regularly provided with training in governance and accountability.

The actions of staff are guided by written policies and procedures authorised by the Full Council, including a Code of Conduct.

### Performance

The performance measures for governance and administration:

- Quantity – all Full Council members trained in areas of governance.
- Quality – the NLC receives an unqualified audit.

>>TABLE 30: Performance at a Glance

	Target	Result
Quantity	100%	100%
Quality	Unqualified audit	Unqualified audit

### Comment on Performance

The governance and accountability framework for the NLC is the subject of detailed comment in the following chapter of this report.



During the reporting period, all incoming Full Council members received specially designed training in relation to the role and functions of the NLC and the legal and ethical obligations of Members of the Council.

The NLC received an unqualified audit.

