



NORTHERN
LAND COUNCIL

Our Land, Our Sea, Our Life



Australian Government

ANNUAL REPORT

2017/18

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ISSN 1030-522X

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Red Flag Dancers perform at Ngukurr.



OUR VALUES ...

We will:

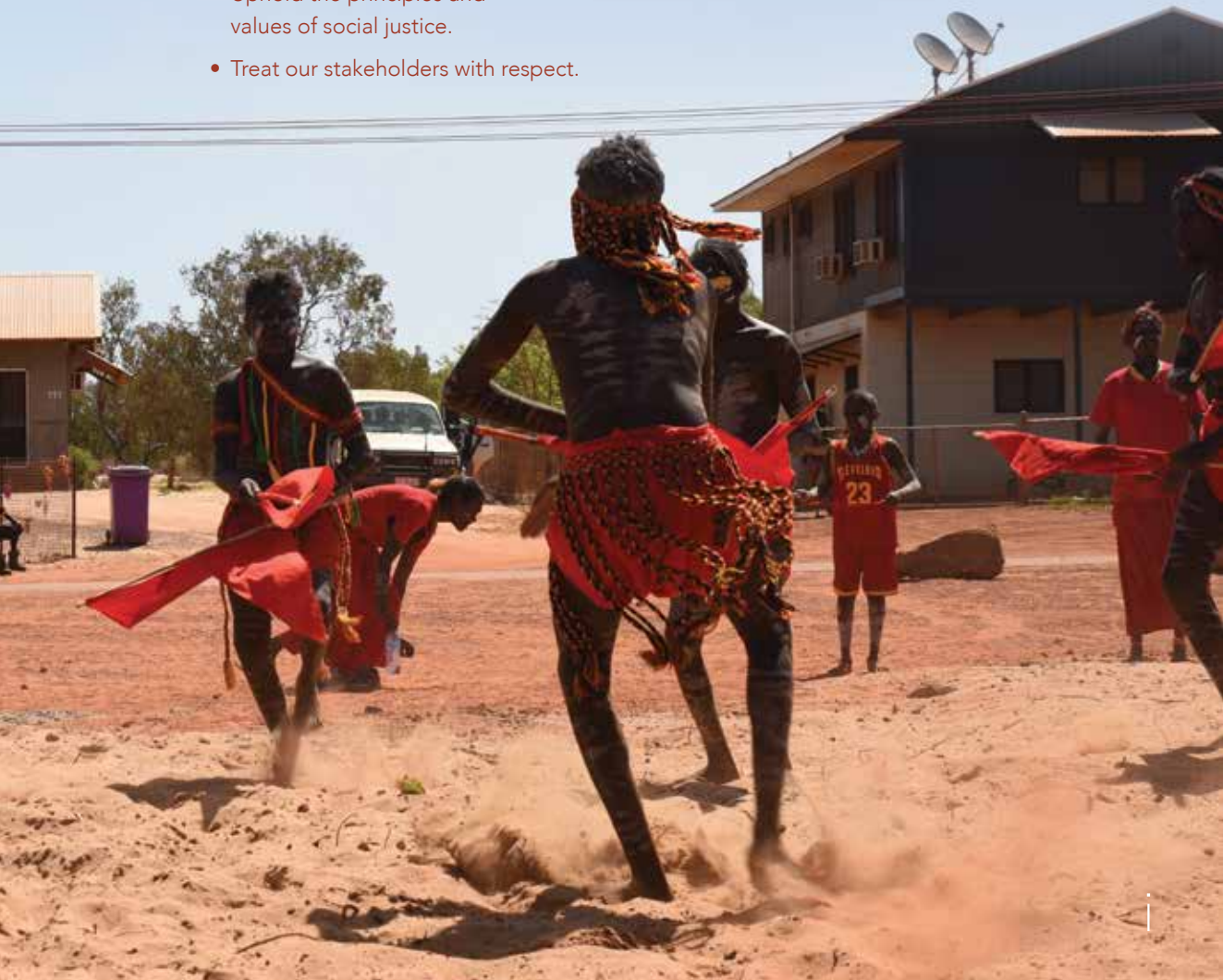
- Consult with and act with the informed consent of Traditional Owners in accordance with the Aboriginal Land Rights Act.
- Communicate clearly with Aboriginal people, taking into account the linguistic diversity of the region.
- Respect Aboriginal law and tradition.
- Be responsive to Aboriginal peoples' needs and effectively advocate for their interests.
- Be accountable to the people we represent
- Behave in a manner that is appropriate and sensitive to cultural differences.
- Act with integrity, honesty and fairness.
- Uphold the principles and values of social justice.
- Treat our stakeholders with respect.

OUR VISION ...

is to have the land and sea rights of Traditional Owners and affected Aboriginal people in the Top End of the Northern Territory recognised and to ensure that Aboriginal people benefit socially, culturally and economically from the secure possession of our land, waters and seas.

WE AIM TO...

achieve enhanced social, political and economic participation and equity for Aboriginal people through the promotion, protection and advancement of our land rights and other rights and interests.





About this report



The Northern Land Council's Annual Report 2017/18 provides a comprehensive account of its performance from 1 July 2017 to 30 June 2018 in accordance with its obligations under the *Aboriginal Land Rights (Northern Territory) Act 1976*, the *Native Title Act 1993* and the *Public Governance, Performance and Accountability Act 2013* (referred to throughout this document as the ALRA, the NTA and the PGPA Act, respectively).

The Annual Report 2017/18 is divided into five parts:

- **About Us:** Our Land, Our Sea, Our Life; history; our people and organisational structure.
- **The Year in Review:** The major issues and achievements for the reporting year.
- **Corporate Governance and Management.**
- **Financial Statements:** Details on income and expenses for both the NLC as a Commonwealth entity and as a native title representative body.
- **Appendices and references.**

The NLC submits this report to the Minister for Indigenous Affairs for tabling in the Australian Parliament.



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Contact Us

P: +61 (8) 8920 5100 / 1800 645 299
(Free Call)
8:00 - 4:30 pm (CST) weekdays
F: +61 (8) 8945 2633

www.nlc.org.au | reception@nlc.org.au
permits@nlc.org.au

Northern Land Council
GPO Box 1222, Darwin
NT 0801

You can visit the NLC at the following offices:

| Region | Location | Address | Phone | Fax |
|----------------------------|------------------|---|----------------|----------------|
| Darwin/Daly/ Wagait | Darwin | 45 Mitchell Street, Darwin NT 0800 | (08) 8920 5100 | (08) 8920 5255 |
| | Wadeye | Lot 788, Kanarlida Street, Wadeye NT 0822 | 0418328843 | |
| West Arnhem | Jabiru | 3 Government Building, Flinders Street, Jabiru NT 0886 | (08) 8938 3000 | (08) 8979 2650 |
| | Maningrida | Lot 739, Maningrida NT 0822 | 0456467984 | |
| East Arnhem | Nhulunbuy | Endeavour Street, Nhulunbuy NT 0880 | (08) 8986 8500 | (08) 8987 1334 |
| | Galiwin'ku | Lot 78, Nurruwurrunhan Road, Galiwin'ku | (08) 8970 5025 | |
| Katherine | Katherine | 5 Katherine Terrace, Katherine NT 0850 | (08) 8971 9899 | (08) 8972 2190 |
| Ngukurr | Ngukurr | Balamurra Street, Ngukurr NT 0852 | (08) 8977 2500 | (08) 8975 4601 |
| Victoria River District | Timber Creek | 43 Wilson Street, Timber Creek NT 0850 | (08) 8974 5600 | (08) 8975 0664 |
| Borrooloola Barkly | Borrooloola | Robinson Road, Mara Mara Camp, Borrooloola NT 0854 | (08) 8975 7500 | (08) 8975 8745 |
| | Tennant Creek | 178 Paterson Street, Tennant Creek NT 0860 | (08) 8962 1884 | (08) 8962 1636 |



**NORTHERN
LAND COUNCIL**

Our Land, Our Sea, Our Life

Address all correspondence to:

Chief Executive Officer

GPO Box 1222 Darwin NT 0801

45 Mitchell Street Darwin NT 0800

P: 08 8920 5100 • F: 08 8945 2633

Freecall: 1800 645 299

www.nlc.org.au

ABN 56 327 515 336

Senator the Hon. Nigel Scullion

Minister for Indigenous Affairs

PO Box 6100

Parliament House

Canberra ACT 2600

Dear Minister,

In accordance with the *Aboriginal Land Rights (Northern Territory) Act 1976*, the *Native Title Act 1993* and the *Public Governance, Performance and Accountability Act 2013*, I am pleased to submit the Northern Land Council's 2017/18 Annual Report.

The Accountable Authority under Section 46 of the *Public Governance, Performance and Accountability Act 2013* is responsible for the preparation and content of this report in accordance with the Public Governance, Performance and Accountability Rule 2014.

This report reviews the Northern Land Council's performance and illustrates the commitment and achievement of the Council and our staff throughout the year.

I commend the report to you for presentation to the Australian Parliament.

Yours sincerely,

Samuel Bush-Blanas

CHAIRMAN



Highlights From 2017/18 Activities



- The Executive Council, Full Council and Chief Executive Officer approved 82 land use agreements under s19 of the Land Rights Act.
- The NLC held consultations for land use agreements that involved 10,136 Traditional Owners and affected Aboriginal people, meeting at 61 different locations.
- The successful negotiation of an Indigenous Land Use Agreement under the *Native Title Act 1993* was a major step forward in the development of a gigantic prawn farm (Project Sea Dragon) on Legune Station in the far north-west of the Northern Territory.
- On the other side of the NLC region, near Gulkula in north east Arnhem Land, Gumatj Corporation obtained a lease over 275ha for use as a commercial rocket launching facility.
- There are 3446 parcels of land in the NLC region under a land use agreement, 130 of them held by Indigenous companies and corporations.
- The NLC received and registered new expressions of interest over 263 parcels of land.
- The NLC processed 13,998 land access permits.
- Under the ALRA, income of \$56,201,000 was generated from Aboriginal land during 2017/18.
- A total of 7,191 royalty payments were made during 2017/18, worth \$57,504,000.
- As part of its plan to expand its regional network, the NLC opened a one-person office in Galiwin'ku on Elcho Island, taking the number of regional offices to 10.

The NLC's Accountable Authority

The Northern Land Council's Accountable Authority, under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), comprises the Chairman and the Chief Executive Officer.

SAMUEL BUSH-BLANASI, CHAIRMAN

Mr Bush-Blanasi is a Mayili man and resident of the Wugularr (Beswick) community in the Katherine region. He was educated in his own community before completing his studies at Kormilda College in Darwin.

Mr Bush-Blanasi is a strong advocate for the rights and interests of Aboriginal people. He is committed to achieving equality for Aboriginal people to enable them to participate in social, political and economic activities and to ensure the maintenance and protection of their cultural knowledge.

This is Mr Bush-Blanasi's sixth term at the NLC.

He is also a board member of the Aboriginal Investment Group, and has a long record of service on boards of several other Aboriginal bodies.

JOE MORRISON, CHIEF EXECUTIVE OFFICER

Mr Morrison was born and raised in Katherine and has Dagoman and Torres Strait Islander heritage. He took up the CEO's position in February 2014.

After completing school he gained a BA from the University of Sydney in natural resource management.

Mr Morrison has more than 20 years research and development experience across northern Australia, and was founding Chief Executive Officer of the North Australian Indigenous Land and Sea Management Alliance.

He has authored and co-authored many articles relating to Indigenous rights, management of country, economic development, and issues relating to northern development.

Mr Morrison's work was recognised on 22 June 2018 when the University of New South Wales awarded him an honorary Doctor of Science degree.

Financial Performance Summary

The NLC is primarily funded through the Aboriginals Benefit Account (ABA), an account into which the Australian Government pays an amount of money equal to the royalties paid from mining on Aboriginal land. These payments are made on an estimates and justification basis.

The NLC is also a Native Title Representative Body under the *Native Title Act 1993*, and receives funding for native title matters. In addition to its core funding under the ABA and the Native Title Act, the NLC receives funding under a number of separate grants.

The NLC is required to prepare audited financial statements for two separate accounting entities under two Acts of the Commonwealth Parliament – the ALRA and the Native Title Act. The NLC's auditor is the Australian National Audit Office.

Financial statements have been prepared in accordance with the Finance Minister's Orders and Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period. The full audited statements are reproduced from page 189.

External Funding

NLC receives additional grant based funding from a number of sources, the major external funding sources include:

- Working on Country funding for ranger groups – Department of the Prime Minister and Cabinet.
- Real Jobs funding for ranger groups – Indigenous Land Corporation (ILC).

Commonwealth Compliance Summary

As a Commonwealth Authority, the NLC is subject to annual reporting orders issued by the Finance Minister under the Public Governance, *Performance and Accountability Act 2013* (PGPA), which stipulates that the NLC recover costs regarding the provision of products or services where it is efficient to do so.

Fees

In accordance with subsection 37(2) of the ALRA, fees received for services by the NLC can be found at Note 4A of the Financial Statements (page 206).



Financial Summary 2017/18

NLC recorded an operating surplus of \$0.2M in 2017/18 compared with a \$0.8M surplus in 2016/17. The reduction of \$0.6M reflects the overall result of an increase in expenses which was partially offset by an increase in revenues. This was mainly due to increased employee and depreciation costs. In 2017-18 NLC's operating result was \$3.4M favourable compared with the annual forecast, with an actual surplus of \$0.2M

compared with a budgeted deficit of \$3.2M. The variance was primarily due to increased revenues relating to funding brought forward from the previous financial year (not budgeted for) and grant funding received after the budget was prepared. A lower than budgeted expenditure outcome, \$1.2M less than forecast, is as a result of the timing of activities (forecast to occur in 2017/18 but will actually take place in 2018/19).

FIGURE 1: Results: Comparison to Previous Year and Budget

| | Actual 2017-18 \$M | Actual 2016-17 \$M | Variance \$M | Actual 2017-18 \$M | Budgeted 2017-18 \$M | Variance \$M |
|----------------------------|--------------------------|--------------------------|-----------------|--------------------------|----------------------------|-----------------|
| Income | 47.4 | 41.66 | 5.7 ▲ | 47.4 | 45.2 | 2.2 ▲ |
| Expenses | 47.2 | 40.86 | 6.4 ▲ | 47.2 | 48.5 | -1.2 ▼ |
| Surplus / (Deficit) | 0.2 | 0.8 | -0.6 ▼ | 0.2 | -3.2 | 3.4 ▲ |

Net result

Income

In 2017/18 there was an overall increase in funding of \$6.1M (15%) compared with 2016/17. Funding can vary significantly from year to year depending on a number of factors such as the number of major projects being undertaken, litigation matters and the availability of

funds in general from various sources.

Figure 2 compares the change in income from 2016/17 with 2017/18 and the actual and budgeted results for 2017/18; Figure 3 shows the sources of revenue in 2017/18 in percentage terms.

FIGURE 2: REVENUE: 2016/17 Actual v 2017-18 Actual & Budget

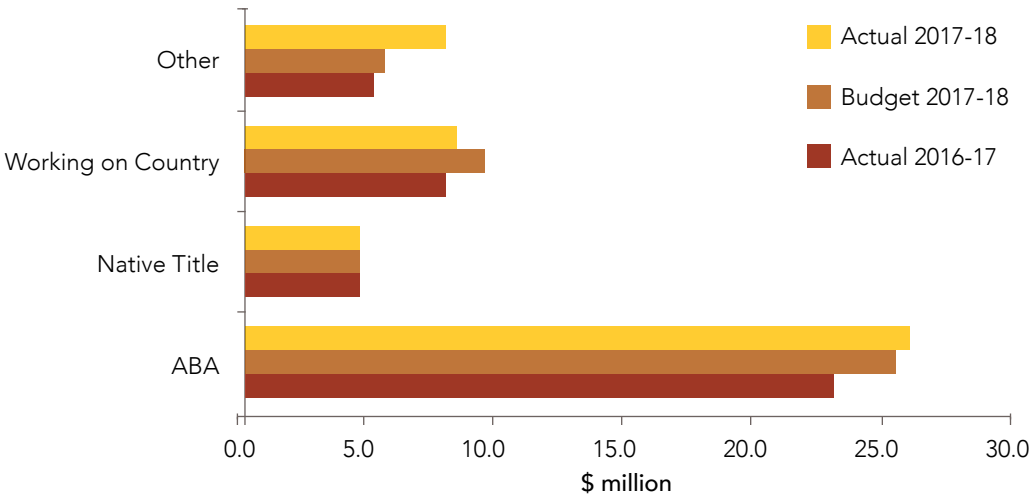
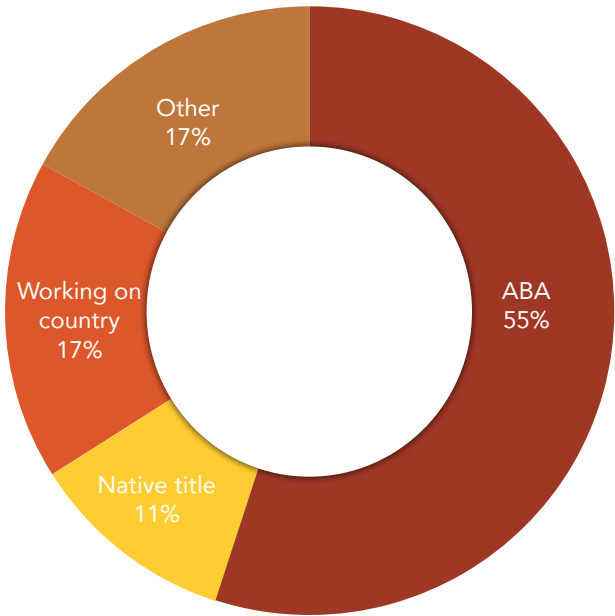


FIGURE 3: Sources of Revenue 2017/18

In 2017/18, 55% of NLC’s income was via ABA funding (56% in 2016/17), Native Title and Working on Country were both down by 1%. Other funding (which includes grants for numerous projects, recoverable works, interest revenue and minor sundry incomes) increased from 12% in 2016/17 to 17% in 2017/18.



Expenses

Total expenses increased by \$6.4M in 2017/18 compared with 2016/17. This was in line with increased revenues. Figure 4 shows the

change in expenses income from 2016/17 to 2017/18 and the actual and budgeted results for 2017/18 whilst Figure 5 shows the 2017/18 expenditure in percentage terms.

FIGURE 4: Actual expenses for 2016-17 and actual and budgeted results for 2017-18

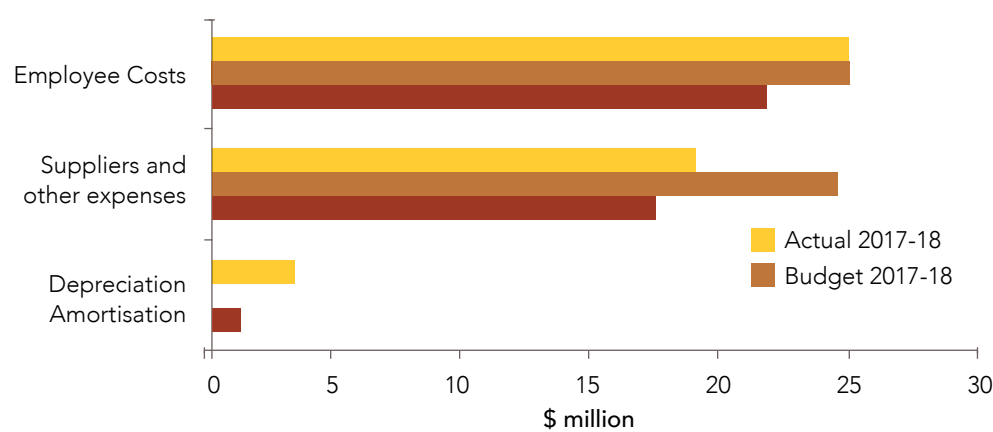
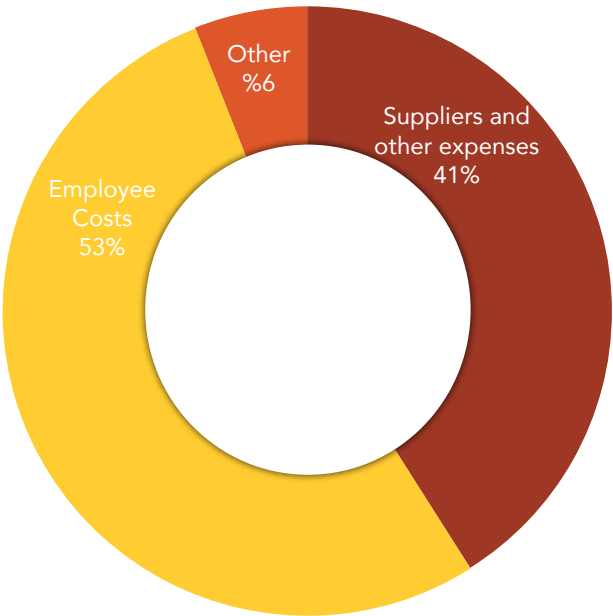


FIGURE 5: Expenditure Breakdown 2017-18

In 2017/18, NLC's employee costs accounted for 53% of total expenditure compared with 54% in 2016/17. Suppliers and other expenses decreased to 41% in 2017/18 (down from 44% the previous year), and depreciation and amortisation increased from 3% to 6% year.





FROM OUR CHAIRMAN

Samuel Bush- Blanasi

The big event of the past year was the gathering at Barunga on 5 June 2018 of the Northern Territory's four land councils – the Tiwi, Anindilyakwa, Central and Northern land councils.

There, with the Northern Territory Government, we signed a Memorandum of Understanding which provides for a framework for negotiating a treaty with the First Nations of the Northern Territory.

It was truly an historic occasion, especially given that the MoU was signed on the first day of the Barunga Festival. At the Barunga Festival 30 years previously, the then Chairs of Northern and Central land councils presented the Barunga Statement to Prime Minister Bob Hawke, who, in return, signed a note promising a treaty with Australia's Aboriginal peoples.

That promise was never fulfilled and the Barunga Statement has been on display at Parliament House, Canberra, since 20 December 1991, the last day of Mr

Hawke's service as Prime Minister.

The idea of a Northern Territory treaty was advanced by the Chief Minister, the Hon Michael Gunner MLA, soon after the election of the Labor government in August 2016. I am proud that the NLC, with the other NT land councils, has been a driver of the process which developed the MoU signed at Barunga.

It began with a meeting in Alice Springs on 23 March 2018 where the land councils and representatives of the NT Government, led by Chief Minister Gunner, decided to set up a Treaty Working Group. With the MLA for Arnhem, Ms Selina Uibo, I have co-chaired several meetings of the Treaty Working Group which developed the final text of the MoU. The meetings were conducted in a spirit of goodwill and cooperation.

TREATY COMMISSIONER

The next big step will be the appointment of an independent Aboriginal person as the Treaty Commissioner. The functions of the Commissioner will include:

1. Consultation with all Aboriginal people and their representative bodies in the Northern Territory about their support for a Treaty and on a suitable framework to further Treaty negotiations with the NTG;
2. Providing a public report to the Chief Minister on the outcomes of the consultation process and a proposed framework for Treaty negotiations; and
3. Facilitating conversations for a possible Treaty framework process between the NTG, Aboriginal Land Councils and other Aboriginal representative bodies, and community groups.

RACISM

I've been deeply disappointed about the tone of public discourse over the past few months, especially on social media, about Aboriginal rights.

The ongoing hearing by the Aboriginal Land Commissioner of land claims over beds and

banks, the official gazettal in March 2018 of the Kenbi Open Area Declaration over beaches and the intertidal zone of Aboriginal land in the Cox Peninsula vicinity, our stance on the NT Government's Pastoral Land Legislation Amendment Bill, and, even, the early moves towards negotiation of a treaty with the NT Government and Aboriginal peoples have all provoked offensive and racist reactions from elements of the public and some industry representative groups.

I am saddened that, more than 40 years after the enactment of the *Aboriginal Land Rights (Northern Territory) Act 1976*, some people still can't accept the rights that flow from that very special Commonwealth legislation.

The climate of hostility against efforts by the NLC to advance the interests of its Aboriginal constituents reminds me of the bad old days in the Northern Territory before (and many years after) the Land Rights Act was introduced.



HISTORIC MEETING: The four NT Land Councils meet with the NT Government in Alice Springs on 23 March 2018 to discuss a treaty between the government and Aboriginal people. From left, David Ross (Director, Central Land Council), Josie Douglas (Manager Policy, CLC), Chansey Peach MLA, Sam Bush-Blanas (Chairman, Northern Land Council), Joe Morrison (CEO, NLC), Murray McLaughlin (Manager Policy & Communications, NLC), Mischa Cartwright (Office of Aboriginal Affairs, NTG), Selena Uibo MLA, Chief Minister Michael Gunner, Alf Leonardi (Chief Minister's Chief of Staff), Edwina Spanos (Office of Aboriginal Affairs, NTG). Representatives of the Tiwi and Anindilyakwa Land Councils joined the meeting by telephone.

HOUSING

I have taken a special interest over the past year in the ever-worsening problem of housing in Aboriginal communities, especially in places like Elliott, Yarralin and Borroloola where there've been no new houses built for many years because, for various reasons, they have fallen outside of government housing programs or been stalled by poor public policy decisions.

I have also closely engaged with Aboriginal Housing NT (AHNT) which aims to be a peak body for Aboriginal housing.

THANKS

I thank the NLC members who have worked hard over the past year to represent their communities and organisations,

especially the members of the Executive Council which now has an increasing workload because of its delegation to approve most land use agreements.

Also, I thank the CEO and staff who have put in a superb effort to manage and administer an increasing workload. The organisation is in much better shape because of their dedication and hard work.



Samuel Bush-Blanasi
CHAIRMAN



The Chairmen of the Anindilyakwa Land Council (Tony Wurramarrba, left) and Northern Land Council (Sam Bush-Blanasi, right) attended the Full Council meeting of the Tiwi Land Council at Wurrumiyanga on 10 May 2018, and shared ideas about a treaty with Aboriginal people proposed by the NT government. Tiwi Land Council Chairman Gibson Farmer Ilortaminni is centre.

TREATY PRINCIPLES

The principles guiding the treaty consultation process, as laid out in the MoU, are:

1. It is envisaged that should a Treaty ultimately be negotiated, it will be the foundation of lasting reconciliation between the First Nations of the Territory and other citizens with the object of achieving a united Northern Territory.
2. All Aboriginal people of the Northern Territory need to be heard and the consultation process agreed to in this MOU needs to be inclusive, accessible and transparent to all.
3. Traditional owners, as the original owners and occupiers of the Northern Territory, and represented by the Aboriginal Land Councils, are integral to consultation concerning a Treaty.
4. All Territorians should ultimately benefit from any Treaty that is agreed in the Northern Territory.
5. The NTG must not exclude from discussions any legitimate issue raised by the Parties or other Aboriginal people for inclusion in a Treaty while the consultation process agreed to in this MOU is underway.
6. It is agreed that:
 - a) Aboriginal people, the First Nations, were the prior owners and occupiers of the land, seas and waters that are now called the Northern Territory of Australia.
 - b) The First Nations of the Northern Territory were self-governing in accordance with their traditional laws and customs; and that
 - c) First Nations peoples of the Northern Territory never ceded sovereignty of their lands, seas and waters.
7. It is also agreed there has been deep injustice done to the Aboriginal people of the Northern Territory, including violent dispossession, the repression of their languages and cultures, and the forcible removal of children from their families, which have left a legacy of trauma, and loss that needs to be addressed and healed.
8. The Treaty must provide for substantive outcomes and honour the Articles of the United Nations Declaration on the Rights of Indigenous Peoples.
9. Recognising that a treaty is of much wider significance than a normal agreement between the State and Indigenous peoples, it is also recognised that Treaty making involves the acceptance of responsibilities and obligations by all parties;
10. The Treaty should aim to achieve successful co-existence between all Territorians that starts with 'truth telling' which involves hearing about, acknowledging and understanding the consequences of the Northern Territory's history.



FROM OUR CHIEF
EXECUTIVE OFFICER

*Joe
Morrison*

I am pleased to report that the NLC's performance continues to improve. The organisation is much more accountable and in much better shape than when I took up the CEO's job in February 2014. In the past year our back office and IT systems continued to be replaced and updated along with new policies, procedures and protocols. However, we still have some work to do and I look forward to completing more of these necessary reforms in the coming years.

Our regional network continued to expand, and the NLC now has an office and staff at Galiwin'ku – another step in the program to spread our reach beyond the head office in Darwin and bolster our presence across the NLC region.

At the time of writing we are waiting on the Fair Work Commission to approve our Enterprise Agreement. After years of negotiations I believe the parties reached a fair agreement that will, if approved, close the gap between the NLC, other land councils and government agencies.

I have long advocated for Indigenous people to have a real place at the table to develop northern Australia, and I was honoured to be appointed in late 2017 to the Commonwealth Government's Indigenous Reference Group, which was established to give Aboriginal and Torres Strait Islander people a voice in the development of Northern Australia. The group comprises Indigenous leaders from across northern Australia and was established by the Minister for Resources and Northern Australia, Senator the Hon Matt Canavan, and the Minister for Indigenous Affairs, Senator the Hon Nigel Scullion. Its mission is to provide tangible benefits for Indigenous land owners, workers and businesses.

Following earlier advocacy into the design of township leasing by the Northern and Central land councils, the Gumatj Traditional Owners of Gunyangara celebrated the signing of a 99-year lease over their community in November 2017. Also, the Gumatj have secured a lease over land near Gulkula for a rocket launching facility near Gulkula.

Our rangers continue to go from strength to strength with improved management and administration. They are taking on more Indigenous Protected Areas, carbon abatement activities and exchanges with other groups. The opportunities that have emerged from their activities, intellectual contribution and dedication are being constantly recognised.

The Community Planning and Development program has also grown rapidly with strong demand from many groups of Traditional Owners wanting to use their private money for broader community benefit. I hope that the government continues to support this important work that empowers Traditional Owners and builds capacity for local decision making.

ADVOCACY

During the past year, the NLC maintained its important role as advocate for the interests of its Aboriginal constituents.

The NLC continued to press concerns about fracking on behalf of Traditional Owners to the Northern Territory Government's independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory.

I also appeared before the Northern Territory's Economic Policy Scrutiny Committee to present serious concerns on behalf of native title holders about the Government's Pastoral Land Legislation Amendment Bill. As a result of the NLC's representation, the committee recommended that the Government consider options for better protecting the rights of native title holders, such as through a right to negotiate, when consideration is being given to granting permits for non-pastoral uses to leaseholders and sub-leasing under the Pastoral Land

Act. The NLC is currently in discussion with the Government about how to accommodate the committee's recommendation.

The NLC's submission to the Social Policy Scrutiny Committee about the Government's Animal Protection Bill was also successful. The NLC was concerned about the potential of the bill to criminalise traditional hunters and, given my long advocacy about the rights to hunt by Traditional Owners, it was evident the draft was taking the issue too far. The committee recommended that the bill be amended to provide for the exercise of Aboriginal tradition or native title rights and interests.



Scenes from the signing of a new township lease at Gunyangara on 18 November 2017.

PROJECT SEA DRAGON

Native title holders on 30 August 2017 authorised an Indigenous Land Use Agreement (ILUA) for stage 1 of Project Sea Dragon which is planned eventually to deliver a massive prawn farm producing 100,000 tonnes a year of black tiger prawns on Legune Station in the far north-west of the Northern Territory.

The agreement was the culmination of a long series of consultations with native title holders, organised by the NLC.

The NLC negotiated a generous compensation package for native title holders with the proponent, Sea Farms Group Ltd. The agreement proposes to deliver long term financial and employment benefits to the region, especially to Aboriginal people; however, the project is dependent on capital being raised. The approach by Seafarms to negotiate an ILUA represents positive conduct and the NLC encourages other developers to likewise respect Traditional Owners.

ABORIGINALS BENEFIT ACCOUNT

With the other three NT land councils, the NLC will continue to lobby the Commonwealth Government to give land councils a greater role in the administration of the Aboriginals Benefit Account (ABA).

The ABA is an important component of the *Aboriginal Land Rights (Northern Territory) Act 1976*. Mining on Aboriginal land in the Northern Territory generates royalties payable to the NT Government, and the Commonwealth Government each year pays an equivalent amount into the ABA. The account also funds one-off projects that are not the responsibility of government funding, and will benefit Aboriginal people in the NT. It also funds the Office of Township Leasing.

BLUE MUD BAY

Ten years after the High Court's Blue Mud Bay decision which recognised Aboriginal ownership of the intertidal zone, the NLC has a huge body of work underway in the wake of the Full Council decision in November 2017



NLC CEO Joe Morrison addresses graduates at the University of New South Wales after being conferred an honorary degree, Doctor of Science, on 22 June 2018.



NLC CEO Joe Morrison and native title holder Bernadette Simon check an Indigenous Land Use Agreement authorising a massive prawn farm on Legune Station in the far north-west of the Northern Territory. The agreement was authorised at a meeting of the Djarradjarrany, Gurrbidjim and Wadanybang native title holders on the shore of Lake Kununurra on 30 August 2017.

not to extend beyond 31 December 2018 the waiver of the need for permits. The waiver has allowed free and open access to Aboriginal land around 85 per cent of the NT coastline for the past decade. I am determined, as I committed to the then Executive Council when I took up this job in 2014, to resolve Blue Mud Bay comprehensively and to chart a new future for the owners of the land and seas recognised by the High Court.

A dedicated project team is working to implement a new, efficient permit system which will benefit users and Traditional Owners and help monitoring and compliance processes. The Sea Country policy team has a separate project to license commercial operators fishing in the intertidal zone after the waiver's expiry.

Sadly, we also lost a number of senior people, including current and former councillors, during the past year and I pay homage to those people whose contributions to advancing the interest of Aboriginal people in the NLC region will not be forgotten.

THANKS

Finally, I wish to thank all of the NLC's hardworking staff, particularly my internal leadership group, the Chairman and council. Our collective workload is ever-increasing, new challenges are always arising, and the staff and council remain loyal and industrious.

A handwritten signature in black ink, appearing to read 'Joe Morrison'.

Joe Morrison

CHIEF EXECUTIVE OFFICER

Part 7

Nhulunbuy Beach

About Us

Our Land, Our Sea, Our Life

History

The Northern Land Council became a Commonwealth statutory authority, responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage traditional land and seas, following the enactment of the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA).

The ALRA was passed by the Coalition government led by Prime Minister Malcolm Fraser, and was largely based on a bill proposed by the previous Labor government led by Prime Minister Gough Whitlam. Whitlam's bill was in response to many years of agitation for land rights by Aboriginal people in the Northern Territory; especially, in response to the Gove Land Rights case (*Milirrpum & others v. Nabalco Pty. Ltd. and the Commonwealth of Australia*).

In 1963, the Yolngu people of east Arnhem Land had presented the Commonwealth Parliament with a bark petition, protesting about plans by Nabalco (the North Australian Bauxite and Alumina Company) to use a great swathe of their land on the Gove Peninsula for bauxite mining (the petition remains on

display at Parliament House, Canberra).

The Yolngu took the matter to the Supreme Court of the Northern Territory, claiming that their lands had been unlawfully invaded. Justice Richard Blackburn decided against the Yolngu in April 1971, ruling that the common law did not recognise communal native title and that any pre-existing rights to land would have been extinguished by the assertion of sovereignty by the British crown.

There had been protests for land rights elsewhere in the Northern Territory. In 1966, Gurindji stockmen and their families walked off the Wave Hill Station. What began as a dispute over pay and conditions escalated into a demand for land rights and thousands of Aboriginal people elsewhere took up the land rights cause in different ways.



THE GOVE LAND RIGHTS CASE: Outside the Law Courts in Canberra, September 1970 - from left, Djapu leader Daymbalipu Munungurr, Roy Marika (Rirratjingu clan) and Galarwuy Yunupingu (Gumatj clan).

Soon after gaining government in 1972, Prime Minister Whitlam appointed Justice Edward Woodward to conduct a Commission of Inquiry into the appropriate way to recognise Aboriginal land rights in the Northern Territory.

The Northern Land Council was established in the second half of 1973 in response to Justice Woodward's first report. Initially, the Council's role was to assist the Commission by ascertaining the views of Aboriginal people and advocating for our interests.

More than 40 years on, the NLC remains an important body through which Aboriginal people of the Top End can make their voices heard on a range of issues which impact on their lands, seas and communities. The ALRA continues to be a strong foundation on which to build social, cultural and

economic growth for Traditional Owners.

The NLC is also the representative body for the purposes of the *Native Title Act 1993*, and in this capacity the NLC also represents Aboriginal people living on the Tiwi Islands and on Groote Eylandt.

Our role

The NLC is an independent body corporate of the Commonwealth, responsible for assisting Aboriginal peoples to acquire and manage their traditional lands and seas.

The NLC is committed to "enhancing Aboriginal people's social, political and economic participation" and this is reflected through the policies and decisions of the Full Council.

The NLC region is unique, and the organisation continues to focus on supporting

and fostering new and innovative projects and developments that underpin prosperity in remote Aboriginal communities.

To “enhance” Aboriginal peoples’ “participation”, we must be responsive to opinion, build capacity, encourage leadership and develop equitable and balanced outcomes. We adopt best practice and apply precautionary principles. The mechanisms for achieving this are the promotion, protection and advancement of Aboriginal peoples’ rights and interests through strong leadership and good governance.

The NLC continues to show that it is ideally placed to manage the increasing demands of governments, private enterprise and Aboriginal communities to establish services and business enterprises on Aboriginal lands. The NLC continues to enhance Aboriginal participation and equity in major developments.

Aboriginal culture is diverse and rich, their lands and waters are resource rich, and the NLC is a major contributor to Aboriginal affairs and the economy in the Northern Territory.

More than 40 years on, the NLC remains an important body through which Aboriginal people of the Top End can make their voices heard on a range of issues which impact on their lands, seas and communities.

NLC’s responsibilities

The role and purpose of the NLC is driven by its enabling legislation – the ALRA and the Native Title Act – and the views of our stakeholders. A full explanation of our legislative obligations and how these are being addressed is provided in the NLC’s Corporate Plan 2015/2016–2018/2019.

See the NLC’s website: www.nlc.org.au

Whom we serve

The diversity of skills and experience of our staff helps to build strong relationships and effective partnerships and we undertake to:

- Consult with and act with the informed consent of Traditional Owners in accordance with the ALRA.
- Communicate clearly with Aboriginal people taking into account the linguistic diversity of the region.
- Respect Aboriginal law and tradition.
- Be responsive to Aboriginal peoples’ needs and effectively advocate for their interests.
- Be accountable to the people we represent.
- Act in a manner that is appropriate and sensitive to cultural differences.
- Act with integrity, honesty and fairness.
- Uphold the principles and values of social justice.
- Treat our stakeholders with respect.

Traditional Owners

Since the enactment of the ALRA and the Native Title Act, approximately 50 per cent of land in the Northern Territory has become legally Aboriginal-owned, including

85 per cent of the Territory's coastline.

A large proportion of the remaining land mass is subject to native title.

The NLC's key constituents are the Traditional Owners within its region.

About 36,000 Aboriginal people live in the region, and 80 per cent live in regional and remote areas – in nearly 200 communities ranging in size from small family outstations to communities with populations around 3000.

The majority of Aboriginal people in the NLC region speak an Aboriginal language as their first language. Many are multi-lingual, and English is often way down the list of everyday languages.

Customary law continues to be practised in many communities within the region.

Many major resource developments are taking place on Aboriginal and native title lands. These developments have included the construction of gas pipelines, army training areas, national parks and pastoral activities. Mining and petroleum exploration and development projects continue to increase business and the challenge for the NLC is to ensure that social, economic and cultural opportunities and benefits flow to Aboriginal people from these developments.

Aboriginal people are keen to participate in planning and development activities while at the same time protecting their cultural integrity.

Regions

The NLC is divided into seven regions: Darwin/Daly/Wagait, West Arnhem, East Arnhem, Katherine, VRD, Ngukurr and Borroloola-Barkly. Each region is represented by a regional council and one member from each region is elected to sit on the NLC's Executive Council.

The NLC has 10 offices beyond Darwin, located in Katherine, Jabiru, Nhulunbuy, Timber Creek, Tennant Creek, Ngukurr, Borroloola, Wadeye, Maningrida and Galiwin'ku.

Our Council

The responsible Commonwealth Minister, Senator the Hon. Nigel Scullion, approves the method of choosing members of the NLC, including the community and/or outstation area represented. Section 29 of the ALRA provides that an Aboriginal person who is a Traditional Owner or a resident living within the NLC region may nominate for membership of the NLC Full Council. The Minister has nominated the 52 community areas in the NLC region that members can be nominated to represent.

Seventy eight members, plus five co-opted women positions, make up the NLC Full Council. Members are elected for a three-year term. The next Full Council election will be in late 2019.

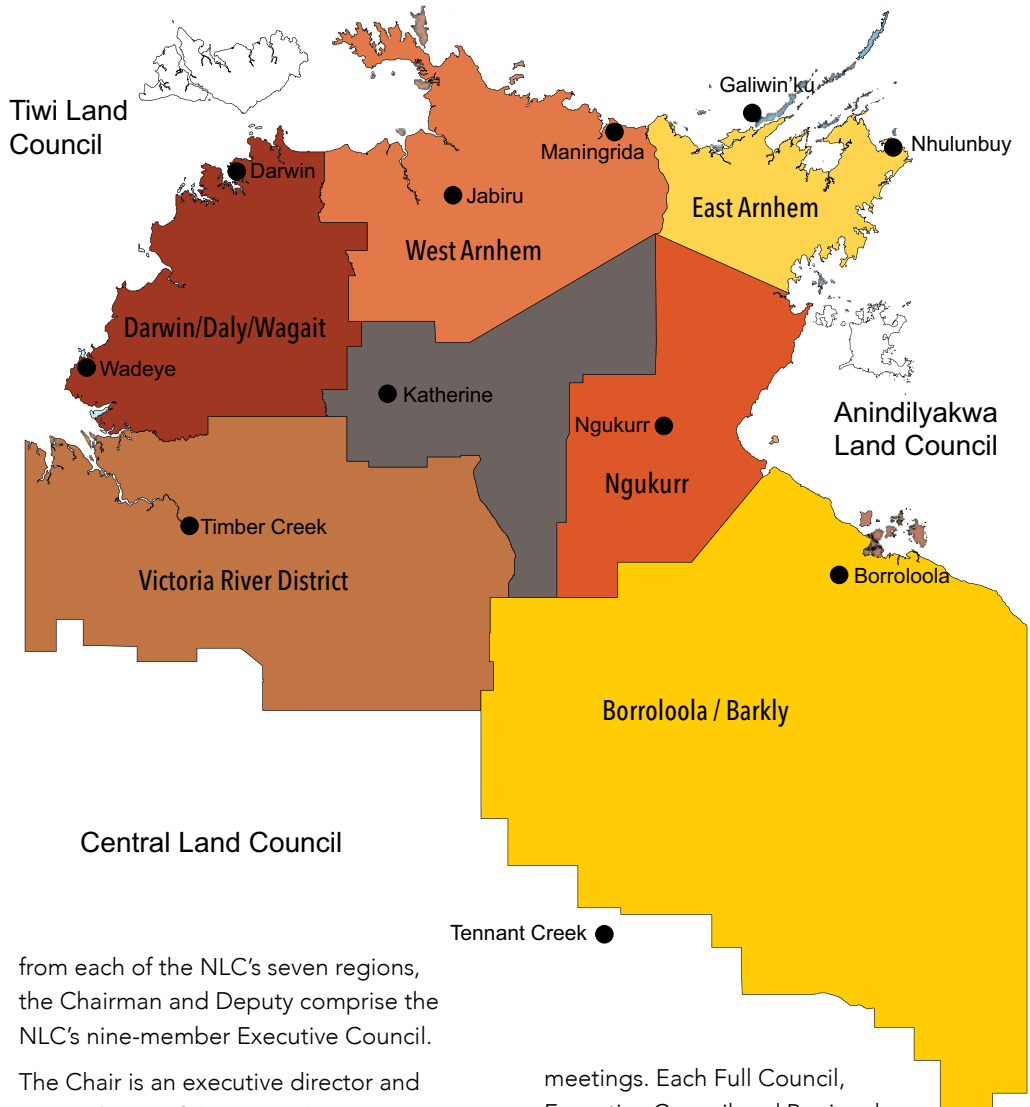
A list of Council members by region, and attendance tables for regional council meetings during the reporting year can be found in the appendix (page 253).

The Full Council shapes the policy and strategic direction of the NLC. The Full Council, which meets twice a year, has delegated most of its powers to approve exploration and petroleum licence applications, and section 19 land use agreements under the ALRA to the Executive and Regional Councils.

The Chairman (Mr Samuel Bush-Blanasi) and Deputy Chairman (Mr John Christophersen) were elected at the first meeting of the current Full Council at Timber Creek in November 2016.

Along with one member nominated

FIGURE 6: NLC REGIONS AND REGIONAL OFFICES



from each of the NLC's seven regions, the Chairman and Deputy comprise the NLC's nine-member Executive Council.

The Chair is an executive director and an employee of the NLC. The Deputy is a non-executive director who becomes an executive director during the Chairman's absence. Individual members have an important role in keeping the Full Council informed of the opinions and priorities of their Aboriginal constituents.

The Executive Council meets at least six times a year and is responsible for managing business between Full Council

meetings. Each Full Council, Executive Council and Regional Council meeting receives operational and financial reports from NLC branch managers, to provide direction for staff to meet performance objectives and targets. Induction and governance training sessions are provided to all new and returning council members. Capacity building also occurs during council meetings when government officials, politicians and various experts are invited to make special presentations.

Executive Council

MEMBERS

KATHERINE REGION

Samuel Bush-Blanasi

CHAIRMAN

Samuel Bush-Blanasi is a Mayili man and resident of the Wugularr (Beswick) community in the Katherine region. He was educated in his own community before completing his studies at Kormilda College in Darwin. Mr Blanasi thanks his father (the late Mr David Blanasi) for his education, and says his father instilled in him strong cultural and traditional values. Mr Blanasi is an artist who brings a wealth of administrative and social experience to the NLC. This is Mr Blanasi's sixth term at the NLC. Mr Blanasi is also a board member of the Aboriginal Investment Group, and has a long record of service on boards of several other Aboriginal bodies.

WEST ARNHEM REGION

John Christophersen

DEPUTY CHAIRMAN

John Christophersen, a member of the Murran Group, Cobourg Peninsula, was born in Darwin. He has family ties into Kakadu, is a former NLC staff member, and a long-term council member from the mid-1980s to the early 2000s. He has devoted most of his work to marine and coastal policy issues, and remains a vocal advocate for the rights of Indigenous peoples in local, national and international forums.

BORROLOOLA/BARKLY REGION*Richard Dixon***EXECUTIVE MEMBER**

Richard Dixon is a Garawa man from Robinson River, and is the senior Traditional Owner for the community area lease. He is a member and former director of the Gulf Savannah NT Aboriginal Corporation, whose principal function is to provide Community Development Program services to the Gulf region. He is also a member and former chairman of the Mungoorbada Aboriginal Corporation which delivers a range of essential services to Robinson River residents, including through its community store. His vision is to help his people and the government to work together.

**DARWIN/DALY/WAGAIT REGION***Elizabeth Sullivan***EXECUTIVE MEMBER**

Elizabeth Sullivan is a Wagaman woman who lives in Pine Creek and has been a Council member since 2012. She has also worked for the NLC as a casual ranger. In her position as an Executive Councillor, she wants to help members in her region develop economically: "I'm not superhuman, but I will do the best I can to support their decisions and interests for the best possible outcome."



Executive Council

MEMBERS



EAST ARNHEM REGION

Bobby Wunungmurra

EXECUTIVE MEMBER

Bobby Wunungmurra, a Dhalwangu man, lives at Gapuwiak, where he works as an employment consultant and is a liaison officer at Miwatj Employment Participation. He was elected to the Executive Council in November 2016, and has served on the Executive previously. He was also an NLC member in the late 1980s. "I want to look after the people better, and help to improve relations so that we get better government services," Bobby says. His vision is for Aboriginal people to run their own businesses.



WEST ARNHEM REGION

Ronald Lami Lami

EXECUTIVE MEMBER

Mr Lami Lami is a Mayurrulibj man from the East Wellington Range on the mainland, south of South Goulburn Island. This is his first term as an NLC member. Schooled at Kormilda College and Darwin High School, he did an apprenticeship as a diesel mechanic and worked first at Perkins Shipping. In the 1980s he worked on the Pancontinental Jabiluka project before undertaking a 12-month Community Development course and using those skills at ERA's Community Development Unit at Jabiru. Later he was manager of the Red Lily Health Board. He's also been a member of ATSIC, and chaired its Jabiru Regional Council. As an NLC member he wants to help countrymen gain a better knowledge of the NLC: "They rely on the NLC a lot, but many don't understand enough about what the NLC does," he says.

KATHERINE REGION

Helen Lee

EXECUTIVE MEMBER

Helen Lee is affiliated with the Ngalkban clan and lives at Barunga. She was elected to the Full Council in 2003. Helen has a strong administrative background, having worked with the Jawoyn Association, Burridj Aboriginal Group Training, and the Barunga Community Government Council. Helen is keen to promote women's issues and wants to assist Aboriginal people develop economic enterprises on homelands.



NGUKURR

Peter Lansen

EXECUTIVE MEMBER

Peter Lansen, of Alawa and Mara heritage, is a long-standing member of the NLC; this is his second non-consecutive term as a member of the Executive Council. He works as a labourer at Minyerri. Last year he returned as a director of the Alawa Aboriginal Corporation and is a former director of Sunrise Health. "I want to perform well for my people," Peter says. "I'm only 50, still young, and I want to pave the way for tomorrow's children. I want to be that voice for tomorrow."



VICTORIA RIVER DISTRICT

Raymond Hector

EXECUTIVE MEMBER

Born in Darwin in 1970, Raymond Hector was schooled at Kormilda College. He was a health worker for many years at home in Pigeon Hole. As a member of the Executive Council, Raymond, from the Billarna people, says his position has given him the confidence that he is representing his people in the best possible way. He has vowed to keep working hard to help his people to care for and control their land.





The NLC's Full Council. Seventy-eight members, plus five co-opted women positions, make up the NLC Full Council. Members are elected for a three-year term. The next Full Council election will be in late 2019.

Our people

Administration

The Executive Council appoints the Chief Executive Officer who has day-to-day responsibility for administrative operations. The CEO works closely with the Chairman and the Executive Council and is responsible for the leadership and management of the organisation (with the delegation to employ and dismiss all staff), implementing Full Council decisions, driving the NLC's strategic direction, setting priorities and enforcing sound corporate governance.

Seven branches support the CEO:

- Executive (previously Secretariat): provides support to the CEO and Chairman and to the NLC's elected arms; manages policy, communications, complaints and sea country matters; for the meantime, the new Community Planning and Development Unit sits here.
- Legal: provides sound legal advice to the administrative and elected arms.
- Anthropology: identifies and consults

with Traditional Owners in order to secure and protect rights in land.

- Regional Development: oversees the NLC's network of regional offices beyond Darwin and provides logistics support for consultations required under the ALRA and the Native Title Act.
- Caring for Country: hosts and provides administrative support for land and sea Ranger Groups and supports joint management of national parks and management of Indigenous Protected Areas. Also, the branch will soon assume management of the Commonwealth-funded Learning on Country program.
- Minerals and Energy: provides advice to enable Aboriginal people to understand and consider proposals to explore for/mine minerals or petroleum products on their land.
- Corporate Services: delivers financial, IT, human resource and administrative support, including fleet and property asset management to all branches.



FIGURE 7: NLC ORGANISATIONAL STRUCTURE

Management

ANTHROPOLOGY

Dr Stephen Johnson

BRANCH MANAGER

Dr Stephen Johnson was appointed manager of the Anthropology Branch in August 2015. He has extensive experience working with Indigenous people in land and sea management, community and economic development and sustainable resource utilisation.

The branch employs anthropologists, mapping professionals and administrative staff. A key objective of the NLC is to assist Aboriginal people to obtain property rights, and this branch contributes to those outcomes by undertaking research for land claims, native title claims and distribution of royalties.

Cultural heritage, site clearances and geographic information services are essential for effective consultations with Traditional Owners and native title holders. The Land Interest Reference Register informs staff as to whom they need to consult.



CARING FOR COUNTRY

Matthew Salmon

BRANCH MANAGER

Mr Matthew Salmon was appointed manager of the Caring for Country Branch in April 2016. For 10 years previously he played a major role in the design and development of land management and ranger programs in central Australia and had most recently been Director of Operations and Policy for Parks Australia with responsibility for Kakadu and Uluru National Parks.

The Caring for Country Branch supports 16 ranger groups and three Indigenous Protected Areas. It also oversees the joint management of National Parks.



CORPORATE SERVICES

Joe Valenti

CHIEF FINANCIAL OFFICER

Mr Joe Valenti was appointed to the new role of Chief Financial Officer in November 2015, having had extensive experience in university and business sectors.

The Corporate Services Branch provides the financial administration, manages operational funding and oversees the corporate compliance within the NLC to meet strategic planning outcomes. The branch includes the following sections: finance, royalties, human resources, information management, information technology, and property and asset management.



EXECUTIVE BRANCH

Murray McLaughlin

MANAGER POLICY AND COMMUNICATIONS

Mr Murray McLaughlin joined the NLC in October 2013 as a media officer, after a long career as a journalist with the Australian Broadcasting Corporation. He was appointed manager in October 2016.

The Executive Branch was renamed from Secretariat Branch in 2017. It works closely with the CEO and Chairman, co-ordinates council meetings and liaises with council members. The branch also incorporates the new Community Planning and Development Unit. It also develops (external) policies, including Sea Country matters, and manages communications, including publications and dealings with news media. It also provides advice to the NLC, Traditional Owners and Aboriginal corporations on matters including agreements, litigation and law reform.



Management

LEGAL BRANCH

Michael O'Donnell

PRINCIPAL LEGAL OFFICER

Mr Michael O'Donnell joined the NLC as Principal Legal Officer in 2015, after an extensive career as a barrister with expertise in native title law, policy and practice and Indigenous legal issues in general. He was legal adviser to the Kimberly Land Council in the negotiation of the *Native Title Act* in 1993.

The Legal Branch is one of the biggest legal practices in the Northern Territory and provides advice to the NLC, Traditional Owners and Aboriginal corporations on matters including agreements, litigation and law reform.



MINERALS AND ENERGY BRANCH

Rhonda Yates

BRANCH MANAGER

Ms Rhonda Yates has had a long career across various branches of the NLC before she was appointed Manager of the Minerals and Energy Branch in 2013.

The branch receives and processes exploration, mining and petroleum applications and manages environmental and rehabilitation matters relating to grant tenements.



REGIONAL DEVELOPMENT BRANCH

Jonathan McLeod

MANAGER NORTH

Mr Jonathan McLeod had extensive experience working in Indigenous Affairs for the Commonwealth Government before he joined the NLC in September 2011.

The NLC's jurisdiction covers a vast area of land and sea, and the branch's operations are divided in two, north and south.

The branch manages the regional office network, the Indigenous pastoral program and section 19 land use agreements. It also processes applications for permits and funeral grants. Mr McLeod oversees the NLC's Darwin/Daly/Wagait, West Arnhem and East Arnhem regions.



REGIONAL DEVELOPMENT BRANCH

Rick Fletcher

MANAGER SOUTH

Mr Rick Fletcher joined the NLC in August 2015, having had extensive experience with other Indigenous organisations at management level.

His operations are similar to those in the northern area, including oversight of land use agreements and the NLC's pastoral program, and the processing of applications for permits and funeral grants.

Mr Fletcher manages the NLC's Katherine, Ngukurr, Borroloola/Barkly and Victoria River District regions.



Management

COMMUNITY PLANNING AND DEVELOPMENT

Dr Danielle Campbell

MANAGER

Dr Danielle Campbell, having joined the Central Land Council in 2005, played a lead role in designing and delivering the CLC's Community Development Program and managed its rapid expansion between 2007 and 2016. During this period, Aboriginal Traditional Owner and community groups planned, funded and implemented hundreds of development initiatives using more than \$50 million of their own income from land use agreements. Dr Campbell joined the NLC in 2016 to start a similar program in the Top End.



HUMAN RESOURCES

Kathryn Laferla

MANAGER

Ms Kathryn Laferla was appointed Human Resources Manager in December 2016. She has worked in human resources for more than 10 years in the mining and construction industry and recently for a large Pilbara-based Aboriginal corporation.

She has broad generalist human resource knowledge with specialised experience in inclusion and diversity initiatives and sits on the 2018 Australian Human Resources Institute's State Council (NT).

The Human Resource Team is responsible for end to end Human Resource functions including payroll and remuneration, workplace health & safety and training & development.



Part 2

Limmen Bight River

The Year in Review

The major issues and achievements for the reporting year

This part of the annual report will inform you of the extensive range of activities undertaken by the NLC over the past year, branch by branch, unit by unit.

The NLC's outdoor activities extend over a vast area of land and sea, requiring dedicated staff prepared to travel long distances to conduct consultations and other business in very remote country.

During the last reporting year the NLC's vehicle fleet travelled 2,227,029 kilometres.



Wagiman custodian at rock art near Frances Creek mine, July 2017

Anthropology Branch

The 2017/18 Financial Year has seen many improvements and efficiency gains within the Anthropology Branch and right across the organisation. These gains are outlined below under the following headings:

- Branch Review and Restructure
- Payment Agreement (Royalties) Reform
- Dispute Conciliation
- Present and future challenges
- Land Interest References
- GIS Section
- Regional Profiles

Item 4 pertains to developments over the course of 2017/18 which have already impacted on the existing capacity of the Anthropology Branch and the NLC and will do so increasingly over ensuing months and years. From this perspective, some of the reforms already introduced or currently underway, as described at items 1-3, are timely and will well serve the organisation's interests in the face of these current and upcoming challenges.

1. Branch Review and Restructure

Over the course of this reporting period the Anthropology Branch has filled two vacant regional positions and created an additional two specialist roles. We now have a full staff complement, comprising nine regional and two senior anthropologists, working in native title and land rights realms, as well as existing GIS and LIR Staff.

The first of the two senior anthropologists has been tasked with resolving a number of long standing land claims, primarily (but not exclusively) relating to beds 'n banks. This role was the outcome of additional funding provided for 12 months and targeted at bringing about the resolution of all outstanding land

claims by June 2019. The incumbent has worked closely with the NLC legal team, the Aboriginal Land Commissioner, the Northern Territory Government, traditional Aboriginal owners (TAOs) and other stakeholders, from December 2017.

The second of these senior positions is focused primarily on native title matters. Again working in close cooperation with the NLC legal team this deployment of resources has successfully brought the organisation's NT practice into closer alignment with court schedules. As a result, several successful determinations, some concerning long standing matters, are expected over the course of the next financial year.

Both senior anthropologists play an additional role in mentoring younger staff members, providing oversight of more complex matters and assisting the branch manager in a variety of ways where requested and required. Funding for the NT position is secured; however, additional funding will be sought for the ALRA role to ensure that both positions become a permanent feature in the restructure which has already delivered demonstrable improvements in branch performance.

Other structural reforms have addressed issues around management-to-staff ratios. These have included the division of the branch into sections – GIS, LIR, Native Title – with a middle manager presiding over each and reporting back to senior management.

Regional boundaries have also come under scrutiny and in some cases have been redrawn to accurately reflect respective workloads (see Figure 13, page 48).

These actions have brought about a more equitable sharing of responsibilities and in complement with the provision of clear professional development pathways and increased remuneration, have bolstered staff morale and thus retention rates.

2. Payment Agreement ("Royalties") Reform

One of the Land Council's statutory functions, particularly under Part III Section 35 of the *Aboriginal Land Rights (Northern Territory) Act 1976* concerns the administration of monies on behalf of TAOs. Formerly referred to as "royalties", these monies are generated through a variety of leasing, mining and other activities on Aboriginal land.

As previously reported, primary responsibility for organising payments from agreements has fallen to the Anthropology Branch, increasing the branch workload substantially to the point of distraction from core business. Therefore, a number of reforms (as reported in the previous year) have now been drafted, implemented and are ongoing in order to manage process more efficiently. These have already delivered efficiencies in terms of overall service delivery and enabling staff to refocus on the primary function of the branch – to provide timely and accurate reporting on TAO land and sea interests.

Those reforms are summarised in brief as follows:

- The installation of a dedicated "royalty" phone in reception;
- An increase in existing hotline capacity;
- The introduction of enhanced systems and processes for "royalty" officers;
- The establishment of a dedicated Project Management Unit – reported on elsewhere in this report – to drive "royalty" and other reform agendas;
- The confirmed employment of a "Royalty" Processing Officer (RPO), embedded in the Anthropology Branch and possessing

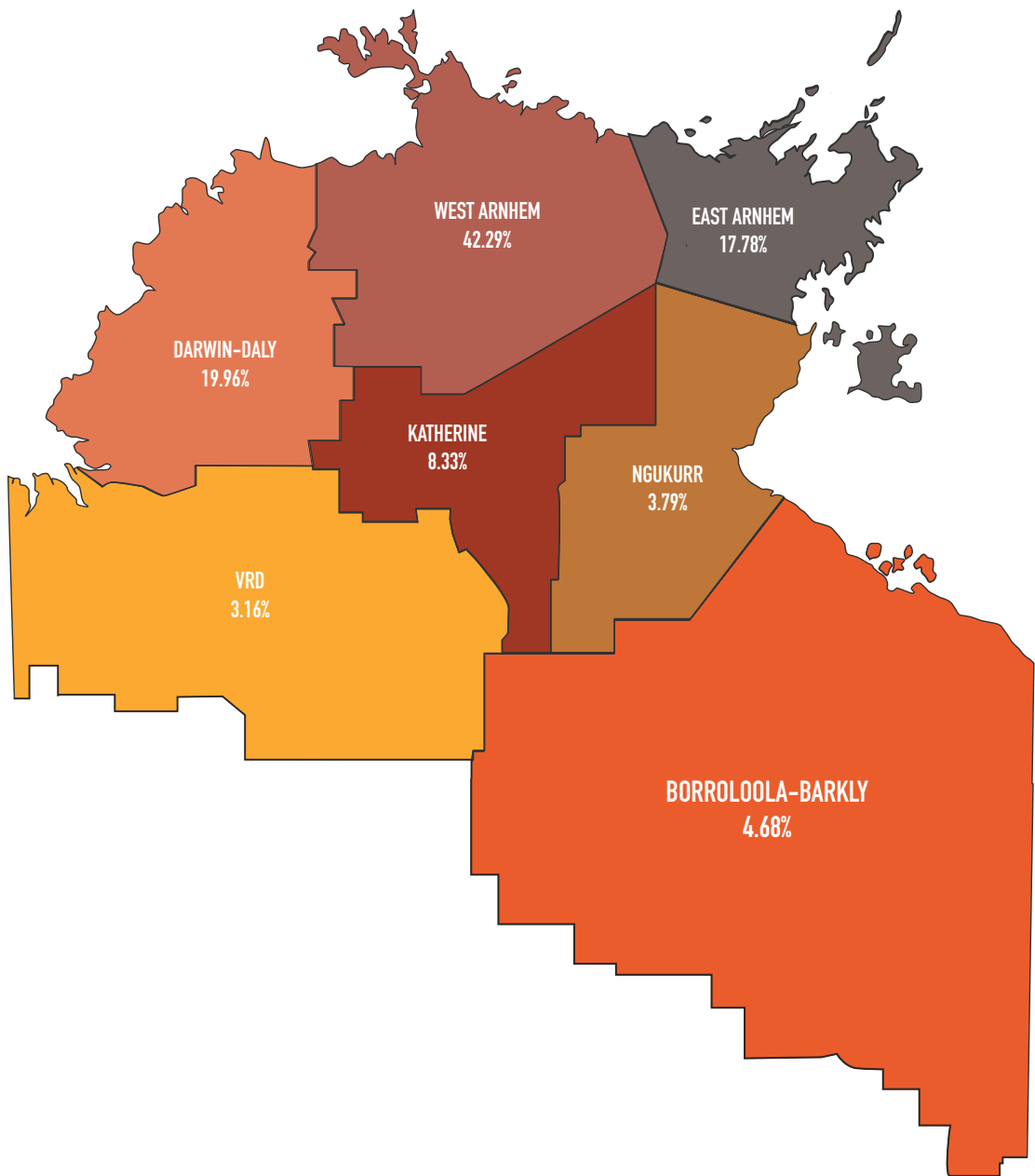
appropriate accountancy skills;

- The brokerage of an increased number of three-year standing agreements for recurrent payments; and
- Receipt of full and unqualified support for reform from all Council members.
- The finalisation of a Payment Agreement template, accompanying form letters and overall Communication Package;
- Ratification, in collaboration with the Legal Branch of all above documents, to strengthen ongoing compliance with the Act.

Immediate term improvements in the system have been considerable. The number of unanswered calls from constituents has fallen dramatically as a result of the increase in hotline capacity and the streamlining of process. In addition, the RPO appointment has seen increasing accuracy and sophistication in the preparation of disbursement spreadsheets and has taken the accountancy burden off Anthropology staff allowing them to perform their assigned tasks to greater degree and effect.

In overall terms, all of these incremental gains represent positive steps towards the establishment of a discrete and dedicated royalty processing unit. Throughout the roll out of this reform program, Full, Executive and Regional Councils have provided guidance, input and full endorsement. Significantly, constituents have also embraced the changes, seeing them as a means to facilitate a more efficient delivery of services.

FIGURE 8: ROYALTY CALL VOLUME BY REGION



3. Dispute Conciliation

A number of meetings intended to facilitate dispute conciliation were held in the latter part of 2017. As previously noted, the nature and location of these disputes cannot be revealed due to confidentiality concerns; however, the outcomes can be reported on in general terms.

Although not completely successful, on-country meetings around a dispute of some seven years standing, directly involving four clan groups, met with a good measure of success. Initial meetings involved the Branch Manager, Chairperson, Deputy Chair, CEO and representatives from all clans and affected groups. Follow up meetings with the Anthropology Branch Manager resulted in the release of more than \$400,000 (held

in trust pending dispute resolution) to and for the benefit of all interested TAOs.

As previously reported, a number of historical, cultural and other factors (including, sadly, the passing of older Aboriginal people in combination with a growing youth population) have seen an increase in disputes in certain areas under NLC jurisdiction. The Anthropology Branch, and the NLC as a whole, are committed to taking a proactive role and working closely "on the ground" with TAOs and others where these issues arise. Expertise gained in this sphere thus far, has resulted in a refined approach to process, and increased ownership of the problems and possible solutions, by all NLC Councils.

4. Present and Future Challenges

With the handing down of the independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory on 27 March 2018 and the subsequent lifting of the imposed moratorium, concerns and expectations from proponents and NLC constituents have grown.

Substantial amounts of money have already been derived from prior exploration activities on Aboriginal lands, and are awaiting disbursement. The NLC Anthropology and Legal branches are working closely to ensure that the rights and interests of all Aboriginal people are accurately identified and defined and that all legal requirements in the context of the respective Acts are satisfied. Over the course of this reporting period, activity in the Beetaloo Basin in

particular, has become a focal point. A cautious and measured methodological approach to complexities in this region, will inform future engagements across the NLC jurisdiction in what is expected to be a major upsurge in on shore oil and gas exploration and associated activity.

Other general challenges confronted in 2017/18 include an increasing strain on capacity due to the need for anthropological resources in the following realms:

- Community Planning and Development;
- Permit reform projects;
- Blue Mud Bay pilot projects and other sea country planning initiatives;
- Data upload and ongoing digitisation projects; and
- Systems enhancement, integration and emplacement.

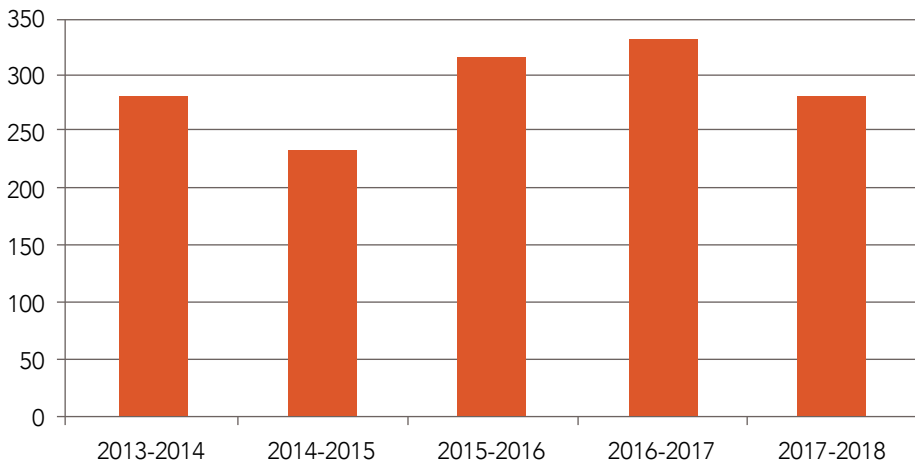
5. Land Interest References

Land Interest References (LIRs) are registered each year for those with an interest in using any Aboriginal land or waters. All requests are recorded and processed, and Figure 9 provides a breakdown of activities completed.

A total of 403 requests were lodged, with 280 significant releases completed during the reporting period, a slight decrease

compared with the previous year but still on trend when taken in conjunction with the past five years. Outstanding releases, as at the end of the reporting period, are being processed in the new financial year; some are on hold due to a change in project timeframes, and it is anticipated a number of these requests will be withdrawn.

FIGURE 9: LIR RELEASES

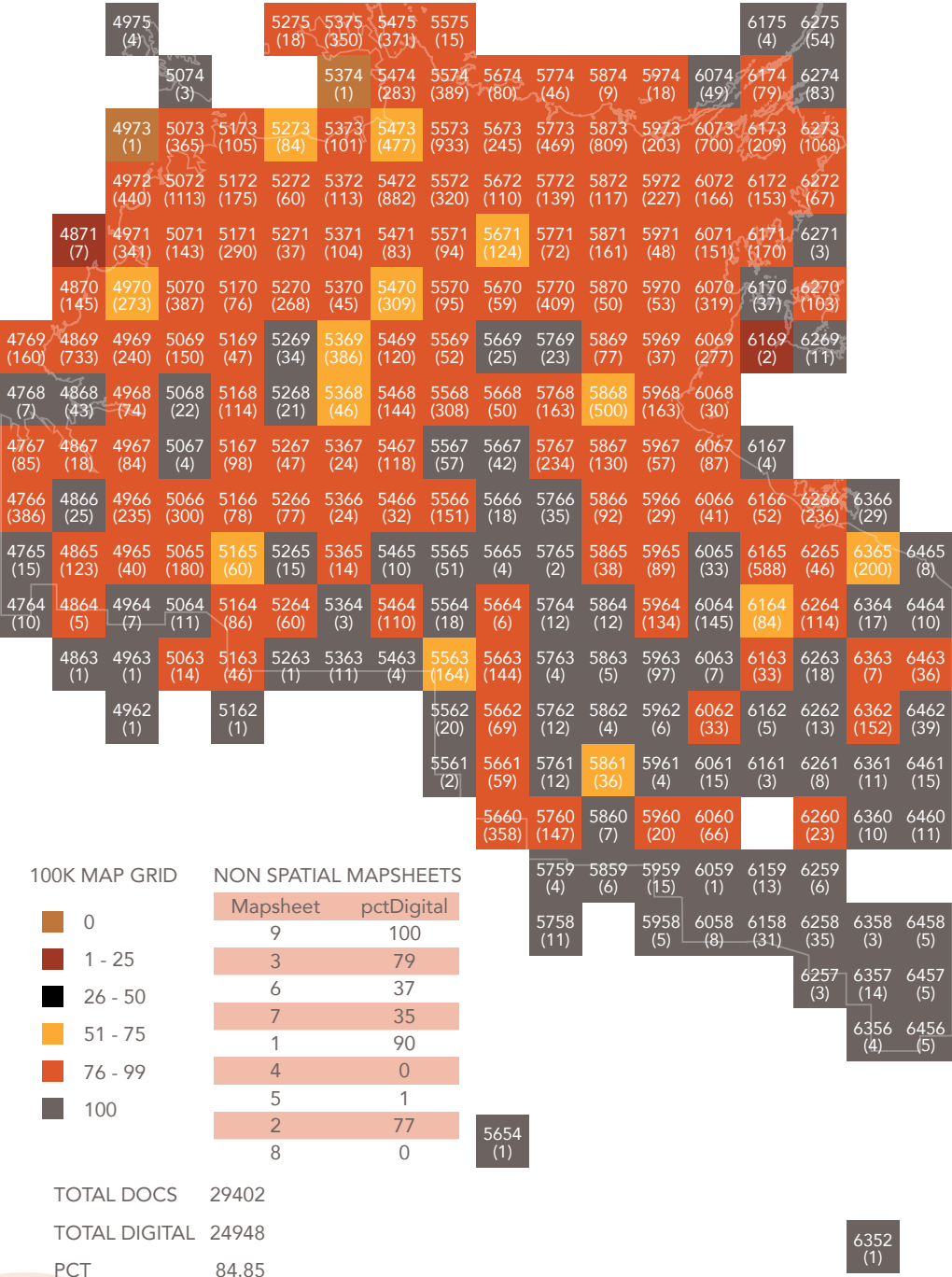


Since 2006, the Anthropology Branch has designed and implemented enterprise database management systems to support the growing demand for anthropological research outputs. Central to this has been the development solution that stores documents and maps electronically, with a full text index on the documents stored within.

Many documents held are available only in hardcopy – thus, an ongoing task over recent years has been the scanning and optical character recognition (OCR) of the

hardcopy documents. To date there are a total of 33,160 individual documents held in the LIR, of which 2,219 have been scanned and digitised this past reporting year. In addition, approximately 1,840 new documents were added to the LIR, each requiring geographic and ethnographic indexing, a considerable administration burden. Refer to Figure 10.

FIGURE 10: LIR DIGITISATION PROGRESS TO JUNE 2018



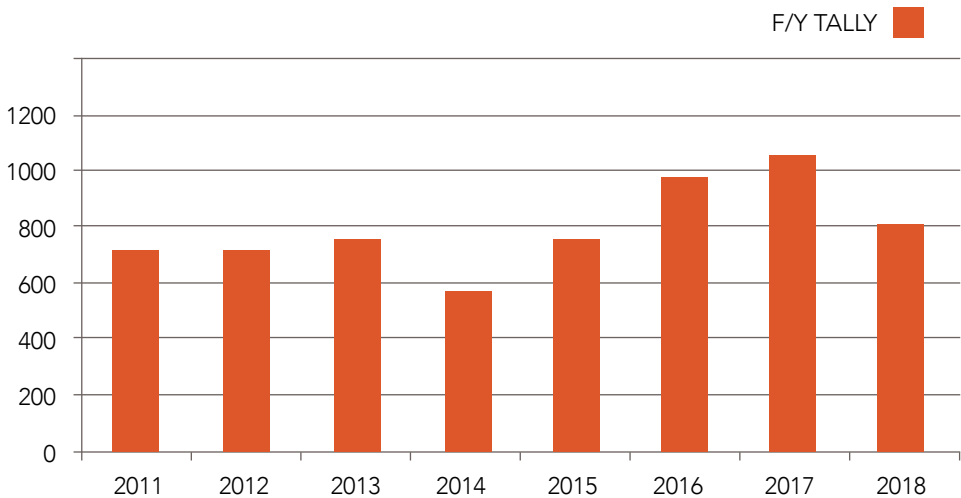
6. GIS Section

The NLC's Geographic Information Systems (GIS) team, or the mapping team, comprises four staff within the NLC's Anthropology branch. The GIS team is responsible for cartographic production, mapping data compilation and analysis, and a variety of other graphic and data-based outputs across the NLC. All operational units of the NLC request the services of the GIS team for project support and they run a tight ship of operational procedures

and data management practices to keep up with the busy schedule.

The five-year average of mapping requests was not markedly different from last year (2013-2017 saw on average 818 requests, versus an average of 827 for the 2014-2018 period). The 2017/2018 period saw a 20 per cent reduction in total internal requests for mapping and analysis support compared with the previous year.

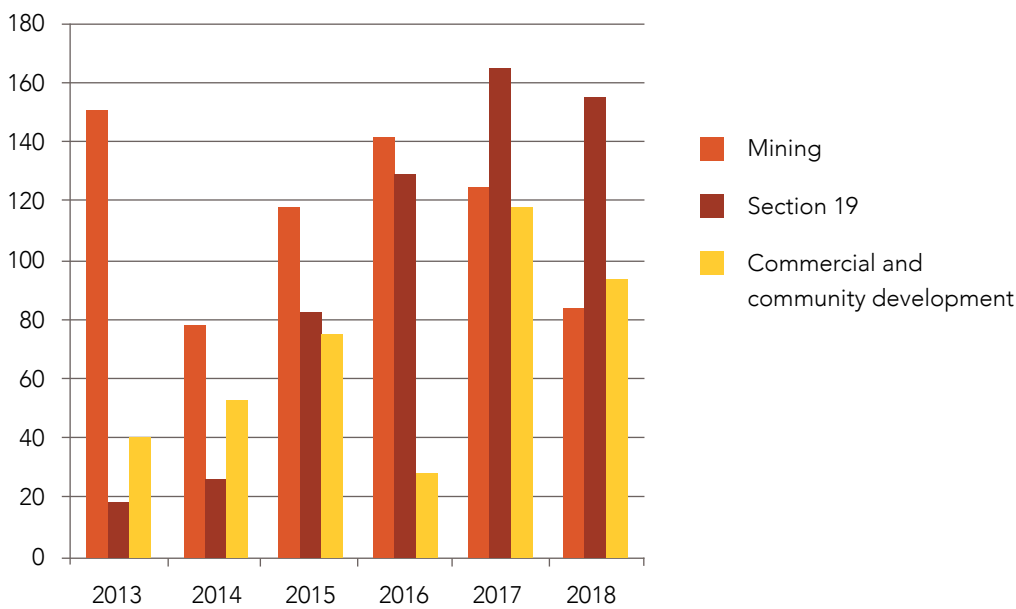
FIGURE 11: LONG TERM TRENDS ON INTERNAL DEMAND FOR GIS SERVICES



This decrease is partly due to a spike in activity related to s19 ALRA leasing mapping, triggered internally and externally during the previous year. The internal NLC trigger was the push to get the s19 GIS data aligned with the s19 LIMS system which created additional work for the GIS team, the bulk of which has now been undertaken. The external interests were generated by the increasing demand for leasing and licensing arrangements on Aboriginal land.

While the recent trends and type of work completed by the GIS team has seen a reduction in natural resources exploration (petroleum and mineral exploration and extraction), there has been a distinct boost in section 19 ALRA lease mapping outputs. Commercial and community development projects, which are closely associated with s 19 ALRA leasing matters, have also contributed to the rise in demand for GIS outputs. See Figure 12.

FIGURE 12: TRENDS IN MAPPING ACTIVITY – MINING, S19 AND COMMERCIAL AND COMMUNITY DEVELOPMENT.



Database Development

The GIS team’s workload has by no means reduced in the last year. The above discussion pertains mainly to requests for cartographic outputs and related data management. The GIS team has invested significant resources into developing migration scripts for the formatting and loading of the legal document registry into the soon to be developed LUMAR system. GIS practitioners are ideal for this kind of work as they spend the majority of their day handling and transforming both attribute and geometry data. Much time has also been provided to the IT project team to assist in the structural and functional design of the LUMAR system.

GIS Architecture Development

The addition of an IT project manager has led to reconsiderations of how GIS can better serve the needs of the NLC in the modern age. With assistance from the IT project manager, preliminary efforts have been put into scoping new GIS architecture. The new architecture leverages both cloud services as well as mobile technology, placing near live project data into the palms of the NLC’s field officers. This architecture enables greater accuracy and confidence for in-situ positional reckoning, as well as a more streamlined system for field data collection. The NLC GIS team is excited to enable and progress this new architecture in parallel with the other corporate IT projects currently underway at the NLC.



7. Anthropology Branch – Regional Profiles

There are seven identified regions within the NLC's jurisdiction (see Figure 6, page 22). Within the Anthropology Branch these are further broken down to reflect respective workloads in particular areas. In the past year, these areas have been reviewed and amended to better reflect existing and future workloads of the Anthropology Branch and its regional anthropologists (see Figure 13).

An overview of the work being undertaken in the seven Anthropology regions follows. These summaries do not take into account all of the activities in each region, but do give an indication of the diverse and complex environments in which Traditional Owners, native title holders and many NLC staff live and work.

North East Arnhem Land Region

The North East Arnhem Land anthropology region includes most of the NLC's East Arnhem region and the northern most parts of the Ngukurr region. Traditional Owners for the region are the Yolngu people in the north east and Nunggubuyu people in the south east toward Numbulwar. The region includes areas of cultural significance such as Blue Mud Bay, Gove Peninsula, Elcho Island in the Wessel Island group and the Mitchell ranges.

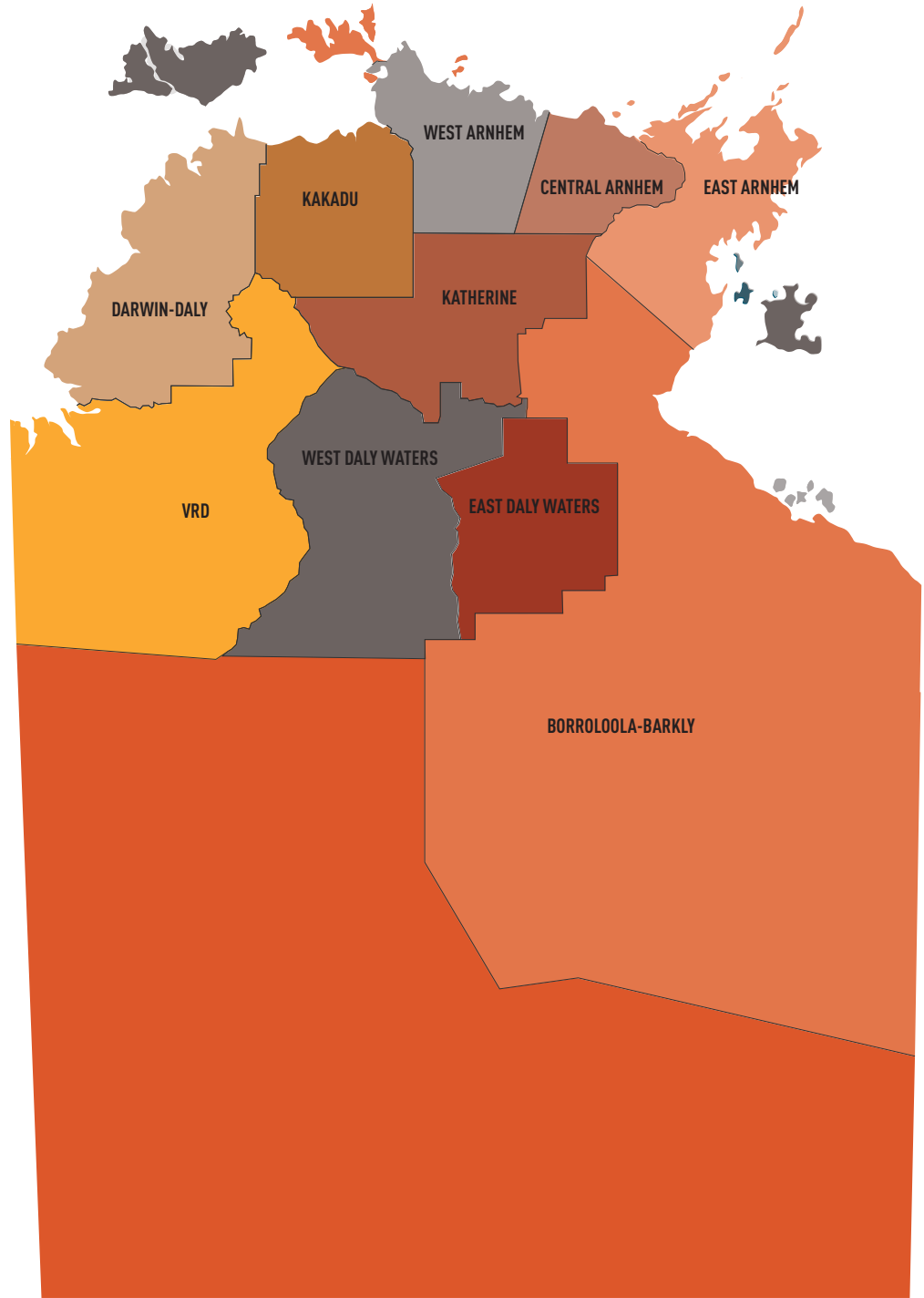
The major communities of Gapuwiyak, Galiwin'ku, Gunyangara, Yirrkala and Numbulwar are located within the North East Arnhem anthropology region as well as more than 60 homelands. The region attracts a broad range of economic and development interests from mineral and

petroleum exploration, extractive minerals, tourism, Indigenous Protected Areas (IPAs) and Indigenous ranger groups, wildlife harvest (buffalo safari and crocodile egg harvest), business, research and government sectors.

The North East Arnhem region continues to generate the largest proportion of s19 land use agreements (LUAs) and leasing expressions of interests (EOIs) across the NLC region. The North East Arnhem anthropologist plays a key role in supporting the s19 land use agreement consultation process and compliance activities by identifying Traditional Owners and affected groups, and providing advice on traditional decision making. The facilitation of land owner meetings regarding use of leasing income is also carried out by the regional anthropologist.

The increase in leasing activity and income from traditional lands, particularly in larger communities, has provided new economic development and social opportunities for Traditional Owners in the region. Regional anthropology has been working closely with the NLC's Community Planning and Development Unit on a number of pilot projects in the region where Traditional Owners are able to utilise their income streams on projects of their design to benefit their own communities. In some locations, there has been significant planning, consultation and dispute conciliation carried out by North East Arnhem anthropology to support Community Planning and Development projects and s19 agreement consultations.

FIGURE 13: NLC ANTHROPOLOGY REGIONS



Central Arnhem Land

The Central Arnhem Land anthropology region intersects both the NLC's East and West Arnhem Land regions, and is supported by the Katherine, East Arnhem and West Arnhem offices. The region encompasses the major communities of Ramingining and Milngimbi and numerous outstations situated throughout the Arafura Wetlands and along the Blyth and Cadell Rivers.

During the reporting period, there has been a focus on processing s19 applications affecting the Ramingining community. The NLC has conducted consultations with TAOs, resulting in several agreements including one with Outback Spirit pertaining to the establishment of a bird watching tour operation. The 2015/16 buffalo mustering agreement has completed an inaugural cull during this reporting period, resulting in both financial and ecological benefits to a number of traditional land-owning groups across the greater Arafura Wetlands region.

Under the s19 Agreement with Dhipirri Barra and Sports Fishing, royalty disbursements have been made to a wider group of Traditional Owners of intertidal country. In addition, Dhipirri Barra and Sports Fishing have provided data to the NLC regarding visitation and use of extended fishing licence zones by recreational tourists.

In developing news, the Arafura Swamp Rangers Aboriginal Corporation (ASRAC) has taken significant steps towards becoming independent of the NLC. Final consultations with Traditional Owners will be conducted in the new financial year. As in the West Arnhem region, the NLC has started Sea Country management planning with Traditional Owners of the north-west coast of the region.

West Arnhem

The West Arnhem anthropology region covers a diverse intersection of people and places. The region covers the western part of the Arnhem Land Aboriginal Land Trust and includes the Liverpool and Mann Rivers, Murgarella and Coopers Creek, Croker and Goulburn Islands, the primary communities of Maningrida, Minjilang and Waruwu, along with many outstations across the region.

There are more than 100 Traditional Owner groups within the region speaking a variety of Aboriginal languages. In general the groups are patrilineal which means that clan affiliation and inheritance of country is passed down through the father and father's father. However, affiliations to country are complex. Besides the land-owning clan group with primary rights, there can be many other groups or individuals with interests in a particular country through important kinship, company relationships and ceremonial connections.

An important element of consultation work in the West Arnhem region concerns mining exploration activity. There are several granted exploration licences (ELs) and the NLC facilitates consultations with Traditional Owners and affected people each year so the companies' work programs can be explained, approved and royalty instructions given.

There are also consultations for new exploration licence applications (ELAs). At the request of Traditional Owners, some ELAs will require the NLC to facilitate site surveys with knowledgeable Traditional Owners to map sacred sites within the tenements before a final meeting can be held. Sacred site surveys are an important part of anthropological work in the region. They enable Traditional Owners to identify culturally and environmentally sensitive areas that require protection

and exclusion from exploration licences, and contribute to the intergenerational transfer of cultural knowledge. In this past year, one site survey has been consented to by Traditional Owners (EL 29991), while moratorium was passed on several others.

During the reporting period, consultations have been conducted with Traditional Owners pertaining to leases over infrastructure lots in the major communities resulting in a number of new ALRA s.19 Land Use Agreements (LUAs) with government agencies, private entities and Aboriginal corporations.

The Warddeken Land Management Limited entered into a long-term lease with Traditional Owners regarding the construction of infrastructure to support the land management activities of Warddeken Land Management Limited. The Warddeken ranger program remains secure and continues to support the Traditional Owners and their families to live and work on their country.

Commercial development and tourism on Aboriginal land are important projects that involve the NLC. Of particular note, a s.19 agreement has been finalised for Namundjbuk Aboriginal Corporation at Waminari Bay. Namundjbuk Aboriginal Corporation runs culture immersion programs, including overnight camping, at Waminari Bay. The cultural immersion program aims to focus on culture, language and leadership for young (up to 21 year old) Traditional Owners, along with providing employment opportunities for these youth. Traditional Owners in Waruwi consented to a new s.19 lease for lot 89 for the Yagbani Aboriginal Corporation on the Southern Island. Traditional Owners at the Maningrida community have renewed leases for Malabam Health, Northern Territory Government housing, and takeaway food facilities at the Dhukurrdji Lodge.



Kids learning on country during a culture camp at Elizabeth Downs Station, Malak Malak Land Trust.

Other key activities in the region include the commencement of sea country management planning in the region in June 2018. The participatory sea country planning process will continue over the next year and focus on the development of management arrangements to support Traditional Owners control access to their intertidal country. Also of note, late last year NLC (Top End Default) was also nominated by Traditional Owners to hold the PBC (Prescribed Body Corporate) for the Croker Island native title determination, one of the final PBCs to be nominated since 2005.

There has been a significant increase in royalty disbursements across the region during this reporting period compared with the previous four years. Royalty distributions of almost \$3.5 million have been made to Traditional Owners from a variety of projects pertaining to culture tourism, recreational fishing, crocodile egg collection, rock art sites, telecommunication and mining camps. Of particular note was the Outback Spirit Tourism royalty distribution to more than 600 Traditional Owners in the Maningrida region.

Kakadu, Cobourg and Mary River Region

The NLC's Kakadu and Cobourg Anthropology region is located between the Darwin hinterland and west Arnhem Land, and encompasses the Mary River National Park in the west, the Kakadu National Park, the Cobourg Peninsula and the Garig Gunak Barlu National Park (Cobourg Peninsula Sanctuary and Marine Park) in the north. The region now includes the Gunbalanya community and some areas on the Arnhem Land Aboriginal Land Trust adjacent to the parks.

The National Parks all operate under joint management agreements between Traditional Owners and the Northern Territory Parks and Wildlife Commission or the Commonwealth's Parks Australia. A primary focus of the NLC is to support Traditional Owners' effective participation in joint management arrangements. This involves consultations involving Traditional Owners about natural and cultural resource use and management plans, and monitoring informed decision making processes to ensure Board members can confidently report on Traditional Owners' views. The NLC also actively promotes employment and business opportunities for Aboriginal people, the protection of traditional law and customs, the protection of sacred sites and assists with managing disputes.

Tourism ventures in the national parks include culture tours, nature experiences, recreational fishing operations and, on the Cobourg Peninsula, safari hunting. A number of these tourism ventures are Aboriginal owned. Other activities pertaining to environmental conservation (such as fire and weed management), rock art conservations, a raft of research projects and media proposals are also supported.

One of the main consultation matters in the past year concerned the development and registration of a number of savanna burning carbon projects in the Kakadu National Park. Carbon projects earn carbon credits through the reduction of greenhouse gas emissions from bushfires. One of these projects, the Wurrk Carbon Project in the south of the national park, has been collaboratively developed involving the Director of National Parks, the NLC and Traditional Owners. The governance model of this project includes a steering committee comprising Traditional Owners and provides for Traditional Owners having full control over the sale of the carbon credits and use of the income for fire management related projects, community-based programs and/or infrastructure. The registered Wurrk project has already earned 45,000 carbon credits, an equivalent of around \$450,000. In the next financial year, the NLC will continue to support Traditional Owners to develop other carbon projects using similar models.

There are a number of land claims in process in the region including the Cobourg Land Claim (No.6), the Kakadu Repeat Land Claims covering the areas in Kakadu not yet granted as Aboriginal Land, and the Woolner/Mary River Beds and Banks land claim (No.192). The NLC anthropology branch has finalised anthropological research in relation to each of these land claims.

The closure of the Ranger Uranium Mine and monitoring the obligations of Energy Resources of Australia Ltd (ERA) and the Commonwealth Government to rehabilitate the mine is a major project which commenced during the reporting period. The NLC's role is focused on advocating Mirrar people's interests and promoting opportunities where they gain environmental, economic and social benefits from the closure. This work



Numbulwar Numburindi rangers Clive Nunggarrgalu and Eva Nunggumajbarr during Mangrove Watch monitoring on the Gulf of Carpentaria.

will continue in the new financial year and will involve collaboration among the NLC and the Mirrar people, the Gundjeihmi Aboriginal Corporation (GAC), ERA, the Commonwealth and Northern Territory Governments, and other external stakeholders such as the Kakadu National Park Board of Management and Director of Parks.

In Gunbalanya, the NLC has continued to hold consultations with Mandjurlngunj Mengerddji Traditional Owners for new s19 leases or variations to existing s19 leases over infrastructure lots including upgrades to the Youth Centre, government employee housing. Consultations regarding the Sports and Social club and community pool at Gunbalanya have also been ongoing.

Ngukurr, Borroloola-Barkly Region

The Borroloola-Barkly region covers a geographically expansive area encompassing 26 Aboriginal Land Trusts, and a large number of pastoral leases. The major towns are Borroloola and Elliott. Major communities include Ngukurr, Minyerri and Robinson River. The region also features a large section of coastline and the extensive Roper River,

Mc Arthur River and Limmen Bight River.

During this reporting period, multiple agreements pertaining to s19 matters, mining, pastoral and township developments have been facilitated between Traditional Owners and proponents. In 2018, directors and members of the Hodgson Downs Community Association consented to the surrender of the Community Living Area (CLA) of Minyerri to the Northern Territory Government. The NLC will continue negotiation in the new financial year with the Northern Territory and Commonwealth governments regarding the conversion of this area of land to Aboriginal land.

Addressing the chronic shortage of housing for Aboriginal people at Elliott has been a priority of the NLC during this reporting period and will continue to be so over the next year. The NLC is working collaboratively with the Northern Territory Government which has recently pledged to address the backlog of housing and subsequent overcrowding issues. NTG has made \$4 million available to renovate houses in Elliott, with works scheduled to begin in late 2018. The NLC is working with Traditional

Owners and native title holders to identify their housing needs, including exploring the option of establishing an Aboriginal Corporation that could manage housing matters, local enterprises and community services such as youth engagement programs.

The NLC has provided support to the Northern Territory Iron Ore Project (formerly the Sherwin Iron Ore Project) to undertake an Environmental Impact Assessment process which includes a Social Impact Assessment and cultural heritage plan in the new financial year. The NLC consulted with Native Title Holders about the commencement of operations by the Brit Marine Iron Ore project (formerly Western Desert Resources Iron Ore project). Of note, native title holders and Australian Ilmenite Resources entered into an Indigenous Land Use Agreement (ILUA) intersecting the Namul Namul and Flying Fox pastoral leases. An initial meeting with Traditional Owners of the Mambaliya Rumburriya Wuyaliya Aboriginal Land Trust (ALT) was held to ascertain their views about exploration and mining on their land.

During the reporting period, the NLC has conducted consultations with Traditional Owners of the Alawa ALT, the Waanyi-Garawa ALT and the Garawa ALT regarding mustering and Pastoral Land Use Agreements.

Traditional Owners of the Alawa ALT have reached agreement with a proponent for mustering. The NLC will finalise consultations with Traditional Owners of the Waanyi-Garawa and Garawa ALTs in the new financial year.

In the past year, the NLC has conducted s19 consultations with Traditional Owners of the Ngukurr, Urapunga and Robinson River communities and at the Borroloola township. Agreements have been reached to renew a s.19 lease for the Ngukurr Arts Centre and renew a licence to maintain the Ngukurr freight hub. Traditional Owners of the

Urapunga community have consented to a s19 lease over the camp ground at the Urapunga homestead. Traditional Owners of the Alawa 1 ALT have agreed to gravel extraction along the Hodgson Downs road, and members of the Hodgson Downs Community Association (HDCA) consented to a lease for the crèche at Minyerri. Initial consultations have been conducted with Traditional Owners of the Robinson River community about extending the community oval and adjacent storage facilities, and maintenance of the local cemetery. The NLC has also conducted initial meetings at Borroloola about the local cemetery and erection of a Telstra Tower. Telstra is building infrastructure across the region including new towers resulting in Minyerri and Robinson River recently receiving mobile phone coverage. Related agreements will be finalised in the new reporting period.

The NLC's Community Planning and Development branch has been working with Traditional Owners at Ngukurr to plan and fund an upgrade of the school oval, construct toilets near the church and erect a sign at the Kewulyi outstation. Preparatory work is underway to support the NLC's Sea Country planning project and permit reform project in relation to the Limmen Bight area.

Victoria River District Region

The Victoria River District (VRD) is centred on the catchment of the Victoria River in the south-western portion of the NLC region. The region encompasses the major towns of Timber Creek and Larrimah; the Aboriginal communities of Yarralin, Pidgeon Hole, Bulla, Amanbidji and Menggin, multiple homelands; the Judburra (Gregory) National Park and the Delamere (Bradshaw) Defence Range. Traditional ownership in the region is based on the model of discrete estates which aligns with the

ALRA description of Traditional Owners as members of “local descent groups”.

During this past year, the Anthropology branch has worked collaboratively across the NLC and with Traditional Owners to progress a variety of lease agreements in the VRD region - including, for example, feral animal management and eco tourism activities. These projects provide employment opportunities. Traditional Owners have agreed to renew community lot leases and mustering agreements on Aboriginal Land Trust areas, and the Anthropology Branch has effectively managed related royalty disbursements to Traditional Owners.

Following years of complex and challenging negotiations, residents of the Yarralin community, Traditional Owners, the NLC, the Commonwealth and Northern Territory governments have finalised a s19 agreement regarding the Yarralin community housing lease. The NLC has completed preparatory work to support consultations in the next year to establish a township lease over Yarralin.

The major Project Sea Dragon is located in the VRD region. Seafarms Group Ltd is preparing for the construction of one of the world’s largest land-based aquaculture projects, including a grow-out facility at Legune Station. The Project Sea Dragon Indigenous Land Use Agreement, negotiated in late 2017, includes a range of employment, business, training and community development obligations. The ILUA also contains provisions that protect cultural heritage and require cultural awareness training for Seafarms’ employees and other visitors to Legune. A project committee, made up of native title holders, Seafarms and NLC representatives, has been established to oversee the implementation of the ILUA and maximise its benefits for native title holders. NLC anthropology has supported native title

holders to play an active role in planning and implementing cultural monitoring and cultural induction programs under the ILUA. The Anthropology Branch has also worked closely with native title holders and senior custodians to undertake sacred site clearances and advise Seafarms on how to best ensure the safety of sites at Legune.

The widely acknowledged ritual leader and artist Mr Griffiths passed away in June 2018. During his lifetime, Mr Griffiths’ contribution to successful land claims and native title claims across the VRD region was outstanding. Many Traditional Aboriginal Owners attended the funeral in Kununurra of this highly respected man.

Katherine Region

The Katherine Anthropology region encompasses the townships of Katherine and Mataranka and the major Aboriginal communities of Jilkminggan, Barunga, Manyallaluk, Beswick, Bulman and Weemol. The region extends south-east and east from the township of Katherine and includes the Mangarrayi, Beswick, Manyallaluk and Jawoyn Aboriginal Land Trusts and the south-west area of the Arnhem Land ALT. The region also includes the Goondooloo, Moroak, Flying Fox, Conways, Mountain Valley and Mainoru pastoral leases.

The Anthropology Branch has contributed to the progression of a number of land use matters in the Katherine region. For example, buffalo mustering and safari proposals have been agreed to by Traditional Owners over areas (around Bulman, Snowdrop and the Mann River) located within the Beswick, Manyallaluk, and Arnhem Land ALTs. Various pastoral matters and related agreements have also been progressed with Traditional Owners of the Mangarrayi and Beswick ALTs. Traditional Owners have

agreed to community lot leasing matters at Barunga, Beswick, Bulman, Weemol and Jilkminggan. The branch has also processed royalty disbursements, associated with related agreements, in a timely manner.

Darwin/Daly/Wagait (Wadeye) Region

The Darwin/Daly/Wagait region encompasses eight Aboriginal Land Trusts, namely Kenbi, Daly River/Port Keats, Malak Malak, Upper Daly, Wagiman No.1 and No.2, Finnis River, Delissaville/Wagait/Larrakia and Gurudju. The city of Darwin, townships of Pine Creek, Adelaide River, and Batchelor, along with the major Aboriginal communities of Wadeye, Palumpa, Peppimenarti, Naiyu, Kybrook Farm and Belyuen are located within this region, as well as more than 10 homelands. The region also includes a number of pastoral leases and features major rivers including the Daly, Finnis, Fitzmaurice and Moyle rivers.

During the past year there have been a range of s19 applications at the communities of Wadeye, Palumpa and Peppimenarti. The NLC has commenced consultations with Traditional Owners of 10 clan groups regarding the proposed construction of a high voltage powerline by the Power and Water Corporation, extending from Wadeye to Peppimenarti. NLC consultations will be ongoing next year.

Traditional Owners and the Catholic Church have for the first time entered into s19 leases on residential lots at the Wadeye community. The NLC will continue consultations with Traditional Owners next year concerning outstanding agreements over additional lots at Wadeye. The Darwin Daly team has also worked closely with the Traditional Owners of the Kenbi ALT to establish s19 leasing agreements with squatters living on the Kenbi ALT.

In late 2017, a significant Pastoral Land Use Agreement was signed off by the Federal Minister for Indigenous Affairs for the E3 area of the Delissaville/Wagait/Larrakia ALT. This agreement provides income for the Traditional Owners and potential training and employment opportunities. Over the past year, Traditional Owners have agreed to grant a number of pet meat licences over parts of the Daly River/Port Keats and Malak Malak ALTs.

The NLC has continued consultations with Traditional Owners in support of their negotiations with the Northern Territory Government to control visitor access to parts of the Finnis River. Access agreements have been reached with Traditional Owners of the Daly River and Anson Bay, and royalty disbursements have been made.

The NLC's Community Planning and Development unit has worked with the Malak Malak group to contribute their own royalty benefits to conduct a youth culture camp. The NLC has supported the Malak Malak group to construct a new ranger base facility at the Wooliana homeland on the Daly River. The Malak Malak Rangers conduct important cultural and natural resource management activities and are source of local employment.

This year, the NLC regional anthropologist worked with Wagiman and Jawoyn native title holders to complete a survey of sacred sites at the Spring Hill and the Frances Creek mine sites to document sites and ensure their ongoing protection. With the completion of the independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory, preparatory anthropological work has commenced in anticipation of gas exploration activities within EP 175 which intersects the Daly River/Port Keats ALT.



Marratun Billabong



NLC staff members Sarah Rennie and Richard Singh consult with Traditional Owners about Section 19 Leases in Gatiwin'ku.

Legal Branch



The legal branch of the NLC provides advice generally in relation to all Land Council functions under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (Land Rights Act) and as a representative Aboriginal body pursuant to the *Native Title Act 1993* (Cth) (NTA). On 21 June 2018 the NLC was recognised by statutory instrument as a native title representative body for six years until 30 June 2024. This is welcome as it provides a measure of certainty to the NLC, as in recent years recognition had been provided only for one or two-year periods.

The legal branch also provides advice in relation to related legislation concerning the governance responsibilities of the NLC as a Commonwealth entity pursuant to the *Public Governance and Performance Accountability Act 2013* (Cth) and various corporate entities including the Larrakia Development Corporation, Aboriginal Investment Group and Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

The Land Council operates in a complex legal and policy environment that includes both Indigenous representative and advocacy functions within its jurisdiction, the determination of traditional ownership pursuant to the Land Rights Act and service delivery, which touches

a broad range of Commonwealth and Northern Territory legislation.

This legislation includes the *Aboriginal Land Act* (NT), *Cobourg Peninsular Aboriginal Land, Sanctuary and Marine Park Act 1996* (NT), *Environment Protection and Biodiversity Conservation Act 1999* (Cth), *Mining Management Act 2015* (NT), *Mineral Titles Act 2016* (NT), *Petroleum Act 2016* (NT), *Geothermal Act 2016* (NT), *Environmental Assessment Act 2013* (NT), *Nitmiluk (Katherine Gorge) National Park Act 1989* (NT), *Northern Territory Aboriginal Sacred Sites Act 1989* (NT), *Pastoral Land Act 1992* (NT), *Special Purpose Leases Act 1953* (NT) and the *Territory Parks and Wildlife Conservation Act 2006* (NT).

The conduct of land, water and sea claims pursuant to both the Land Rights Act and the Native Title Act are primary functions of the Legal Branch. In addition, it operates a large practice that conducts commercial negotiations pursuant to section 19 (leases and licences) and Part IV of the Land Rights Act that cover a broad range of areas such as residential housing, commercial, mining, petroleum, green house gas offsets (savanna burning), feral animals, cattle and natural resource harvesting such as buffalo mustering, pastoralism, crocodile egg harvesting and the provision of government services.

Similarly, Legal Branch lawyers conduct negotiations as instructed by native title holders pursuant to the future act provisions of the Native Title Act. This includes the negotiation of Indigenous Land Use Agreements (ILUAs) and agreements in relation to mining, major infrastructure (such as the Jemena gas pipeline), housing subdivisions, community living areas, non-pastoral use permits pursuant to the *Pastoral Land Act* (NT) and other legislation.

Insufficient financial and human resources for native title claim and future act work are a significant constraint on the NLC's capacity to fulfil its native title representative body functions.

The latter was a factor in the Federal Court's dismissal of several polygon native title claims historically lodged for the purpose of native title holders obtaining the right to negotiate pursuant to the NTA prior to the finalisation of native title claims which can take many years. See the judgement in *Bulabul on behalf of the Kewulyi, Gunduburun and Barnubarnu Groups v Northern Territory of Australia* [2017] FCA 461 on 5 May 2017. The outcomes from this judgement were upheld on appeal in the Full Federal Court (*Henwood v Northern Territory of Australia* [2017] FCAFC 182 (27 November 2017)).

As a consequence, the NLC has withdrawn a number of applications for determination of native title this reporting year. This has created extra work that has further delayed the finalisation of substantive native title claims.

Until 2016, the Federal Court, under the stewardship of Justice Mansfield, was content for the NLC to work through more than 100 pastoral claims (many of them polygon claims) according to a schedule under which pastoral leases were grouped according to their geographical locations. As substantive claims were finalised, new claims were authorised and the old polygon claims withdrawn. This was part of an agreed consent determination process in relation to pastoral lease areas in the NLC region with the Northern Territory Government and the Northern Territory Cattlemen's Association.

In 2016, after Justice Mansfield's retirement, Justice White took over the case management of all claims in the NLC region and took a different approach. Justice White is not content for claims that are not being actively researched or progressed or subject to future act negotiations to remain in the Court's list.

In 2016 Justice White listed 27 claims for potential dismissal. They included all town and pastoral claims in the NLC's region that were not being actively researched or progressed other than those in Group 5 (covering pastoral leases located between Adelaide River and Pine Creek north to south, Fish River to the west and the border of Kakadu to the east). His Honour did not include Group 5 because the Kamu group was a self-represented claim in that group over Tipperary station. His Honour further advised at that time that he would examine the Group 5 claims once he had dealt with the first 27 claims he considered should be considered for dismissal.

In late 2016 and early 2017 the NLC met

with all the applicants for the claims under threat of dismissal and suggested they withdraw their claims rather than have them dismissed. Importantly, withdrawing a claim means that an application for a native title determination to have traditional rights and interests recognised under Aboriginal law and custom can still be made.

Of the 27 claims that Justice White proposed to consider for dismissal in 2016:

1. The NLC obtained instructions from applicants to withdraw 13 claims;
2. Justice White agreed that 3 claims could remain on foot because the applicants were actively negotiating with mining companies about works on their country; and
3. Justice White dismissed 11 claims: *see Bulabul on behalf of the Kewulyi, Gunduburun and Barnubarnu Groups v Northern Territory of Australia [2017] FCA 461 and Henwood v Northern Territory [2017] FCAFC 182.*

With those 27 claims now dealt with, in early 2018 Justice White put the NLC on notice that he intended to dismiss all claims in Group 5 unless the applicants to those claims withdrew them or otherwise convinced His Honour that they were in active negotiations with mining or petroleum companies about works on their country. He also advised the applicants to the three Town of Adelaide River claims to show cause why he shouldn't dismiss those applications because, in his opinion, they had not been progressed with sufficient diligence.

There are no mining or petroleum companies in active negotiations with the NLC and claimants for any of the Town of Adelaide River or Group 5 claims save for two claims - NTD 6033 of 2000 (Old Mount Bundy) and NTD 6023 of 2001 (Douglas North). In light of this, in April and May 2018, the NLC met with the applicants for the remaining claims and sought their instructions to discontinue them. Consequently, on 27

June 2018 notices of discontinuance were filed in respect of the following claims:

1. NTD 6005 of 1999 (Portion 4274 Town of Adelaide River)
2. NTD 6045 of 2001 (Lot 160 Town of Adelaide River) and
3. NTD 6005 of 2002 (Town of Adelaide River)
4. NTD 6007 of 2001 (Tipperary North)
5. NTD 6028 of 2001 (Fish River)
6. NTD 6006 of 2003 (Deepwater)
7. NTD 21 of 2004 (McKinlay River)
8. NTD 8 of 2007 (Tipperary (Kamu))

The discontinuance of the above claims and others in 2017 does not mean that the NLC is not seeking to have native title recognised for those Traditional Owners over the country once subject to those claims. Rather, the NLC will research claims over those areas when resources become available in due course.

If a mining or petroleum company applies for a mineral or petroleum tenement over an area without a claim over it, the NLC will move to identify and work with the relevant native title holders to lodge a new claim over the tenement area to obtain the right to negotiate on their behalf.

Funding for PBC Support Unit

For the first time the NLC has sought funding this reporting year from the Department of the Prime Minister and Cabinet (DPM&C) for a PBC support unit in relation to finalised native title determinations in its region. At the time of writing this application had not been resolved.

Legal Branch Structure

During the past financial year three new positions were created and filled: a senior lawyer in native title, one specialising in community development work with the Community, Planning and Development

Unit (CP& D Unit) and a senior contract administrator to deal with the monitoring and review of the large number of agreements being administered by the NLC. The creation of a CP& D Unit, whilst creating additional work in some respects for the legal branch, is an important initiative of the NLC.

Unfortunately, this increase in staffing was diminished by the fact that DPM&C, the funding body, does not provision for maternity leave. Consequently, the branch was not able to replace one lawyer who was on maternity leave during this reporting period.

The branch also structures the provision of its services to the NLC and its clients by subject matter and the NLC regional council structure. A lawyer is allocated to each region (some have multiple regions or roles) and mainly undertake section 19 agreement work under the Land Rights Act, one lawyer specialises in exploration, petroleum and mining agreements and two lawyers are currently specialising in Land Rights claims in an attempt to finalise all claims by mid-2019. Five lawyers specialise in the native title claims practice including the Legal Practice Manager – Native Title. All lawyers and secretaries also work flexibly across all areas of practice as required from time to time.

The branch is funded from both the Aboriginals Benefit Account (ABA) and Native Title (NT) budgets. There are currently 13 permanent legal officer positions, one Executive Assistant and two legal secretary positions. In addition, there were four short term and casual positions, being one legal officer, one graduate clerk, a filing secretary and a lawyer seconded from K&L Gates Perth office working full time on a special project for six months.

Seven of the permanent lawyers and two legal secretary positions are funded from the ABA. In addition, a temporary legal officer position (12 months) has been funded from

the ABA to assist with the backlog of Land Rights claims, many of which date back to the 1990s. The funding for this position unfortunately expired this reporting period, putting at risk the finalisation of these claims according to the agreed schedule with the Minister of Indigenous Affairs and the Aboriginal Land Commissioner.

The native title budget funds four permanent legal officer positions, the Executive Assistant position to the PLO and the two Practice Managers and a casual position for one lawyer.

The branch has been able to employ additional staff on short-term contracts through better management practices and improved financial information, and by accessing new funding outside government sources. In addition, an experienced legal secretary has been retained on a casual basis to deal with the branch's extensive filing backlog. The branch was also ably assisted by the Aurora program, which regularly provides high quality law students as legal interns whom make an invaluable contribution to the branch.

Native Title Applications For The Recognition of Native Title

As at 30 June 2018 there are 44 native title determination applications for the recognition of native title filed with the Federal Court within the NLC region. All but one of those applications (NTD 19 of 2016 (Section 674 Hundred of Cavenagh)) are claimant applications filed by the NLC on behalf of various native title claim groups.

The branch also has carriage of a number of significant cases at first instance and on appeal as part of its native title practice including:



Su Sze Ting, Legal Practice Manager – Land Rights, addresses the Katherine-West Arnhem Regional Council Meeting in March 2018.

- the Timber Creek native title compensation case (*Griffiths & Jones v Commonwealth of Australia and the NT*) in the High Court of Australia – the leading native title compensation test case in Australia;
- *Margurala v NT of Australia* [2016] FCA 1018 concerning the recognition of native title in the township of Jabiru and associated negotiation concerning a township lease pursuant to section 19A of the Land Rights Act;
- *Bright v Northern Land Council* [2018] FCA 752 concerning the certification and registration of an ILUA settling the Batchelor township native title claim;
- *Australian Ilmenite Resources Pty Ltd v Chattahoochie Registered Native Title Claim & Ors; 120 of 2017 (21758157)* concerning access authorities to a mining project;
- *Quall v Northern Land Council* [2018] FCA 989 (29 June 2018) concerning the certification of an ILUA as part of the settlement of the Kenbi Land Rights Act land claim and the delegation of Land Council native title functions.

There have been 72 determinations of native title in the NLC region recognising

native title, facilitated by the NLC and represented by the lawyers of the branch. There have been two determinations that native title does not exist in respect of the Larrakia claims over the city of Darwin.

Top End Default PBC/CLA Aboriginal Corporation

The Top End Default PBC/CLA Aboriginal Corporation is administered by the legal branch and is the agent PBC for some 69 determinations of native title in the NLC's area. The NLC Executive from time to time are the members and directors of the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

The NLC continues to review its management of claims within the NLC region. In recent years this has included the requirement for the completion of comprehensive connection reports for all native title claims, the employment of an experienced claims anthropologist, and the appointment of a Legal Practice Manager – Native Title within the legal branch which complements the existing native title claims co-ordinator position in Anthropology.

The NLC's native title claims focus is currently on:

1. Working towards consent determinations over:

- a. The towns of Larrimah, Pine Creek, and Katherine; and
 - b. Each of the Billengarra, Nathan River, Hodgson River, Nutwood Downs, Lorella, Banka Banka, Powell Creek, Helen Springs, Buchanan Downs and Hidden Valley perpetual pastoral leases; and
2. Preparing claims over:
- a. Pastoral Groups 2A and 2B which cover the south-eastern part of the NLC's region including Benmarra, Cresswell Downs, Alexandria, Mt Drummond, Mittiebah (2A) and Avon Downs, Rocklands, Dalmore Downs, Austral Downs, Burramurra, West Ranken, Soudan, Adder and East Ranken (2B);
 - b. Pastoral Group 3 - Mainoru, Mount McMinn, Conways Station, Lonesome Dove, Flying Fox, Moroak, Namul Namul, Mountain Valley, Wongalara, Big River and Goondooloo, and
 - c. A sea claim and compensation claim.
3. Finalising the Jabiru township native title determination, judgment having been given by the Federal Court in August 2016.

Establishing The Native Title Right to Take and Use Resources For Any Purpose

Since 2015 the NLC has reviewed its approach to the native title right to take and use resources in respect of all claims. This follows the land mark case of *Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia* 250 CLR 209 (7 August 2013), and decision of North J in *Willis on behalf of the Pilki People v Western Australia* [2014] FCA 714 (Pilki), where the applicant successfully claimed the right under traditional law and custom to "access resources and to take for any purpose resources of the area".

In 2016 the Federal Court decision in *Rumburriya Borroloola Claim Group v*

Northern Territory of Australia [2016] FCA 776 in relation to the township of Borroloola in the NLC region established in proceedings contested by the Commonwealth and Northern Territory governments a native title right to take and use resources for any purpose including a commercial one. This was the first case in the Northern Territory where commercial native title rights have been recognised to exist.

Notwithstanding the outcome of the Borroloola township claim and the other precedents, the Northern Territory Government has not agreed to include an unqualified right to take and use resources in the consent determination process that has applied in the Northern Territory for some years. Rather, it requires specific evidence that goes to this right in each case in claims on both pastoral leases and within townships.

NLC lawyers are duty bound to advise all native title claimants about the possibility of their claim including a right to take and use resources for any purpose rather than a limited form of that right for non-commercial and subsistence purposes only.

This has resulted in significant delays and further expense incurred in the finalisation of both township and pastoral claims which were close to consent determination. In addition, the expert anthropological reports obtained by the NTG have continued to maintain that exchange rights in relation to resources do not have an economic component and therefore cannot be recognised as a commercial right.

This has now been resolved at an expert anthropologists' conference on 30 January 2018 convened by the Federal Court in respect of the native title claim over the Town of Larrimah. The conference concluded with a recognition of an unrestricted right to take and use resources in the same terms as that recognised in the Borroloola township determination.

Importantly, this should have application beyond the confines of the native title claim over Larrimah and extend to the pastoral lease and town claims listed above and other town and pastoral claims currently being researched by the NLC. The Northern Territory Government is still to come to a concluded position on this issue.

Land Rights Claims

Due to amendments to the Land Rights Act made in 1997 and 2006 (ss 50(2A) and 67A(6) (a)) respectively), no new land rights claims have been made since 1997. A number of claims are still unresolved since then.

There are currently 22 beds and banks of rivers and intertidal zone claims still to be finalised. Claims at Legune Pastoral Lease, the Gregory National Park/Victoria River, Peron Islands Area, Woolner/Mary River Region and the Fitzmaurice River are currently being heard by the Commissioner. Five claims remain to be heard. Twelve have been recommended for grant.

There are another 10 claims at various stages of negotiation seeking a grant of Aboriginal land as a result of amendments to Schedule 1 of the Land Rights Act. The Aboriginal Land Rights (Northern Territory) Amendment Bill 2017 was introduced in the Senate on 6 December 2017. The Bill would amend Schedule 1 of the Land Rights Act to include four remaining claim areas in Kakadu National Park and the area agreed in the township of Urapunga Indigenous Land Use Agreement Settlement. It is envisaged that Anthony Lagoon Area Land Claim No. 74 will also be included in the Aboriginal Land Rights (Northern Territory) Amendment Bill 2017. It is hoped that this Bill will be passed by the Federal Parliament this calendar year.

The Commonwealth and the Aboriginal Land Commissioner expect finalisation or substantial progress of intertidal zone and/or beds and banks land claims by 30 June 2019.

On 6 July 2017 the Minister for Indigenous Affairs requested the Aboriginal Land Commissioner to undertake a review of detriment issues relating to 16 land claims previously recommended for grant but not finalised.

The Commissioner's final report on the detriment review was to be made to the Minister by 6 July 2018 but this deadline has now been extended until 31 December 2018.

To date, the NLC has been invited to take part in the review as have the Northern Territory Government, NT Seafood Council, Amateur Fishermen's Association of the NT, NT Cattlemen's Association and other third parties, in relation to the following claims:

- Garrwa (Wearyan and Robinson Rivers Beds and Banks) Land Claim No. 178, McArthur River Region Land Claim No. 184 and part of Manangoora Region Land Claim No. 185;
- Lower Daly River Land Claim No. 68;
- Lower Roper River Land Claim No. 70 and Upper Roper River Land Claims comprising Mataranka Area (NT Portion 916) Land Claim No. 129, Western Roper River (Bed and Banks) Land Claim No. 141, Roper Valley Area Land Claim No. 164 and Elsey Region Land Claim No. 245;
- Lorella Region Land Claim No. 199 and part of Maria Island Region Land Claim No. 198;
- Seven Emu Region Land Claim No. 186, Wollagorang Area II Land Claim No. 187 and part of Manangoora Region Land Claim No. 185;
- Mataranka Area Land Claim No. 69; and
- Finniss River Land Claim No. 39.

An extensive series of meetings is being undertaken by the NLC with traditional Aboriginal owners as part of this review.



Will Crawford, East Arnhem regional lawyer, explains the section 19 Land Rights Act leasing process at a consultation meeting.

A supplementary ABA bid submitted to the Minister on 8 November 2016 was successful and enabled funding to employ a senior anthropologist and a junior lawyer to assist in the finalisation of all land rights claims in an endeavour to meet the 30 June 2019 deadline. This funding expired at the end of the reporting period and it is not known whether the funding will be renewed, putting at risk the NLC's ability to complete these land claims in the expected timeframe.

The finalisation of land claims will depend on the nature of any settlement proposals put forward by the Northern Territory, the results of the hearings by the Aboriginal Land Commissioner, whether the Minister agrees to recommend to the Governor-General that grants of Aboriginal Land be made in any particular instance and the ability of the NLC to meet the schedule.

Leases and Licences s19 - Land Rights Act

The Legal branch in conjunction with the Regional Development branch negotiates agreements (leases/licences) on Aboriginal land under the Land Rights Act which are considered and approved by the Council if relevant statutory requirements are met.

These requirements importantly include that the traditional Aboriginal owners of the land concerned understand the nature and purpose of the grant and as a group consent to it; that any Aboriginal community or group affected has been consulted and

has had an adequate opportunity to express its view and that the Land Council is satisfied that the terms and conditions of any grant of an estate or interest are reasonable.

In relation to the reporting period there were 656 agreements (leases or licences) current or where holding-over clauses were operative. A total of 82 new agreements were approved by the Council or its delegates in relation to 160 parcels of land during the reporting period and 263 new expressions of interest for section 19 agreements were received and progressed to varying stages.

These agreements cover a wide range of commercial and community activities. These include arts, music and entertainment; agriculture, fisheries; fishing safaris; infrastructure (barge landings, pipelines, lighthouses) and telecommunications; safari hunting; crocodile egg harvesting; sand and gravel extraction; pastoralism; buffalo and feral animal mustering; a rocket launching facility and tourism.

Litigation

The complex environment in which the NLC operates has contributed to a range of Court actions being brought against the NLC or its clients. These matters consume considerable human and financial resources. These proceedings include:

1. **Rirratjingu Aboriginal Corporation (RAC) & Ors v Northern Land Council & Others**, NTD 31 of 2014, NTD 3 of 2015 and NTD 8 of 2017
 - (a) **Rirratjingu Aboriginal Corporation, Bakamumu Marika & Ors v Northern Land Council and Gumatj Corporation Ltd** (NTD 31 of 2014)

This matter involves a challenge to the NLC's decision concerning the allocation of payments between Traditional Owner groups from the RTA Gove Traditional Owners Mining Agreement pursuant to section 35(4) of the Land Rights Act. An

application for special leave to appeal to the High Court by the Rirratjingu Aboriginal Corporation and others was dismissed on 15 September 2017.

(b) RAC & Ors v NLC & Ors (NTD 3 of 2015)

On 1 April 2015, RAC and a number of Rirratjingu Traditional Owners commenced proceedings in the Federal Court seeking that the Federal court review an NLC payment decision made on the 30 January 2015 in relation to the RTA Gove Traditional Owners Mining Agreement under the Administrative Decisions (Judicial Review) Act 1977 (Cth) (ADJR ACT).

These proceedings have been consolidated with the proceedings in NTD 8 of 2017.

(c) RAC & Ors v NLC & Ors (NTD 8 of 2017)

On 22 May 2014, RAC, Mr Bakamumu Marika and Bunuwat Investments Pty Ltd commenced proceedings in the Supreme Court of the Northern Territory. The matter was transferred to the Federal Court of Australia.

This is a damages and compensation claim against NLC, Mr John Hofmeyer, Northern Investment Corporation Pty Ltd (an associated entity of NLC) and Northern Australian Aboriginal Development Corporation (another associated entity of NLC). Breaches of statutory and common law duties in relation to the RTA Gove Traditional Owners Mining Agreement are alleged.

The quantum of the claims in these proceedings will be affected by the outcome of the associated proceedings, NTD 3 of 2015. The parties have agreed to mediation. It is listed for hearing on 25 March 2019 for three weeks if not totally or partly resolved in mediation. This claim has been referred to the NLC's insurer, Comcover.

2. Bright & Ors v Northern Land Council & Ors Federal Court (NTD33/2016)

The application seeks to challenge the certification of an Indigenous Land Use Agreement by the NLC and its registration. It was heard by the Federal Court at Darwin on 9 March 2017 and judgement was delivered by the Court on the 24 May 2018 dismissing the application against the NLC's decision (Bright v Northern Land Council [2018] FCA 752).

3. Bakamumu Marika & Ors v Northern Land Council and Gumatj Corporation Ltd (NTD 29/2017)

This action in the Federal Court was commenced in May 2017 as an application for an interim injunction in an attempt to stop the grant of the Gunyangara township lease that was approved by the NLC Full Council at its meeting in Timber Creek in November 2017.

It was unsuccessful and the applicants withdrew their application for an injunction to stop the NLC directing the Land Trust to grant the township lease. Costs were awarded against the Marikas in favour of the NLC.

Since then Marika and Ors have brought an amended claim against the NLC claiming that the Rirratjingu clan are Traditional Owners of part of the area of the proposed Gunyangara township lease in accordance with the Land Rights Act.

Further they are seeking orders to set aside the Full Council decision to direct the Arnhem Land Aboriginal Land Trust to grant the township lease and a declaration that the decision is void and of no effect.

This action was settled during the reporting period.

4. **Jason Bill & Ors v NLC,
Federal Court of Australia**

This is an application to challenge the NLC's 2014 settlement of the Muckaty nuclear waste dump litigation (ground 1) and efforts to nominate a second area of land on the Muckaty Aboriginal Land Trust to be considered as a national radioactive waste management facility (ground 2).

The Applicants claim: (a) in relation to ground 1, \$12 million plus interest; and (b) in relation to ground 2, \$17 million plus interest.

This claim has been referred to the NLC's insurer, Comcover.

5. **Australian Ilmenite Resources Pty Ltd v. Chattahoochee Registered Native Title Claim & Ors 120 of 2017**

These proceedings commenced in the Northern Territory Civil and Administrative Tribunal alleging that the native title parties have acted unreasonably in not providing consent to access authorities for infrastructure associated with a mining project.

There are a number of questions of law that have been referred to the NT Supreme Court. These questions concern the validity of certain regulations in the Minerals Title Regulations (NT) and questions of inconsistency with the Federal Native Title Act 1993. The matter was heard by the Court on 26 June 2018. A judgement is yet to be delivered.

6. **Henwood v Northern Territory [2017] FCAFC 182.**

On 27 November 2017 the Full Federal Court dismissed an appeal against the finding of the Court at first instance (in Bulabul on behalf of the Kewulyi, Gunduburun and Barnubarnu Groups v Northern Territory of Australia [2017] FCA 461 to dismiss 11 polygon native title applications.

Legal Policy and Environmental Impact Assessment

The branch has been responsible for or involved in the preparation of a range of submissions and meetings in relation to the following:

- **Reforms to the Native Title Act 1993 (Cth):** Options Paper November 2017 and associated membership (NLC PLO) of the Expert Technical Advisory Group to the Commonwealth Attorney General concerning these proposed reforms;
- **Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory;**
- **Pastoral Land Amendment Bill 2017 (NT)** especially in relation to the impacts of these amendments on the rights and interests of native title holders pursuant to the *Native Title Act 1993 (Cth)*;
- **The Barunga Agreement:** A Memorandum of Understanding to provide for the development of a framework for negotiating a Treaty with the First Nations of the Northern Territory of Australia (June 2018);
- **Animal Protection Bill 2017 (NT);**
- **Emissions Reduction Fund:** Guidance to the Native title, Legal Right and Eligible Interest Holder Consent pursuant to the *Carbon Credits (Carbon Farming Initiative) Act 2011 (Cth)* (June 2018).

Highlights

The highlights of the reporting year have been the conduct of the following cases and negotiations:

Timber Creek Native Title Compensation Case Griffiths & Jones v Commonwealth and NTG High Court of Australia (D1/2018, D2/2018, D3/2018)

This case is the leading test case with respect to the determination of compensation for the extinguishment and impairment of native title pursuant to the Native Title Act in Australia. In February and April 2016, the Federal Court brought on for hearing the question of quantum of compensation and the principles for its calculation. After spending two days conducting a site visit and hearing from Aboriginal witnesses at Timber Creek, the Federal Court sat for another 12 days in Darwin to hear from expert valuers, economists and anthropologists.

The trial concluded on 28 April 2016. His Honour gave judgement on the 24 August 2016 *Griffiths v NTG & Ors (No 3)* [2016] FCA 900 (*Griffiths No 3*).

The decision is the first judicial consideration of the principles for the calculation of compensation for the extinguishment and impairment of native title. In sum, the decision provides that (1) where there has been extinguishment of non-exclusive native title, the economic value of that native title is 80 per cent of the freehold value of the land, valued at the date of the act; (2) unless native title holders are able to show that they would have invested the compensation at the date of act or used it in a profitable business, then they will not be entitled to claim compound interest, and accordingly, interest will be awarded on a simple basis; and (3) that an award of solatium can be made, subject to the evidence before the court, for the non-economic loss experienced by native title holders, including loss of spiritual and traditional attachment to their land.

In this case, the economic loss component was \$512,400; simple interest on that sum came to \$1,488,261, and an award of \$1,300,000.00 was made for solatium.

The decision was appealed by the Commonwealth and Northern Territory governments and cross-appealed by the Applicants. The State of Western Australia intervened pursuant to a section 78B

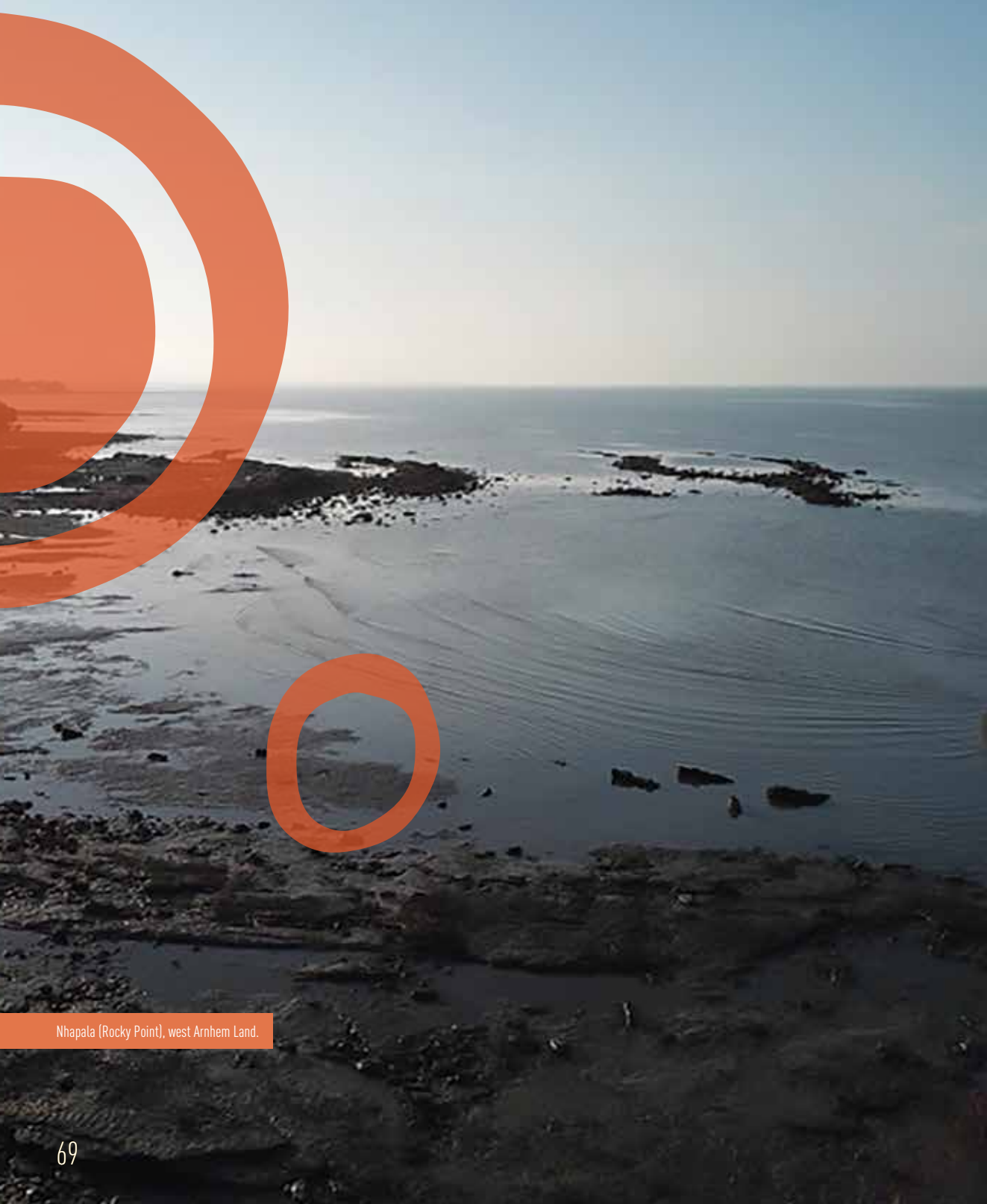
Judiciary Act 1903 (Cth) (Notice to Attorney-Generals in respect of a matter arising under the Constitution). A joint application to intervene was also made by the Central Desert Native Title Services Ltd and Yamatji-Marlpa Aboriginal Corporation.

On 20 July 2017 the Full Court of the Federal Court decreased the native title compensation award to the Ngaliwurru and Nungali Peoples: see *Northern Territory v Griffiths* [2017] FCAFC 106. However, the Full Court upheld most of the trial judge's findings. The only significant change was to the finding on economic loss where the Full Court reduced the total award for economic loss from 80 per cent to 65 per cent of the freehold value of the relevant land at the time of the compensable acts. The Full Court agreed with the trial judge that only simple interest was payable on the economic loss component of the award and upheld the trial judge's award for \$1.3 million for non-economic loss.

On 16 February 2018 the High Court granted special leave to hear an appeal from the Full Court's decision concerning each of economic loss, non-economic loss and interest. The appeal will be heard in Darwin on the 3-6 September 2018, the first time the Court has sat in the Northern Territory.

Sea Dragon Indigenous Land Use Agreement

This agreement was negotiated on behalf of the native title holders of the Legune cattle station area near the Western Australian border. The agreement provides for significant long-term benefits for the native title holders. It enables a large-scale commercial prawn farm to be developed as a green fields project. The value of the investment is estimated by the proponent at \$1.45 billion and at full scale will be the world's largest aquaculture development.



Nhapala (Rocky Point), west Arnhem Land.

Sea Country



Background

For more than 20 years the NLC has been working with Traditional Owners to improve their rights and interest in looking after their sea country.

Sea country is important to a large demographic of Aboriginal people living in remote coastal communities and homelands.

In 2008, the High Court determined (*Gumana vs The Northern Territory*) that the *Fisheries (Northern Territory) Act 1988* did not apply within the boundaries of Aboriginal land granted under the Land Rights Act, including the tidal waters over their land from the high to low water tide marks (the intertidal

zone) – the “Blue Mud Bay case”.

This determination is significant considering the whole NT coastline: 5,100km on the mainland, with offshore islands contributing a further 2,100km. The Blue Mud Bay decision recognises 84 per cent or 6,050km of entire coastline is owned by Aboriginal Traditional Owner groups.

Regardless of this significant right, intertidal access arrangements have not yet been resolved.



Sea Country Working Group: from left, Wesley Bandi Bandi (East Arnhem), Wayne Wauchope (West Arnhem), Paul Henwood (Darwin/Daly/Wagait), Keith Rory (Borrooloola-Barkly), Samuel Bush Blansi (Chairman) and Shadrack Retchford (Victoria River Downs). Absent: Faye Mangurra (Ngukurr).

Permit Waiver For Aboriginal-Owned Tidal Waters

User groups and the NT Government have continued to seek permit-free access since the Blue Mud Bay decision.

Currently, pursuant to section 5 (8) of the *Aboriginal Land Act* (NT), the requirement for a permit to access Aboriginal-owned waters has been waived for 12 months, until 31 December 2018. This has followed similar notices by the NLC since December 2016 which have waived the requirement of a permit for recreational and commercial fishers.

During the current waiver period, the NLC is consulting with the NT Government and user groups to achieve a permanent and comprehensive settlement on access arrangements that recognises

and benefits the sea country rights and interests of Traditional Owners.

After the Blue Mud Bay decision, an NT-wide settlement package, in exchange for enduring permit free access, was presented to a number of large coastal communities between 2009 and 2011. The NLC Full Council rejected the offer because Traditional Owners did not want to give up their customary right to manage and utilise their sea country for their economic, social and cultural benefit.

A short-term agreement among Aboriginal Land Trusts, the NLC and the NT Government had been applied since 2007, to allow recreational and commercial fishing access to tidal waters over Aboriginal Land. However, after 10 years and 11 extensions of that agreement, the NLC issued a notice in December 2016 that the interim agreement would not be renewed.

Coastal Area Intertidal Fishing Access Agreements

Since 2011 six coastal area intertidal access agreements have been negotiated to provide permit-free access to recreational and commercial fishers. The agreements were negotiated by the NT Government with Traditional Owners in coastal areas with high incidence of fishing activity (<http://www.fishing.nt.gov.au/agreements.html>). Overall, Traditional Owners feel that the agreements don't allow them to participate in decisions about access or management of their sea country, which goes beyond the low tide water mark.

One of the agreements provides for a consultative committee, but Traditional Owners are seeking to strengthen customary management of their sea country.

Coastal agreements include:

1. Malak Malak ALT for Daly River area: 1 July 2012 to 2032.
2. Narwimbi, Wurrulbi & Wurrulbi No.2 ALTs for the Yanyuwa area (Sir Edward Pellew Islands Group and lower McArthur River) area: 1 July 2012 to 2032.
3. Daly River Port Keats ALT for Anson Bay area from the mouth of the Daly River to Cape Scott: 1 January 2013 to 2033.
4. Arnhem Land ALT for Nhulunbuy area : 1 January 2014 to 2034.
5. Daly River Port Keats ALT for the Thammurrurr Area (Hyland Bay and Moyle River): 1 July 2014 to 2034.

The Arnhem Land Aboriginal Land Trust for the Iwaidja Armurduk area (Mini Mini and Murganella Rivers south of Coburg Peninsula) agreement expired 30 June 2018.

Sea Country Working Group

Since the High Court decision, the NLC has established a number of groups to provide advice and direction to resolve intertidal

access arrangements. A Sea Country Working Group (SCWG), made up of elected members, was established by the Full Council in June 2015. Current membership includes:

Keith Rory – Borroloola Barkly (Chair)

Paul Henwood – Darwin/
Daly/Wagait (Deputy)

Faye Manggurra – Ngukurr

Shadrack Retchford – Victoria River District

Wayne Wauchope – West Arnhem

Wesley Bandi Bandi – East Arnhem

To date, the SCWG has met eight times to assist to develop a framework that resolves intertidal access and sea country interests more broadly.

Consultative Committee

The NLC Consultative Committee for Sea Country Access and Management (Consultative Committee) was established in February 2017 to bring stakeholder interests together with the SCWG and work collaboratively, considering the views of landowners, user groups and the NT Government.

The NLC will continue to engage the Consultative Committee during the current permit waiver period to broker a longer term engagement and partnership strategy.

Technical Advisory Group

The NLC Sea Country Technical Advisory Group (TAG) was established in 2017 to provide independent advice on research and policy objectives of the SCWG. TAG has a loose membership, dependent on current needs, that draws from expertise from community engagement in land and sea management planning and Indigenous participation in fisheries management. Relevant expertise has been essential for supporting the development of longer term participatory planning objectives of Traditional Owners.



Blue Mud Bay, north east Arnhem Land.

Engaging Landowners

To date the SCWG has delivered a Landowner Engagement Strategy (LES) to inform issues on sea country access and management arrangements. The LES provides a synthesis of Traditional Owner responses

- from initial (2009-2011) consultations relating to intertidal access arrangements relevant to the enduring NT wide settlement;
- recent (2015-2016) consultations with Traditional Owner groups with existing

Intertidal Fishing Access Agreements with the NT Government; and

- outcomes from consultations with Traditional Owners in eight coastal areas.

The LES was integrated with a complete audit of all other coastal areas that were not engaged in consultations. The project identified consistent themes:

1. Traditional Owners want to control access to their intertidal areas (including the right to refuse access), with involvement, beyond compliance, in planning and management of intertidal areas.



Traditional Owners want to control decision making, be better informed and participate more in consultations about access and management.

2. Traditional Owners want to to sustainably manage bio-cultural resources, through their ranger programs.
3. Traditional Owners want decision making at clan level, regardless of which governance framework is adopted, to negotiate intertidal access and management.
4. Rangers are an essential resource for

the management of intertidal areas and to help to control access to sea country. It is essential therefore to strengthen resources and capacity for Aboriginal Ranger Groups to undertake compliance and monitoring of Aboriginal-owned intertidal areas.

5. Traditional Owners wish to negotiate intertidal access and management arrangements to gain economic benefit from their sea country. They want reform of policy and legislation to support their engagement in fisheries and sea country management.

Participatory Sea Country Planning

The LES revealed a clear need to undertake participatory planning to support delivery of coastal area sea country development plans. In May 2018 the NLC initiated participatory planning processes in the three coastal areas:

1. Maningrida
2. Blue Mud Bay
3. Limmen Bight

The process aims to provide tools for Traditional Owners to manage access, ensure compliance of access arrangements, work collaboratively with stakeholders on a range of sea country issues and broker partnerships for economic development.

Coastal plans will inform the development of a regional management framework that considers legislative and policy requirements, and a NT-wide zoning system that enables Traditional Owners to manage access to their tidal waters. The process is being conducted in conjunction with the NLC's permit reform process.

The process aims to provide tools for Traditional Owners to manage access, ensure compliance of access arrangements, work collaboratively with stakeholders on a range of sea country issues and broker partnerships for economic development.

Licensing Arrangements for Commercial Operators

The SCWG is scoping the development of licences for commercial operators in Aboriginal-owned tidal waters.

Licensing arrangements identify:

- Unique attributes and issues relevant to commercial fishing and other economic activities carried out in tidal waters;
- Aspirations of Traditional Owners to manage, control access to, and derive economic benefits from their tidal waters;
- Appropriate licensing processes or models that will best address these issues and meet the needs of Traditional Owners; and
- Terms and conditions of a licence and how those terms will be audited.

Participation in Commercial Fisheries

In June 2018, the SCWG considered an independent assessment of values of NT commercial fishery access rights, with the view to purchasing wild harvest fisheries licences or quota. Traditional Owners have regularly expressed an interest in playing a larger role in commercial fishing in the NT, and Aboriginal Coastal Licences provide limited commercial opportunities.

The project:

- Developed a financial matrix to inform decisions about which licence mix would best meet investment objectives; and
- Consolidated information on each fishery to inform regulatory and operational considerations and decisions.



Members of the Sea Country Working Group meet with NLC staff and consultants in Darwin.

Other Activities

Wurrahiliba Management Committee

The Wurrahiliba Management Committee was established in 2015 under the terms of the 20-year permit-free Yanyuwa intertidal fishing access agreement with the NT Government (Sir Edward Pellew Islands and McArthur River areas).

The committee is considering opportunities to:

- enhance the role and resources for rangers to manage sea country;
- support the next generation through programs and initiatives;
- establish long-term monitoring of water quality at the McArthur River mine;
- examine opportunities to support fisheries industries; and

- look at the feasibility of holding a fishing licence.

In May 2017 the NLC secured funding from the Fisheries Research Development Corporation to examine business opportunities and impediments for Aboriginal community development in supportive fishing industries for the Roper River to Robinson River area.

The project works with Yanyuwa Traditional Owners to map governance, identify stakeholder groups and partnership opportunities, and build community capacity toward scoping business interests and opportunities. The project is due to be completed before November 2018.

To learn more about sea country, visit <https://www.nlc.org.au/our-land-sea/sea-country-rights>



Bulgul Ranger Brendan Morgan-Armstrong takes part in sea grass mapping in the waters around Indian Island, 41 kilometres west of Darwin.

Caring For Country Branch



Introduction

The NLC's Caring for Country Branch helps Traditional Owners plan for the health of their country and report on the effectiveness of their efforts. We do this using a "two-way" land and sea management philosophy, which combines the best of traditional knowledge and contemporary science.

Traditional Owners in the NLC region have responsibility for 210,000 km² of land and 2,072 km² of water, which contain some of the most intact, biologically diverse and culturally rich savanna and marine environments in the world.

Through Ranger and Indigenous Protected Area (IPA) programs, National Park Joint Management, land management-based enterprises, training and development and research partnerships, the Caring for Country team directly employs more than 130 Indigenous land managers. Supporting this effort is a small team of Darwin-based staff who provide contract administration, advocacy, IT, data management, reporting, training, youth and women's engagement functions.

The branch directly supported 16 individual ranger groups and three IPAs across the NLC region. The

past year saw the expiry of Working on Country (DPMC) and Indigenous Land Corporation (Real Jobs) and IPA contracts. We are pleased to say that following a great deal of hard work behind the scenes by branch staff and the NLC Executive, we were able to secure these ranger program and IPA contracts for another three and five years respectively.

We have also begun work through partnerships with NAILSMA and the ILC on the establishment of new carbon abatement projects in the Gulf of Carpentaria, continued our focus on increasing the engagement of women and young people in the work that we do, and further reformed and strengthened the support services we provide to people on the ground.

During 2017/18 the Branch completed restructuring and now operates on a regional basis in line with the NLC's strategic plan.

This also included strengthening our career development and training functions which have now been consolidated to invest in the development of our next generation of Indigenous land and sea managers and leaders. Complementing this, in July the Minister for Indigenous Affairs, Senator The Hon Nigel Scullion, announced that the NLC had been awarded the management of the Learning on Country program. The NLC is committed to working through and with local people to consolidate and grow this important program.

Approach and Achievements

The NLC assists Traditional Owners to manage land and sea country in a sustainable manner, guided by the values and aspirations of custodians of Indigenous law and culture. These principles underpin the operations of the branch, which actively supports Traditional Owners to establish grass-roots land and sea management initiatives across the network of remote homelands, stations and community centres.

During 2017/18 the branch:

- Worked with our partners and the NLC Executive to secure current ranger group funding for the next three years and the Wardaman, Ganalanga-Mindibirrira and South East Arnhem Land IPAs for the next five years.
- Continued to roll out a comprehensive capital works program in six communities to repair and expand their ranger bases and storage facilities. We continued to apply for funding to address the remaining ranger group needs.
- Worked in partnership with the Mimal Land Management Aboriginal

Corporation to transition the Mimal Ranger program to full independence.

- Helped to facilitate the appointment of the first Indigenous Fisheries Inspectors in the NT in partnership with the NT Department of Primary Industries and Resources (NT Fisheries) and the NT Water Police.
- Moved to a regional staff structure and program delivery model so that more of our services are located closer to people in the bush.
- Was awarded management, with our local partners, of the Learning on Country Program.

Importantly the branch continued to invest in our partnerships with other land councils and land management bodies across the Northern Territory and the top end of Australia.

Rangers

The NLC currently supports 16 Indigenous ranger groups through funding from the Department of the Prime Minister and Cabinet (DPMC) and the Indigenous Land Corporation (ILC). Twelve of these groups are directly hosted by the NLC. We continued to support the Arafura Swamp Ranger groups and Gumurr Marthakal Rangers through local subcontract arrangements as they move towards full independence.

Collectively these programs protect and care for more than 104,000km² of land (more than five times the size of Kakadu National Park) and extensive areas of coastline on behalf of Traditional Owners, to the benefit of all Australians.

Through the Working on Country Program, the NLC was funded to support the direct employment of up to 57 full time equivalent (FTE) Indigenous rangers, nine coordinators, cultural advisers, an Indigenous administration trainee and program support staff.



Kenbi Rangers conduct beach patrol along the Cox Peninsula.

The Indigenous Land Corporation (ILC) also provided funding to support up to 12 FTE Indigenous rangers, three coordinators and a program coordinator across three ranger groups. These are Kenbi (located on the Cox Peninsula), Yantjarrwu in the Daly Region and Timber Creek in the Victoria River region.

The ranger groups continue to lead in fee-for-service activities and cost recovery programs, supported through government agencies such as the Department of Primary Industry and Resources (NT Fisheries) and biosecurity surveillance activities for the Australian Department of Agriculture and Water Resources (DAWR).

While full time workers constitute the majority of our workforce, a significant number of Traditional Owners were engaged as casual staff to support the ranger groups during peak workloads or to provide cultural advice. Our network of casual rangers is an important means for people to work on their country, often through contributing to peak dry season fire management, culture camps and training opportunities. For all participants, young people and women in particular, casual work provides the opportunity to experience ranger work. It also provides the NLC and others with a pool of experienced and engaged land managers from which to draw fulltime workers.

NLC ranger groups have continued to deliver on their commitments and lead the country, particularly in the areas of research, management and related innovation. At present ranger groups are involved in a vast array of land and sea management programs including fire management/early dry season burning, weed management, land and sea biodiversity surveys, marine debris collections, fisheries compliance patrols, sacred site management and knowledge transfer through involvement with school groups.

Achievements for ranger groups this year have included:

- Consolidation of a significant carbon abatement program involving the rangers in the Ngukurr/Numbulwar region.
- Significant research partnerships with our key partner North Australian Indigenous Land and Sea Management Alliance (NAILSMA) and Bush Heritage Australia.
- The appointment of two of the Malak Malak ranger group staff as NT Fisheries Inspectors (see Case Study on page 82).
- The continuing success of ILC ranger groups in leading fee for service work.



Malak Malak Ranger Theresa Lemon conducting rescue of critically endangered Sawfish at Shark Swamp on the Malak Malak Aboriginal Land Trust.

Case Study

NLC Malak Malak Rangers Among First Fisheries Inspectors

Traditional Owners and managers of land and sea country continue to raise their concerns about visitor trespass and unauthorised activities, such as hunting, fishing, off road driving and camping, taking place on Aboriginal land without a permit.

To date, Indigenous rangers operating outside of Commonwealth and NT parks and reserves have been unable to obtain compliance powers to help manage and address this serious and ongoing problem.

Since early 2017, the NT Fisheries Act and Regulations provide Indigenous ranger groups an important opportunity to be trained and appointed as Fisheries Inspectors and Fisheries Officers.

Rob Lindsay and Aaron Green from the NLC Malak Malak Ranger team were among the first six rangers to be appointed as Fisheries Inspectors, having successfully completed Certificate II and III courses in Fisheries Compliance.

In partnership, and through ongoing support from NT Fisheries and the NT Water Police, they now have the necessary training and

authority to monitor recreational and commercial fishing activity along the Daly River to ensure that fishers are safe and complying with the *Fisheries Act* (NT).

Fisheries Inspectors have the ability to collect standard evidence including requesting the name and address of individuals, inspecting fishing gear and fish catches, and to then assist the NT Water Police and NT Fisheries staff to carry out investigations.

The NLC is committed to building on these efforts to both increase the number of Indigenous rangers appointed as Fisheries Inspectors and Fisheries Officers, as well as work with the relevant NT and Australian government agencies to enable rangers from across the NLC region to gain powers on the land to help protect important sites and reduce the incidence of illegal access and inappropriate activities.

Ranger Exchanges

There was strong representation from many NLC groups at forums in Darwin, Canberra and Melbourne throughout the year, with forum topics ranging from carbon farming to cultural heritage management.

Indigenous Protected Areas

Indigenous Protected Areas (IPAs) are a globally recognised Indigenous developed way for people to meet their aspiration to care for country long term and participate in the National Reserve System. Nationally, there are 70 IPAs which make up more than 44 per cent of Australia's National Reserve System. IPAs combine traditional and contemporary knowledge into a framework to leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for Indigenous people.

The NLC manages three IPAs: the Wardaman IPA (declared in 2014) the Ganalanga Mindibirrira IPA (declared in 2016) and the South-East Arnhem Land IPA (declared in 2017).

Wardaman IPA

Wardaman country lies within the Victoria River and Upper Daly catchments, west of Katherine. The Wardaman IPA covers approximately 224,718 hectares of country rich in cultural heritage.

More than 200 recorded rock art sites with around 6,000 individual paintings and 41,000 engravings have been recorded. The "Lightning Brothers" at Yiwarrarlai on Delamere Station is probably the most well-known Wardaman rock art site. Six art site complexes are considered of national significance and have been registered with the Australian Heritage Commission.

The natural landscape including hills, waterholes, billabongs, springs, water courses, rock outcrops, mineral outcrops, soil, sand, trees and other vegetation are also culturally significant sites. The focus of the IPA and its natural resource management is based on using a cultural approach, with fire continuing to be used as an important cultural management tool to protect its biological and cultural values.

Ganalanga Mindibirrira IPA

The Ganalanga Mindibirrira IPA is declared by the Waanyi and Garawa people over an area of some 11,000km² in the southern Gulf of the Northern Territory. It is managed in accordance with IUCN category [IUCN category VI (Managed Resource Protected Area) for the conservation of biodiversity and associated cultural resources, guided by the Ganalanga-Mindibirrira Indigenous Protected Area Plan of Management 2013-2018. The Ganalanga-Mindibirrira IPA takes in most of the Nicholson Basin. The Nicholson River runs year-round, fed by numerous springs and soaks from the surrounding uplands. In the south west there are open grasslands. These are the most northerly parts of the Barkly Tablelands, and virtually the only areas of black soil not being used for intensified grazing.

A long and rugged escarpment known as China Wall divides the IPA north and south. China Wall is one of the highest areas in the Northern Territory and it is also one of the oldest landscapes in Australia. This area is not only spectacular to look at, but like the other large rocky ranges of northern Australia it is home to a wide variety of wildlife including species that occur nowhere else.

Wardaman rangers chainsawing on the Wardaman Aboriginal Land Trust.



Eleven threatened species have been found on or near this IPA. These are the Carpentarian grass-wren, Gouldian finch, red goshawk, yellow spotted monitor, Merten's water monitor, Gulf snapping turtle, Australian Bustard, Emu, Carpentarian Rock-rat, Northern Quoll and Carpentarian Antechinus.

South East Arnhem Land IPA

At nearly 20,000km², the South East Arnhem Land IPA spans most of south east Arnhem Land along the far western Gulf of Carpentaria from Blue Mud Bay to the mouth of the Roper River – where tidal flats meet vast coastal plains backed by rugged sandstone uplands. The vegetation is predominately open eucalypt woodlands with paperbark and monsoon rainforests along waterways or in moister pockets. In the north, tall eucalypt woodlands occur on the deepest soils, while a mosaic of native grasslands, vine thickets, samphire and mangroves characterise the coastal lowlands. The IPA is managed by an advisory committee of elders from the

Ngukurr and Numbulwar communities.

The South East Arnhem Land IPA consists of the traditional estates of more than 20 clans who speak of themselves as Yugul. Yugul Mangi is a term for all our people, coming together and speaking as one. Their country comprises a patchwork of homelands with 20 established outstations, each belonging to a particular family group, or clan. All homelands are associated with significant cultural sites and all are enormously important, as they reflect the pattern of our traditional land use and ownership. Homelands are places at which ceremonies occur, bush tucker is collected or hunted and where history, stories and traditional ways are passed on to our children. Sea country is particularly important, as we have always relied on the sea for our livelihoods. It is part of our culture; our Dreamtime ancestors created marine sites and features just as they did on the land

The South East Arnhem Land IPA is jointly managed by the Yugul Mangi and Numbulwar Numburindi Rangers based

DEDICATION CEREMONY: NLC Chairman Samuel Bush Blanasi and CEO Joe Morrison with Yugul Mangi and Numbulwar Numburindi ranger groups and community members at the South East Arnhem Land IPA Dedication Ceremony in September 2017.



at Ngukurr and Numbulwar respectively. The rangers work on behalf of Traditional Owners (TOs) of the Ritharrngu, Rembarrnga, Ngandi, Ngalakgan, Warndarrang, Yugul and Nunggubuyu peoples whose country is situated in south east Arnhem Land.

SEAL IPA Dedication Ceremony

After six years of negotiations, the South East Arnhem Land IPA was dedicated by the Australian Government on 13 September 2016 and added to the Australian Government National Reserve System. The Ritharrngu, Ngandi, Ngalakgan, Warndarrang, Marra, Alawa and Nunggubuyu Traditional Aboriginal Owners celebrated the dedication of the South East Arnhem Land IPA at a ceremony held at Namiliwiri Outstation near Ngukurr in September 2017.

Advisory Committee Meetings

Three IPA meetings were held in 2017/18. Initially established to make decisions in relation to adaptive IPA management, the role of the SEAL IPA advisory committee has quickly expanded to the point that the members are now managing annual budgets in excess of \$2 million and an ever widening array of issues. The committee is uniquely representative of regional clans, language groups and the townships of Ngukurr and Numbulwar. The SEAL IPA Advisory Committee has also made decisions on funding a community planning and development project using the carbon funds. This funding will support holding two culture camps in 2018/19 for both Ngukurr and Numbulwar communities. The IPA committee members attended governance training delivered by Tamarind Planning and Consulting in May in Ngukurr. More training is planned for 2018/19.

South East Arnhem Land Fire Abatement Project

There is an existing s19 agreement with ALFA (NT) to undertake carbon farming in the IPA. This project is made up of the South East Arnhem Land Fire Abatement (SEALFA) and the South East Arnhem Land Fire Abatement Stage 2 (SEALFA2) projects. These projects use strategic fire management through the savanna burning methodology to reduce the fire-generated emissions of methane and nitrous oxide. The projects apply strategic early dry season burning activities to reduce the total area that is burnt each year and to shift the seasonality of burning from late Dry Season to early Dry Season.

Fire is a major focus of the Yugul Mangi and Numbulwar Numburindi Rangers' work and they have been developing their capacity to undertake fire management as part of the wider regional Arnhem Land fire management focus.

Weed Management

Some weed work was done on the Mimosa pigra at Phelp River near Wanmarri. The area has spread so more intensive management has been undertaken and will continue to be undertaken by the rangers. Aerial spraying was organised and has helped with the rangers on ground work.

MangroveWatch Pilot Project

In late 2015-16, a severe case of mangrove forest dieback was recorded in the Gulf of Carpentaria, affecting approximately 1,000km of coast line between the Roper River in the NT and Karumba in Queensland. This event highlighted a key gap in environmental monitoring of these important ecosystems. In response to this gap, Territory NRM plans

to run a pilot Mangrove Watch monitoring program in the Northern Territory.

The Numbulwar Numburindi, Yugul Mangi and Ii-Anthawirriyarra Rangers are participating in a pilot MangroveWatch project in the NT, in collaboration with James Cook University and Territory NRM. This involved two days of training in the MangroveWatch monitoring methodology in early November in Numbulwar. Now that the rangers are trained in the methodology, they will continue to undertake shoreline monitoring in the Gulf of Carpentaria region.

The rangers also assisted with aerial surveys along the coast from Numbulwar to Gove on 10 and 11 December.

This project extends the MangroveWatch monitoring program (currently operating in Queensland), and establishes baseline information to detect environmental change over time in remote coastal ecosystems of the NT. It will also complement mangrove research projects being undertaken by Charles Darwin University and the Northern Australia Environmental Research Hub.

Fauna Surveys


The Numbulwar Numburindi and Yugul Mangi Rangers undertook surveys with Macquarie University scientists to monitor biodiversity in the South East Arnhem Land Indigenous Protected Area. Rangers and community members trapped animals at sites around Walker River and Wumajbarr to identify and record flora and fauna using Western and Aboriginal science as part of a Citizen Science grant. This project will continue till the end of 2019.

Women's Culture Walk

Thirty women from Numbulwar took part in the Women's Culture Walk in June 2018, traversing 40km of coast in the South East Arnhem Land Indigenous Protected Area. Starting at the Miwul Outstation, the women spent three days hiking north to Dharni Outstation.

The walk was an opportunity for the young women to learn the country and hear stories from Traditional Owners. They gathered turtle eggs and oysters from the beach as they went, and afternoons were spent fishing and catching crabs. In the evenings, the women gathered around campfires, listening to the old ladies telling stories and cooking the crabs and fish they had caught that day.

The young women were excited to be visiting places they had heard stories about, and the old ladies were happy to be back on their country, eating bush tucker and teaching the young women. The 21 younger women walked the distance while the older ladies were driven along the coast in a troopy. They were supported by the Numbulwar Numburindi Rangers and the Yugul Mangi Rangers



*Thirty women
from Numbulwar
took part in the Women's
Culture Walk in June 2018,
traversing 40km of coast
in the South East Arnhem
Land Indigenous
Protected Area.*



From left, Tina Wilfred, Karla-Marie Murrungun, Maritza Roberts, Joy Wilfred (with a northern blue-tongue lizard she caught along the way) and Yvonne Nundhiribala during a Women's Culture Walk in the South East Arnhem Land IPA.

Partnerships

The NLC has continued to develop a suite of local, regional, Territory and national partnerships that support the development and delivery of the various ranger group and IPA activities. Program partners in addition to DPMC and the ILC include the Australian Government Department of Agriculture and Water Resources (DAWR) which provides fee-for-service agreements for biosecurity surveillance activities, the NT Government Department of Primary Industries and Resources (NT Fisheries) who provide fee-for-service agreements for sea country patrols, fisheries compliance monitoring and training with the assistance of the NT Water Police, and the Department of Environment and Natural Resources (DENR). The NLC welcomed the opportunity to secure some much needed capital and land management funding under the DENR Aboriginal Ranger Grants program, and staff from the Weeds Management Branch, Bushfires NT and Flora and Fauna Division continued to provide technical advice and operational support regarding fire and weed management and research and survey programs.

Bush Heritage Australia continued to be a valued partner, providing extensive support to the Arafura Ranger groups during the development of their Healthy Country Plan, and during the planning and delivery of the biodiversity surveys within the Ganalangal Mindibirra IPA.

Our partnership with Territory NRM continued, a highlight being the extension of project funding for the control of Mimosa and feral pigs within the Finnis Reynolds Catchment, encompassing the floodplains of the Delissaville Wagait Larrakia ALT.

Information Technology – Data Collection, Mapping and Reporting

The Caring for Country Branch provides ongoing ICT training and support to all NLC Ranger groups in asset and equipment acquisition, coordination of routine repairs and maintenance, and providing required on site and remote support including:

- Documentation of ranger group ICT needs and budget preparation;
- Providing training in the use of ICT equipment, including GIS/Mapping Software and other data management tools – e.g., Garmin BaseCamp, Garmin Virb Edit, GeoSetter, Google Earth;
- Production of DVDs and other educational materials regarding ranger projects;
- Providing general day-to-day ICT support and troubleshooting; and
- Assisting with the collection and management of data and preparation of reports (e.g. KMZ Google Earth reports).

The NLC receives funding from DPMC for a dedicated Information, Communication and Technology (ICT) Officer position.

The ICT Officer visits each ranger group at least twice a year and is in regular contact with the rangers to provide ongoing support.

The second part of 2017/18 has seen the second phase of the IT Data Collection, Mapping and Reporting Curriculum Program deployment with the addition of training materials designed specifically for photos taken from GPS equipped cameras. Those new materials complement the 11 video tutorials (Mapping Software) produced six months earlier. The



Numbulwar Numburindi rangers Eva Nunggumajbarr and Clive Nunggarra hold up the signed dedication certificate from the South East Arnhem Land IPA dedication ceremony in September 2017.

curriculum gives the rangers a better understanding of all processes involved in data collection and data management.

Basic IT training has also been incorporated in the training program to address the skills gap for rangers not familiar with IT hardware and software.

The IT Data Collection, Mapping and Reporting Curriculum gives rangers a pathway to learn the skills required to provide accurate and comprehensible reports to the Caring for Country Branch, to the Traditional Owners and to their community.

The rangers have now the options to use the Garmin Virb cameras (short range) or the Nikon CoolPix 900 (long range) to report their daily activities.

The KMZ Google Earth reports are sent to the Darwin office and provide accurate photos with location of all activities.


Communication and efficiency have been improved with the first deployment stage of Microsoft Teams in some selected

ranger groups, allowing clear and simple communication channels between ranger coordinators and program coordinators.

Accountability and traceability have improved and all groups will be connected to the MS Teams network by the end of 2018.

Training, Exchanges and Capacity Building

In early 2017 the Branch secured an injection of funding of just over \$260,000 from the Australian Department of Agriculture and Water Resources where core training, such as mandatory WHS, chainsaws, chemical handling and remote first aid, could be completed. With the combined funding more than 30 staff were able to complete their Remote First Aid training, more than 25 undertook chainsaw and small



The stories of Wagiman women have inspired a new art installation at Tjuwatin (Douglas) Hot Springs, incorporating four stainless steel lily pads (pictured), which double as watering stations, and a lily flower.

engine maintenance, and by engaging with competitive Registered Training Organisations (RTOs) we were able to secure Coxswains Certificate I (Grade 2 Near Coastal) training and applications for 15 rangers. Due to increased reporting requirements and demand from local coordinators to upskill both their own and their teams' computer skills, the branch was able to utilise the DAWR funding to send 16 rangers and coordinators to undertake both Excel Introduction and Excel Intermediate training. The push for more ranger presence on NT waterways has resulted in numerous rangers upskilling to obtain their Certificate II in Fisheries Compliance; the CFC branch now has 13 rangers qualified with their Certificate II,

six with their Certificate III and recently two Malak rangers were appointed as the first NLC Fisheries Compliance Officers.

Having a casual training officer within the Branch has ensured the process of getting training is simplified for training providers, as well as building relationships with other local organisations, companies and government agencies to support ranger training needs, resulting in better relationships and community outcomes. The CFC Career Pathway Framework has been able to be further developed with one pilot already completed; engagement of new staff through very local and inclusive open day, where our program staff and local partners, such as CDP provider Ironbark, hosted job



seekers and had on-the-spot interviews as well as a general information session. This provided four new ranger staff who have shown exceptional initiative within the Bulgul Ranger team and already undertaken multiple core and upskilling training, including fire training, 4WD and chemical handling.

Exchanges and workshops are important for sharing knowledge and building capacity for all rangers. In September 2017 the NLC and the Australian Department of Agriculture and Water Resources supported more than 15 rangers to attend a Biosecurity Ranger Forum hosted by the Kimberley Land Council and their subsequent ranger groups in Pender Bay, north of Broome. The exchange brought rangers together from northern

Australia to connect, share and build hands-on skills with a focus on biosecurity, such as refresher remote first aid, pest sampling and coastal debris surveys. In November 2017 the branch supported 29 staff to attend the Territory Natural Resource Management Conference in Darwin where the rangers and staff attended workshops on land and sea management across the territory. This included workshops on feral animal management, project planning, sea country management and terrestrial mammals. The branch had NRM award finalists in each category with the Waanyi-Garawa and Garawa Rangers were successful for Best Collaboration in NRM for their collaborative work with Bush Heritage Australia.



Early dry season on-ground burning helps to mitigate the risks of late-season hot fires, proving better management of country.

Case Studies



Western Top End Fire Abatement: Building Capacity For Better Outcomes Through Accredited Fire Training

Fire is a crucial characteristic of the western Top End landscape. While there are differing land-use and fire management objectives throughout the region, the overall joint objective from the various partners aims to improve vegetation condition, biodiversity quality and provide cultural knowledge transfer and economic benefits. In 2017 it was realised that there was a large gap in capacity of NLC rangers to undertake extensive fire management projects across the western Top End region. With core training covered through the DAWR funding, more immediate and necessary training was able to be sought; unfortunately, local providers have been unable to provide prescribed fire training, whether accredited or non-accredited. The CFC branch was able to secure multiple trainers to provide a suite of accredited units, necessary for development of SEAL and Western Top End Fire Abatement projects. This included: work safely around aircraft, operate aerial ignition equipment in an aircraft, respond to wildfire, prevent injury, assist with prescribed burning, prepare, maintain and test response equipment. In the Western Top End region, Rangers from Bulgul, Wudicuppilyerr and Wagiman Ranger groups undertook training for all units, whilst coordinators and rangers from Timber Creek, SEAL IPA and Numburindi Ranger groups undertook the aerial incendiary and aircraft training. The training was

part-funded by Territory Natural Resource Management (TNRM) to aid much needed training to undertake fire management across the Western Top end; the area from the Finnis-Reynolds Catchment through to the lower Daly catchment. This is part of a larger career and capacity development to ensure that NLC ranger groups are fully equipped to tackle the proceeding burn seasons, abatement schemes and provide more opportunity for fee for service.

Women's Engagement and Capacity Building

Broadening ranger capacity in the tech world has been identified to help develop the profile of our ranger programs. Hosted by the Mimal Land Management Aboriginal Corporation, NLC, Mimal and ASRAC women rangers, Council members and Traditional Owners came together in Barrapunta (Emu Springs) to undertake media training alongside the development of the women's engagement strategy. Engaging with local company Formation Studios, more than 20 women were trained in basic film techniques and movie creation using a variety of media, to finalise videos on their iPads. As well as building their film skills behind the camera, the women were guided in developing their skills in front of the camera; interview skills and storytelling with confidence, both guided by seasoned coordinators and council members, have enabled several ranger groups to develop their own independent films.

Other Highlights

2017 NT NRM AWARD FINALISTS

Best Collaboration in NRM

- Waanyi-Garawa Rangers Northern Land Council in collaboration with Bush Heritage Australia

Individual NRM Award

- Jimmy Morrison, Waanyi-Garawa and Garawa Rangers Northern Land Council

Research in NRM Award

- Kenbi Rangers Northern Land Council in collaboration with the University of Melbourne

NT Ranger Award

- John Moreen, Kenbi Rangers Northern Land Council



*Approximately
44.6% of the NT's
national parks and
conservation reserves
in the NLC region are
Aboriginal owned and
jointly managed.*

National Parks

The NLC has a statutory responsibility to protect and advocate for the interests of Traditional Owners of land and sea within its jurisdiction. This includes estates leased by the Northern Territory and Australian governments and included in the national reserve estate for conservation of natural and cultural values and tourism purposes. Approximately 44.6% of the NT's national parks and conservation reserves in the NLC region are Aboriginal owned and jointly managed. The NLC works closely with Traditional Owners and the NT Parks and Wildlife Commission and Parks Australia to support and deliver joint management outcomes.

Jointly managed parks are a major resource for the NT and Traditional Owners. Opportunities in joint management can be significant but require adequate resources. Traditional owners continued to work to build relationships and partnerships with governments and community

and industry. The NLC is focused on assisting Traditional Owners to:

- Engage more effectively with Parks and Wildlife Commission NT and Parks Australia by providing third party technical advice and advocacy.
- Make informed decisions relating to natural and cultural resource use and management.
- Assess the social, cultural, environmental and economic implications of legislation and proposals affecting parks and reserves.
- Protect and enhance traditional law and cultural practices.
- Pursue employment and business development opportunities.
- Manage and resolve disputes.
- Carry out statutory requirements of ALRA and Native Title under joint management.



Malak Malak Ranger Aaron Green and Charles Darwin University researchers conduct sawfish surveys.

On the road to Elliott.



Case Study



Kakadu

During 2017/2018 some significant achievements were made and the Kakadu Board of Management has reasserted itself as the strategic decision making agency for the Park. Successes included:

- The development of the Wurrk Carbon Project legal agreement giving Traditional Owners full governance control of the Wurrk project; audit and receipt of the first two years of credits for the project (77,000t of carbon abatement); and formation of the 18-member Wurrk steering committee by community nomination (this project is pending a review of the legal agreement by the Director of National Parks, near completion).
- The registration of the Kakadu Fire Project (KFP), covering the majority of Kakadu not including the Mirarr or Wurrk projects, meaning that 90 per cent of Kakadu is now covered by carbon abatement projects. The KFP will be able to claim credits for the 2018 year (~32,000t).
- At the request of the Aboriginal members of the Kakadu Board of Management, formation of the first ever Kakadu Joint Management Unit and recruitment of an ELI Joint Management Unit Manager, open only to Aboriginal applicants, to commence July-August 2018, with additional positions to follow.
- Partnership among Parks Australia, the Northern Environmental Science Program (NESP) and the NLC to form a second NLC position (Aboriginal applicants only) in Kakadu to run the NESP Kakadu research projects and undertake consultation and engagement with the community about biodiversity and conservation. This position has been significantly delayed by the lack of housing in Jabiru.
- Strengthening Kakadu Board processes including formation of the Kakadu finance subcommittee for Aboriginal members of the Board to be involved in budget priority setting (quarterly meetings); formation of a training committee to develop the Kakadu Aboriginal Training Program set out in the Kakadu Lease (biannual); and formation of the Recruitment Guidelines Working Group (biannual) and Kakadu Recruitment Guidelines focussing on improving Aboriginal employment in Kakadu.
- Capital work programming workshops held with the board, finance subcommittee and community to determine bids for the 2017-2022 Commonwealth capital works funding cycle resulting in the receipt of a minimum of \$4M funding for projects in the south of Kakadu over four years, being developed with Jawoyn Traditional Owners, starting with the Gunlom Walk Trail.
- Seven large community meetings in three Kakadu districts, four clan-based meetings, consultation on an additional 28 projects logged through the LIR system, and ongoing support and advice to Kakadu staff about the delivery of the joint management aspects of their projects.



Garngi rangers clean up marine debris on Croker Island.
Ghost nets have a devastating impact on marine ecosystems.

Regional Development Branch



The Regional Development Branch comprises the regional office network and support operations. According to the ABS 2016 census, nearly 70 per cent of Indigenous people in the NLC region live outside of the greater Darwin area. NLC regional offices are the first point of contact for most rural and remote Aboriginal people accessing NLC services. The branch has 42 positions with staff currently working across 11 sites:

- 30 positions located in Katherine, Timber Creek, Ngukurr, Borroloola, Tennant Creek, Jabiru, Maningrida, Wadeye, Nhulunbuy and Galiwin'ku;
- Defence Liaison position funded by the Department of Defence and based at Timber Creek to assist with the implementation and monitoring of the Bradshaw ILUA.
- Telstra Liaison position funded by Telstra to help gain access to Aboriginal land and manage Telstra infrastructure leases.

- 12 positions based in Darwin to support regional offices, coordinating regional programs and providing services to the Darwin/Daly/Wagait region.

The regional office network supports on-country projects by:

- Assisting the coordination of community consultations;
- Progressing expressions of interest for land use;
- Compliance activities for Land Use Agreements;
- Processing permits, funeral and ceremony applications; and
- Supporting the Full Council and Regional Councils.

Nearly 70 per cent of all staff employed in the Regional Development team are Indigenous, many of them recruited locally with close ties to the region they work in. The regional network engages up to 20 local Aboriginal casual employees annually to assist with projects as needed.

Achievements

Over the past 12 months the Regional Development Branch achieved the following:

- Successfully managed the logistics for 293 s19 ALRA land use, native title, royalty distribution, community development, minerals and energy consultations that involved 10,136 Traditional Owners and affected Aboriginal peoples meeting at 61 different locations;
- 646 clan estate groups were consulted;
- No transport or work place injury accidents;
- Established a permanent office in Galiwin'ku;
- Processed a high percentage of the 13,998 land access permits;
- Facilitated the administration of 281 funeral and ceremony applications; and
- Supported the logistics and running of Regional Council and Full Council meetings

Aboriginal land and sea in the Northern Territory are rich in biodiversity and other natural resources and have the potential to deliver economic opportunities and good outcomes for our constituents. A major function of the NLC is to express the wishes of Traditional Owners. In terms of economic development, this is carried out through section 19 (s19) ALRA land use agreements. The NLC carries out consultations and negotiations on behalf of Traditional Owners with third parties who seek commercial activities on Aboriginal land.

The NLC must ensure that any land use proposal is reasonable, that the appropriate Traditional Owners understand the proposal and consent in accordance with their traditional decision making processes, and that affected Aboriginal people are also given an opportunity to express their views about a particular land use application. Once consent is reached, the NLC considers the proposal and, after approval, directs the appropriate Aboriginal Land Trust to enter into a licence or lease agreement with the proponent. Prior to taking land use proposals to the Traditional Owners and affected Aboriginal community groups for consideration, multi-disciplinary teams within the NLC, comprising project coordinators, lawyers, anthropologists, regional support staff and, on a need basis, external experts undertake a rigorous assessment. Business and economic development in remote parts of the NT can be impeded by a number of factors. Some proposals may provide insufficient detail about the operational area. Land use proposals may cover an area that affects multiple clan estate groups and therefore consultations and logistics of bringing the decision makers together can be complex.

Land Use Agreements

Objective:

To secure economic, social and cultural benefits for Traditional Owners from developments taking place on Aboriginal land.

FIGURE 14: NUMBER OF ABORIGINAL TRADITIONAL OWNERS & INTERESTED AND AFFECTED GROUPS CONSULTED BY REGION

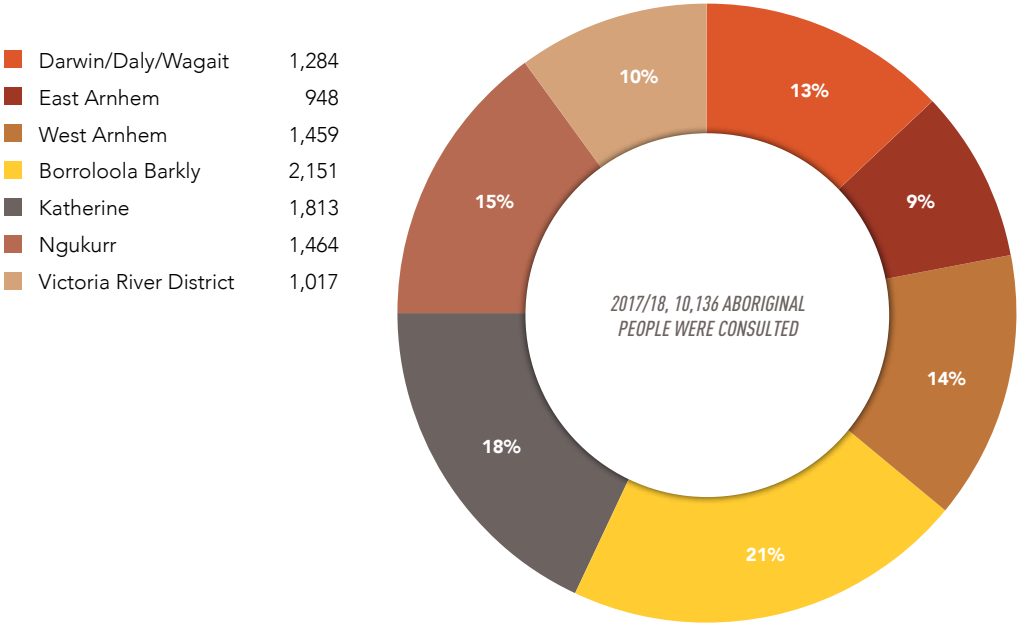
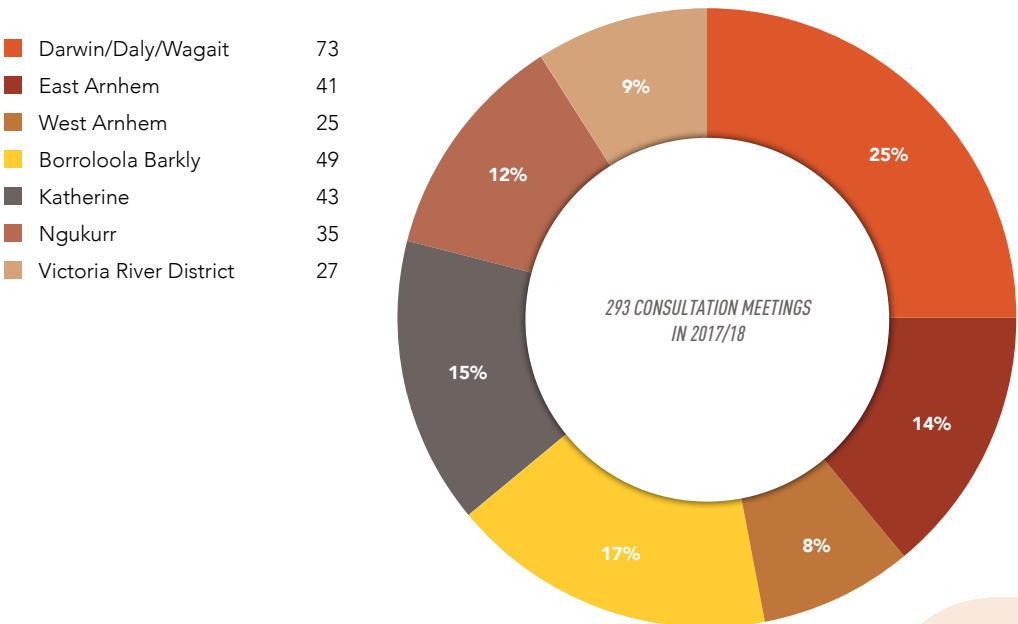


FIGURE 15: NUMBER OF CONSULTATION MEETINGS BY REGION



Seasonal factors also dictate when and where community consultations can be held. A large percentage of consultations occur during the dry season (April to October). However, this window of opportunity puts pressure on both NLC staff and constituents in relation to planning and holding meetings, as well as meeting legislative timeframes.

The range of micro-enterprises, private businesses, government and community development initiatives continues to increase. The benefits for Aboriginal owners, community members and stakeholders of securing s19 ALRA leases facilitated by the NLC include:

- Secure tenure – for Traditional Owners, public housing tenants, proponents (government and commercial) and investors (financial institutions).
- Secure rental returns administered by the NLC and subject to the protections in the *Aboriginal Land Rights (Northern Territory) Act 1976*, with rates typically determined by the Valuer General.
- A consistent approach to leasing on Aboriginal land, whereby proponents are familiar with NLC processes and procedures, providing certainty for investment.

Since the Commonwealth's compulsory 5-year leases over Aboriginal land expired in August 2012, all property not underpinned by a lease arrangement reverted back to Aboriginal Land Trusts. It is the policy of both Commonwealth and Northern Territory governments that assets on Aboriginal land be underpinned by secure tenure arrangements. Government policy on appropriate tenure arrangements has paved the way for the approval of a large number of s19 ALRA agreements in Aboriginal communities across the NLC region. Leasing arrangements include public housing,

education and training facilities, police stations, health centres, crèches, safe houses, essential services infrastructure, government employee housing, workshops, ranger stations, housing, and commercial operations.

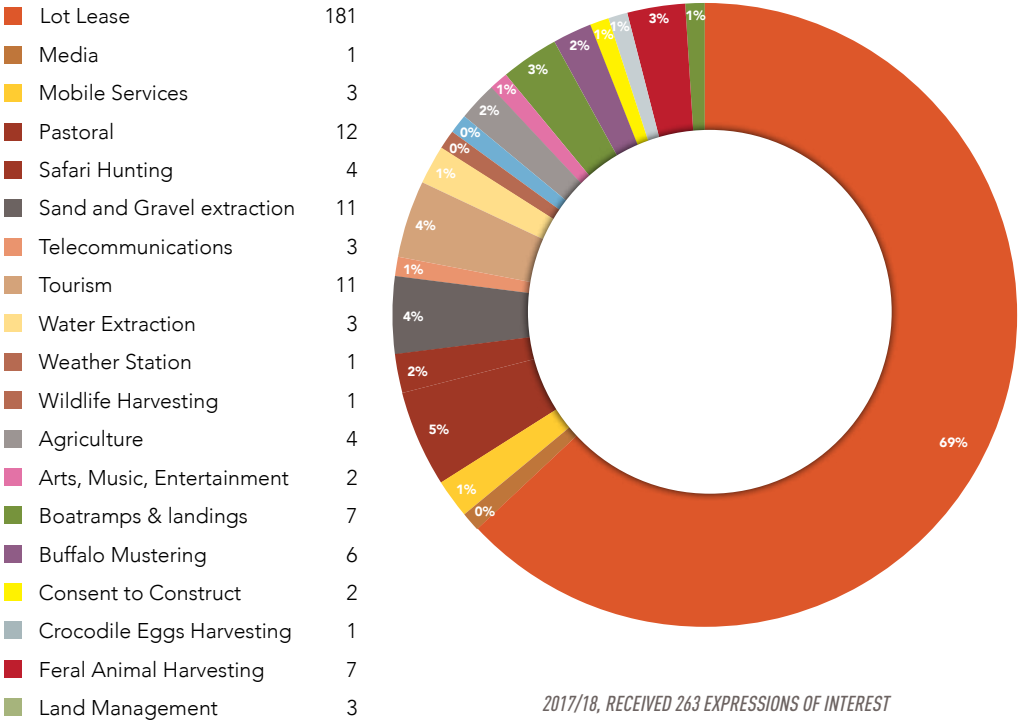
It is estimated that across the 28 discrete medium-to-large Aboriginal communities on Aboriginal land in the NLC region there are just over 4,000 lots or parcels of land. The three largest Aboriginal communities (*Galiwin'ku, Maningrida and Wadeye) each has more than 400 lots.

To effectively manage the volume of leasing interest on Aboriginal land, the NLC has a custom built electronic database called the Land Information Management System (LIMS) that registers and tracks the progression of s19 land use expressions of interests up to the agreement and compliance stage. LIMS manages whole-of-life activities associated with negotiated land use agreements. Capturing and collating critical information assists planning, future workload demands, management of resources, and enhances the quality and quantity of information presented to Traditional Owners about activities on their land.

There are plans to enhance or replace LIMS over the next 12 months with a more robust land use and integrated financial management system to transact business better. These reforms are part of a broader Land Use Management and Royalties (LUMAR) review by a dedicated project team.

Expressions of interest for parcels of land have increased significantly from the previous reporting period. In 2016/17, the NLC received applications for 153 parcels of land; this year numbers increased by 70 per cent. Over the past 12 months the NLC received expressions of interest for 263

FIGURE 16: LAND USE EXPRESSION OF INTEREST BY LAND PARCEL & INDUSTRY TYPE



parcels of land across a range of industries; just over 69 per cent were to secure a parcel of land in an Aboriginal community. Lot lease applications included expressions of interest for residential accommodation, industrial areas, retail stores, essential service sites, office accommodation, and health infrastructure.

The cost of travel, logistics and catering to progress s19 land use expressions of interest this financial year was about \$410,000. Funds were derived from ABA grant money and user-pay contributions – proponents contributed 28.5 per cent of the cost of these consultations.

Achievements

Since 1 July 2017 the Executive Council, Full Council and Chief Executive Officer approved 82 s19 ALRA land use agreements. The Executive Council meets six times per year and approved 70 agreements. The income from these agreements stimulates local economies in Top End communities and produces a range of economic, cultural and social benefits for Traditional Owners.

Challenges

The increasing number of s19 ALRA land use agreements and expressions of interest since August 2012 has required significant resources to progress and manage a rapidly growing land portfolio. The NLC has streamlined lease management business processes and procedures, strengthened multi-disciplinary teamwork, and enhanced the logistics capabilities of Regional Offices.

Managing Proponent Expectations

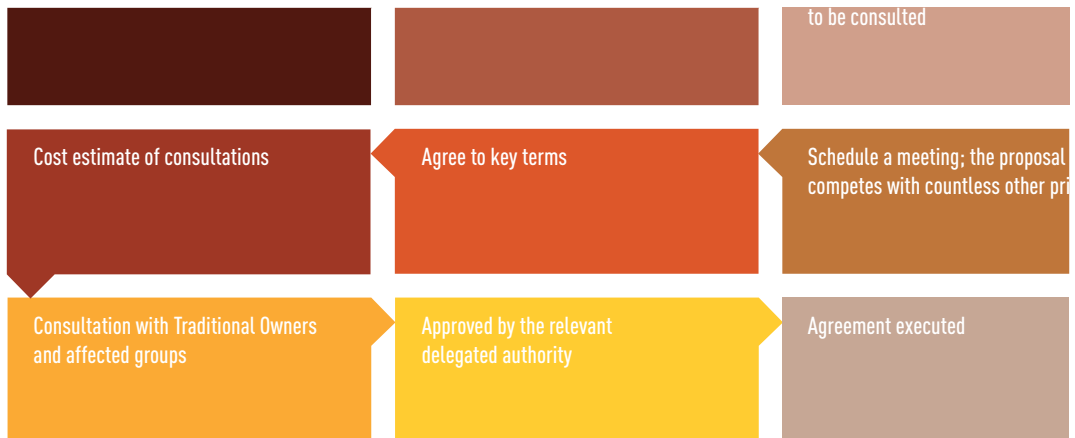
To progress an expression of interest to the agreement stage takes resources and time. Consideration must be given to the large number of existing applications, competing priorities, and the steps that the NLC follows from registering the interest, up to having an agreement executed.

The s19 land use assessment process can take up to six months to get an agreement, and proponents need to factor this into their planning to avoid disappointment.

Jonathan McLeod, Manager Regional Development (North), is "cleansed" before a ceremony at Kununurra on 30 August 2017 where native title holders signed an agreement approving the development of a huge prawn farm at Legune Station.



FIGURE 17: STEPS FOLLOWED FROM REGISTERING AN EXPRESSION OF INTEREST TO ESTABLISHING AN AGREEMENT



Addressing A Backlog Of S19 Land Use Proposals

The NLC continues to work through a large number of expressions of interest and the following statistics provide an insight into the workload demands and costs:

- 1 July 2017 - commenced year with existing expressions of interest for 273 parcels of land;
- Received and registered new expressions of interest for an additional 263 parcels of land;
- 160 meetings were held with Traditional Owners and affected groups, some groups meeting several times;
- 4,929 Traditional Owners and Aboriginal people from affected and interest groups were consulted across 50 different locations throughout the NLC Region;
- More than 240 clan estate groups were consulted;
- \$409,908 was spent on travel and meetings.
- NLC's delegated authorities granted

82 s19 ALRA Land Use Agreements that covered 160 parcels of land;

- 23 expressions of interest were withdrawn;
- 10 expressions of interest were unsuccessful; and
- 30 June 2018 – there were outstanding expressions of interest over 355 parcels of land.

The backlog of proposals has increased 30 per cent from the previous year.

Project teams continue to work through outstanding expressions of interest.

Reasons for delays include:

- Proponents failing to provide relevant information in a timely manner;
- Difficulties finalising negotiations with proponents;
- Traditional Owner groups unable to make decisions;
- Funding limitations to hold meetings, and resourcing issues;
- Delays in obtaining signatures of Land

- Trust members to complete agreements;
- Obtaining Ministerial consent for agreements; and
 - Funerals and sorry business.

Much of the long-standing backlog of work has been due to Traditional Owners not being able to make a decision because of disputes, and, if the current level of interest continues, it will be difficult to reduce the backlog and will likely impact the time frames for progressing other proposals.

Cost of Consulting Traditional Owners

Progressing s19 ALRA land use applications has significant cost implications. A user-pay system as per Australian Government cost recovery guidelines has helped to improve the cost effectiveness of the NLC’s business operations.

Holding consultations with some Traditional Owner groups can be relatively inexpensive (less than \$2,000 in travel and meeting costs).

However, in isolated areas where Traditional Owners are widely dispersed and proponents want to secure licences over large areas covering multiple clan estates, the cost of consultations can exceed \$20,000 per meeting.

Agreement Compliance

Land use agreements need to be monitored to manage the interests of Traditional Owners. Agreements such as tourism, crocodile egg collecting, safari hunting, mustering, and pet meat require the NLC to analyse data so that annual fees and royalties can be calculated and proponents invoiced correctly, to ensure funds are received and distributed to Traditional Owners.

The NLC’s s19 land use agreement portfolio has increased to 656 leases and licences across 3,446 parcels of land. As a result, lease compliance work also grows with regular reviews.

FIGURE 18: LAND USE AGREEMENTS CURRENT OR HOLDING OVER

| | |
|-------------------------|-----|
| Darwin/Daly/Wagait | 175 |
| West Arnhem | 119 |
| East Arnhem | 162 |
| Katherine | 67 |
| Ngukurr | 61 |
| Victoria River District | 34 |
| Borrooloola Barkly | 38 |

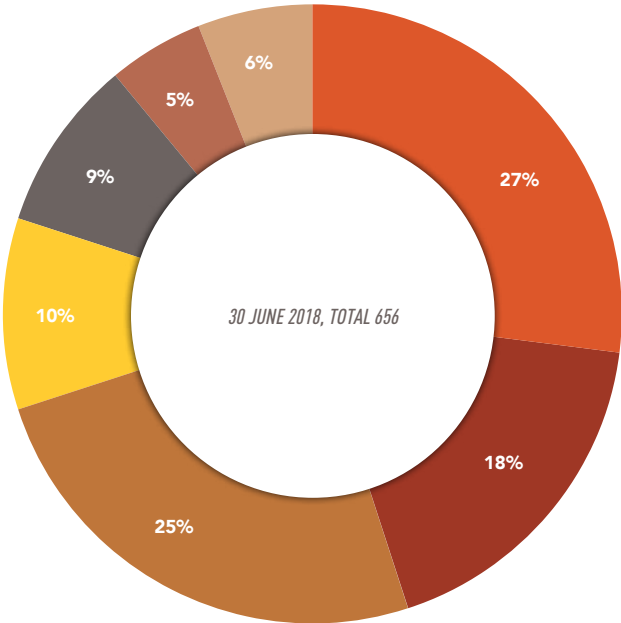


FIGURE 19: LAND USE AGREEMENTS BY INDUSTRY

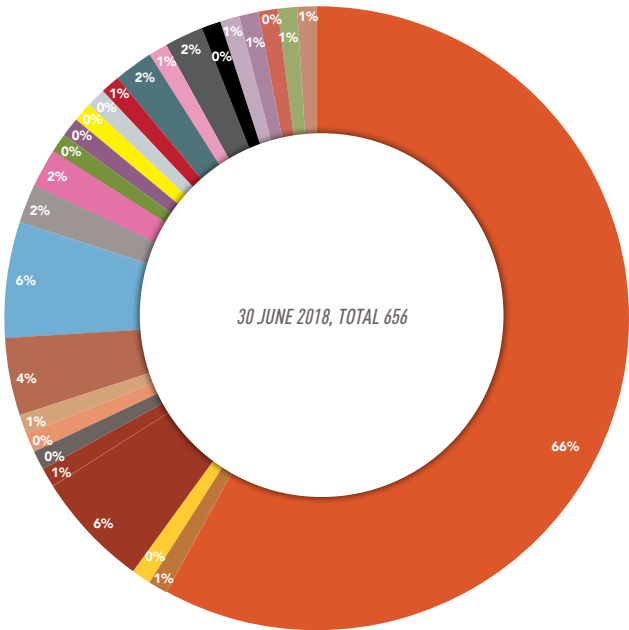


FIGURE 20: PARCELS OF LAND UNDER A LAND USE AGREEMENT BY REGION

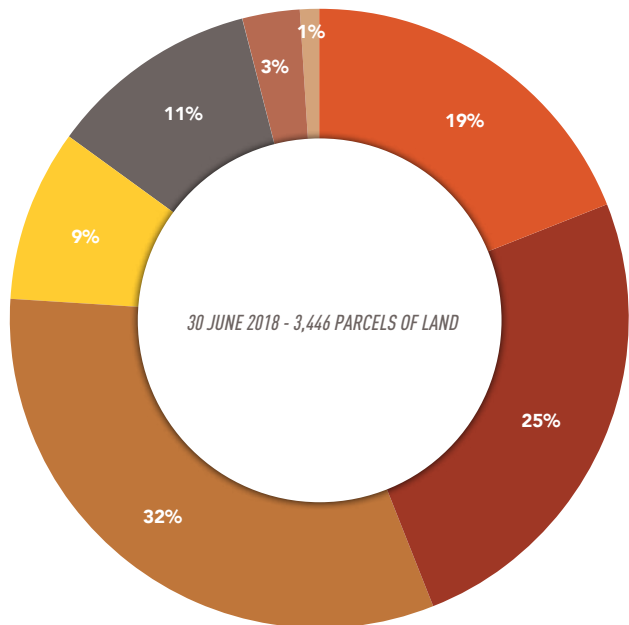
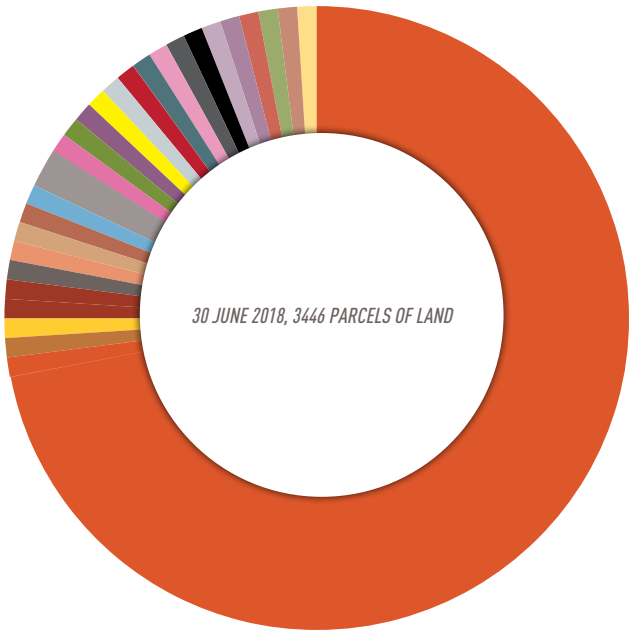


FIGURE 21: PARCELS OF LAND UNDER A LAND USE AGREEMENT BY INDUSTRY

| | |
|---------------------------------|------|
| Lot Lease | 3202 |
| Maintenance & Contract | 9 |
| Mobile Services | 1 |
| Multi Purpose | 1 |
| Pastoral | 38 |
| Pipelines | 6 |
| Powerlines | 1 |
| Roads | 3 |
| Safari Hunting | 7 |
| Sand and Gravel extraction | 25 |
| Telecommunications | 56 |
| Tourism | 16 |
| Weather Station | 10 |
| Rocket Launch Site | 1 |
| Access Route | 2 |
| Agriculture | 1 |
| Airfields | 1 |
| Arts, Music, Entertainment | 5 |
| Boatramps & landings | 10 |
| Buffalo Mustering | 5 |
| Crocodile Eggs Harvesting | 11 |
| Crocodile Farming | 1 |
| Feral Animal Harvesting | 6 |
| Fisheries | 7 |
| Guided fishing/fishing charters | 3 |
| Land Management | 10 |
| Lighthouses | 8 |



Commercial Development

GOAL: Facilitate economic opportunities that lead to viable and sustainable commercial activities and development in the regions.

Objective: Empower Aboriginal people to carry out commercial activities and build sustainable enterprises.

Economic development provides the foundation for Aboriginal people to use their land assets to create investment and businesses, with attendant cultural and social benefits. Section 23(1)(ea) of the ALRA empowers the NLC to assist Aboriginal people to carry out commercial activities, provided that NLC itself does not profit. Currently, Aboriginal people in the NLC region suffer from high levels of disadvantage, which are not likely to improve without long term strategic investment. The NLC facilitates economic development on more than 210,000 km² of Aboriginal land in its region, as well as 85 per cent of the coastline.

The NLC faces many challenges in helping build sustainable enterprises on Aboriginal land because most former reserve land and land obtained under the ALRA have low commercial productivity; further, services and essential infrastructure are poor in remote locations. Exceptions include areas where minerals have been found, and where nature-based tourism can operate.

As populations increase, small to mid-size food and retail operators increasingly see Aboriginal communities as attractive business opportunities. A range of industries, from horticulture to agri-forestry and pastoral enterprises, are also being developed, and the environmental sector provides real opportunities. As a result of the Blue Mud Bay High Court decision, entry into the commercial fishing industry is likely to present commercial and economic opportunities.

The long-term focus is on developing the capacity of Traditional Owners:

- To participate in the mainstream economy;
- To take advantage of commercial opportunities arising from developments on Aboriginal land; and
- To develop long-term sustainable Aboriginal enterprises in the pastoral industry, timber works, aquaculture, feral animal management and harvesting, CO₂ (fire) abatement programs, mining operations, railways and pipelines, gas and major infrastructure development.

Aboriginal Participation

In reviewing Indigenous participation with land use agreements on Aboriginal land, the NLC has adopted the ABS definition of an Indigenous business: a legal entity that is majority owned by Indigenous persons and is engaging in productive activity and/or other forms of economic activity in the market sector. Such entities accumulate assets on their own account and/or hold assets on behalf of others, and may incur liabilities. Included are economic entities (such as incorporated businesses) where majority ownership of the entity may be shared between Indigenous directors, partners and/or shareholders.

Aboriginal businesses and corporations are substantial lessees of major assets on Aboriginal land trusts and most community stores are leased by an Aboriginal business entity. Overall, Indigenous corporations have an interest in nearly 20 per cent of all current land use agreements covering a range of industries including shops, a township lease, rocket launching site, pastoral station, tourism and fishing.

Aboriginal participation is likely to increase with leasing activity as 30 per cent of the 355 outstanding expressions of interest are from Indigenous proponents.

The following graphs provide an indication of Indigenous leasing on Aboriginal Land Trust areas.

FIGURE 22: LAND USE AGREEMENTS CURRENT OR HOLDING OVER

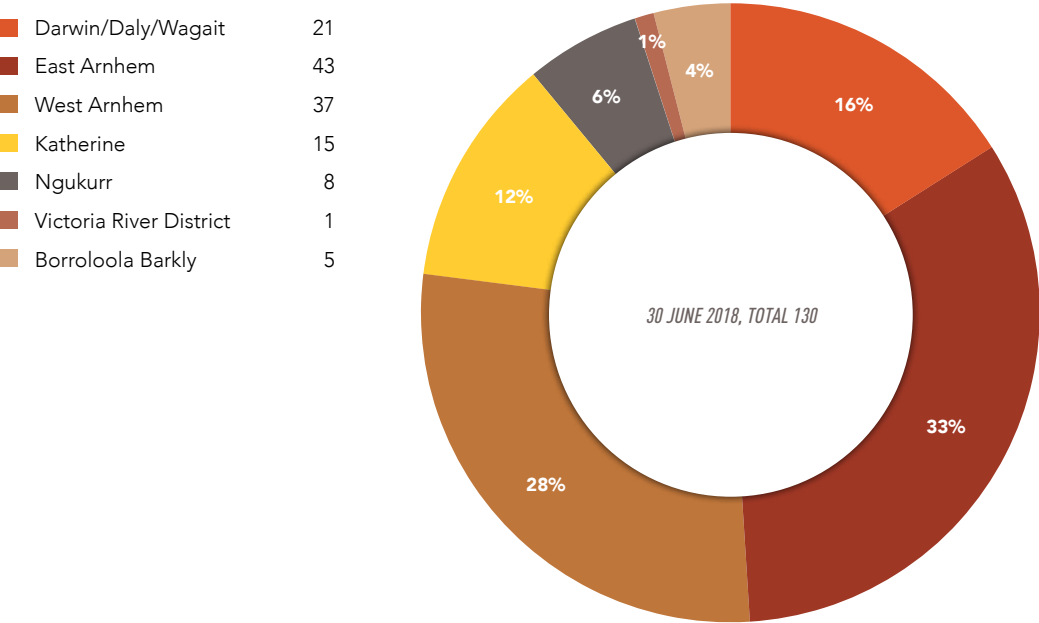


FIGURE 23: PARCELS OF LAND UNDER A LAND USE AGREEMENT WITH AN INDIGENOUS BUSINESS BY INDUSTRY

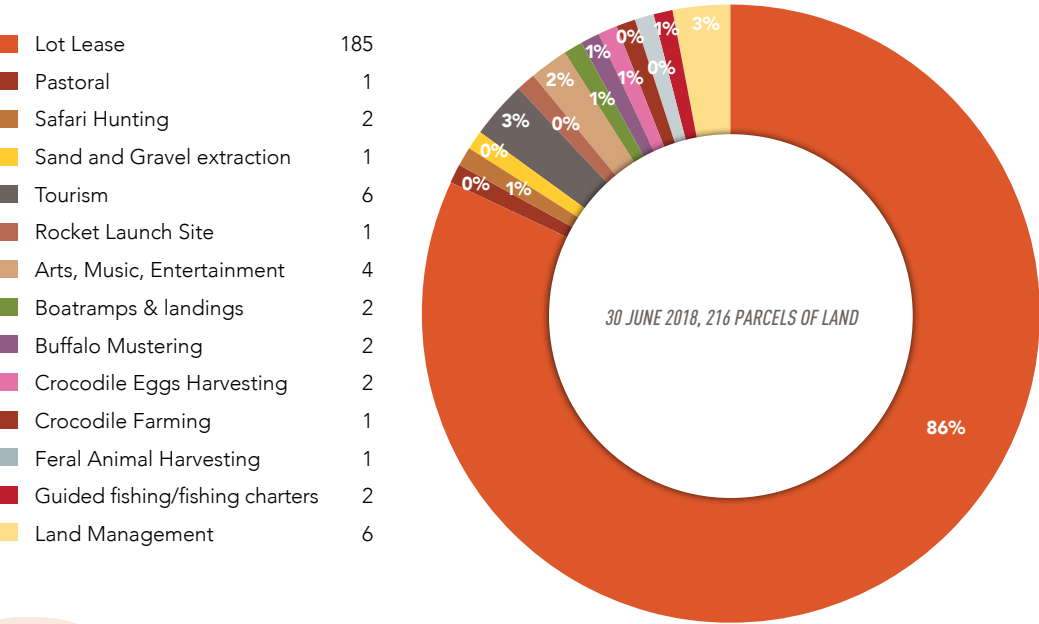
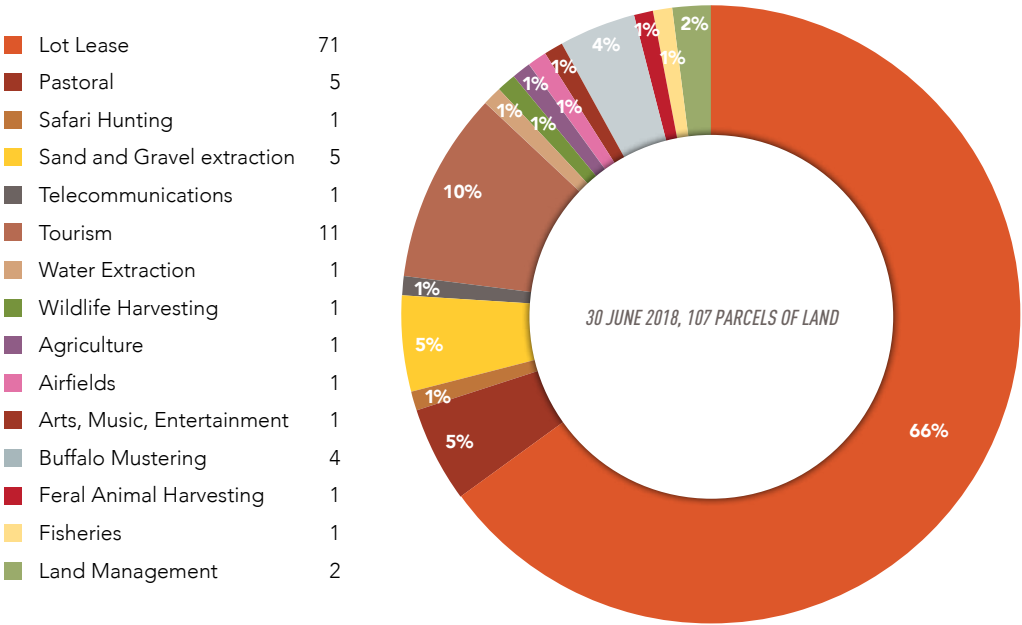


FIGURE 24: EXPRESSION OF INTEREST BY LAND PARCEL WITH AN INDIGENOUS PROPONENT



Members of the NLC's Regional Development Branch, February 2018.



Challenges

A large majority of NLC staff outside the Caring for Country branch are based in Darwin; however, a significant percentage of all Aboriginal people that the NLC represents live in the bush. A challenge for the NLC is to finalise a Regionalisation Strategy so as to be able to shift resources and strengthen services to constituents in locations of high need.

A continuous investment into upgrading regional office infrastructure, communication and information technology infrastructure and software is critical to keeping regional services up to date in a progressively changing work environment.

The NLC is reviewing infrastructure, human resource and service delivery needs in important regional service hubs like Katherine, Nhulunbuy and Jabiru; and large communities like Wadeye, Maningrida and Galiwin’ku are service hubs for outlying areas with growing populations – more than 8,000 Aboriginal people live at these three places.

The Regional Development Branch has drafted a Regionalisation Strategy to be finalised in the latter half of 2018, and has completed concept design plans and cost estimates for purpose-built facilities at two regional service hubs and three community office sites.

Funeral and Ceremonial Fund

The NLC administers funeral and ceremonial assistance grants funded by the Aboriginals Benefit Account. The NLC Full Council recognises the increasing costs of charters, freight and coffin costs and the funeral and ceremonial policy enables Traditional Owners to apply for assistance to conduct funerals and ceremonies on country.

The funding has helped towards the cost of 223 funerals over the past year, and the cost of holding 27 ceremonies. The funding assistance for a funeral is limited to \$2,000 (GST inclusive) and the upper limit for ceremonial assistance is \$1,000 (GST inclusive). More than \$300,000 was granted for funerals and ceremonies.

The NLC aims to process funeral and ceremony applications within five business days. Nearly 80 per cent of applications were completed within two working days and 94 per cent of all applications were finalised within five days.

To minimise administrative delays, the NLC in the reporting period developed a Sharepoint database to register applications. The program guidelines and application forms have also been placed on the NLC’s website.

FIGURE 25: NLC PROCESSING TIMEFRAME FOR APPLICATIONS

| Applications | Work Days | | | |
|--------------|------------|------------|-------------|---------|
| | 1 - 2 Days | 3 - 5 Days | Over 5 days | Pending |
| 281 | 220 | 41 | 17 | 3 |

FIGURE 26: FUNERALS

| Region | Applications | Approved | Declined | Pending |
|-------------------------|--------------|----------|----------|---------|
| Darwin/Daly/Wagait | 51 | 50 | 1 | 0 |
| East Arnhem | 55 | 52 | 2 | 1 |
| West Arnhem | 51 | 48 | 1 | 2 |
| Katherine | 25 | 25 | 0 | 0 |
| Ngukurr | 18 | 17 | 1 | 0 |
| Victoria River District | 13 | 12 | 1 | 0 |
| Borroloola Barkly | 20 | 19 | 1 | 0 |
| Total | 233 | 223 | 7 | 3 |

FIGURE 27: CEREMONIES

| Region | Applications | Approved | Declined | Pending |
|-------------------------|--------------|----------|----------|---------|
| Darwin/Daly/Wagait | 2 | 2 | 0 | 0 |
| East Arnhem | 16 | 15 | 1 | 0 |
| West Arnhem | 2 | 2 | 0 | 0 |
| Katherine | 0 | 0 | 0 | 0 |
| Ngukurr | 2 | 2 | 0 | 0 |
| Victoria River District | 24 | 4 | 20 | 0 |
| Borroloola Barkly | 2 | 2 | 0 | 0 |
| Total | 48 | 27 | 21 | 0 |

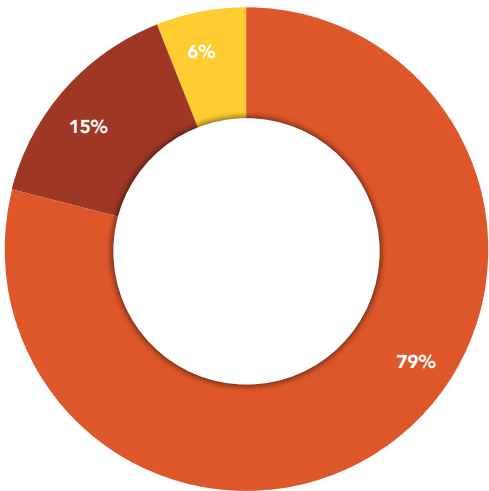


FIGURE 28: APPLICATION PROCESSING TIMEFRAMES

| | |
|-------------|-----|
| 1-2 Days | 220 |
| 3-5 Days | 41 |
| 5 Plus Days | 17 |

Land and Water Access Permits

The NLC ensures access to Aboriginal land is managed effectively and efficiently. The ALRA made Aboriginal land private land, and regulated the entry of persons without estates or interests in the land or traditional rights in the land. Amendments to the Act that took effect in 2008 removed the need for some people to obtain permits in certain circumstances, such as anyone in “common areas” within “community land”.

Community land refers to the five-year lease boundaries drawn around each of the communities prescribed in the Northern Territory Emergency Response (NTER). Permits are no longer required for anyone entering communities by aircraft or boat so long as the landing place (for example airstrip or boat ramp) is not part of a private lease and so long as there are roads that provide access from the landing place to the community common areas. The Northern Territory Police have the power to fine and remove people in violation of permit requirements. Prosecutions require the authorisation of the NLC.

The new legislation also allows certain government employees to enter and remain on Aboriginal land. These changes did not lapse at the conclusion of the five year NTER period. This statutory protection from prosecution should not be confused with a right to enter and remain on Aboriginal land without a permit – work permits should still be sought in all circumstances. The NLC has proposed that the permit system be reinstated, while ensuring that government agents and journalists working in a professional capacity for example, in order to attend court sessions – can enter Aboriginal land without a permit.

Government employees and contractors engaged in extracurricular activities without a permit, such as hunting, fishing, camping or motor biking, may still be prosecuted. The NLC encourages all members of the public to obtain permits, as movement records can be useful in the event of an emergency, or notification of road closures.

Statistical data for permits issued by type and region for 2017/18:

Regional Development Project Coordinator Richard Singh and lawyer Sarah Rennie consult Traditional Owners at Galiwin'ku about Section 19 leases, April 2018.



FIGURE 29: NUMBER OF PERMITS ISSUED BY PERMIT TYPE INDUSTRY

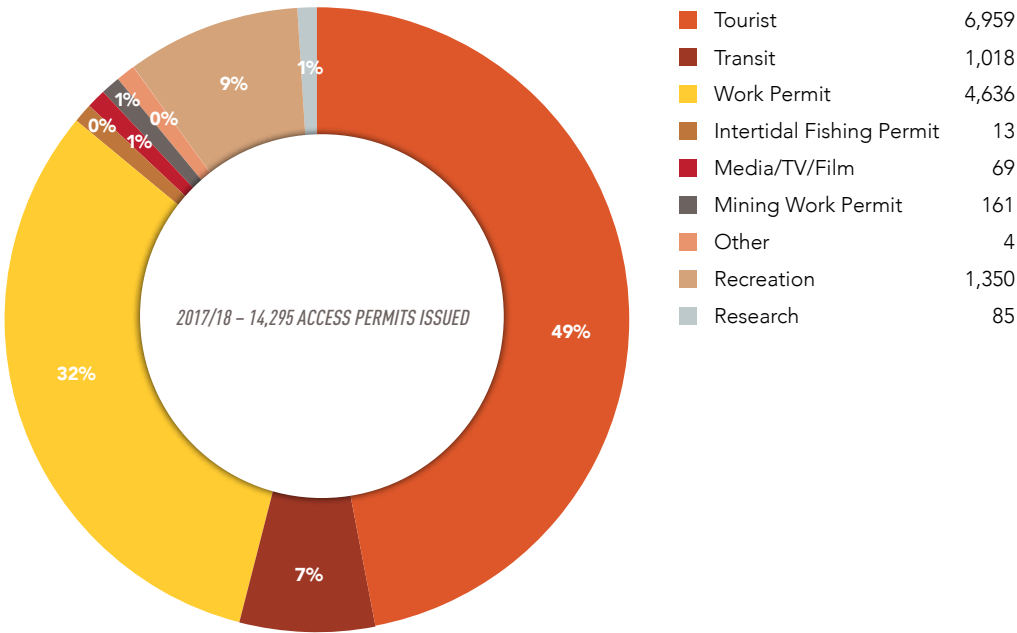
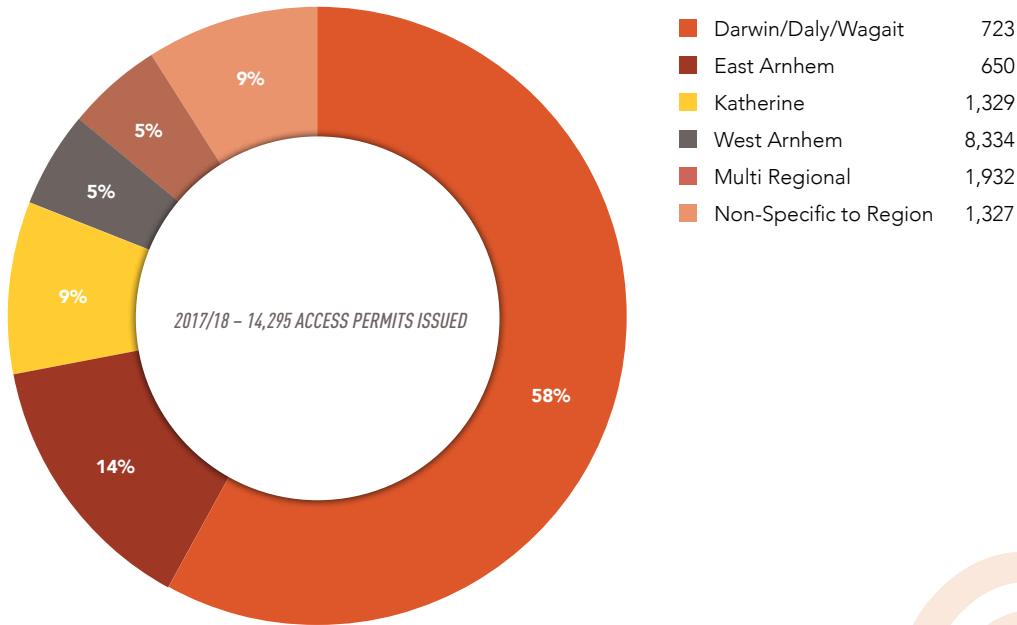


FIGURE 30: NUMBER OF PERMITS ISSUED BY REGION





Twin Hill Station sunrise

NLC Pastoral Activities



Industry Update

The northern pastoral industry has a strong focus on live exports and is subject to a range of external influences in terms of international market demand fluctuations as a result of factors such as the value of the Australian currency, international competitors, the import policies of destination countries, the availability of reliable shipping and seasonal conditions.

During 2017/18 the live export trade in the north has been experiencing a relaxing of prices offered by cattle exporters due to the pressure of competitors in the traditional market destinations. However, recent prices indicate a strengthening and look set to continue to increase for the rest of 2018.

Export markets for the north are being further developed and continue to increase in volume in such places as

Vietnam, the Philippines and Malaysia.

The state of the industry reflects on the demand for grazing licences and the type of businesses seeking to obtain grazing licences on Aboriginal Land Trusts. During times of industry prosperity many pastoral companies see investing in enterprise expansion on Aboriginal land as a viable option, the process is becoming more competitive for potentially productive pastoral areas on Aboriginal Land Trusts.

Pastoral

Traditional Owners take a keen interest in pastoral activity within the NLC Region and have a strong appreciation of the various on-ground facets of the industry. Currently there are 42 pastoral licence agreements, one meatworks in operation and three mustering agreements.

Two pastoral coordinator positions are based in Darwin and Katherine, dedicated to assessing expressions of interest, agreement consultation and ongoing compliance management.

The pastoral unit has been engaged in the following activities over the past 12 months:

- Assessment of a pastoral licence expressions of interest – 25

- Pastoral licence agreements completed – 5
- Pastoral licence agreements pending completion – 7
- Unsuccessful applications – 5
- Compliance – 11 site inspections and agreement compliance checks.
- Preparation, planning and scheduling of pastoral activities for the next financial year.

Pastoral areas are continuing to be developed to improve sustainability and increase returns to Traditional Owners and contribute to the Northern Territory economy. Pastoral operations do not consistently employ a large number of people locally and employment is mostly seasonal.

New pastoral infrastructure – Carpentaria





Wagiman Rangers assisting with pastoral rangeland monitoring - Upper Daly ALT

Partnerships and Sustainability

The NLC is strongly supported by Indigenous Pastoral Program officers from the Northern Territory Department of Primary Industry and Resources, with the development of new pastoral rangeland monitoring sites and the assessment of previously established sites on several grazing licences. Indigenous Pastoral Program officers and rangeland research officers have also assisted with assessing rangeland carrying capacity to ascertain the viability and carrying capacity of some of the current and proposed grazing areas. The Indigenous Pastoral Program continues to provide advice and support to Aboriginal pastoralists and land owners.

The NLC has recently started using satellite technology to improve monitoring of grazing licences. The technology will assist with monitoring vegetation densities to establish trends in grazing patterns and monitor pastoral infrastructure development in remote areas.

Buffalo Industry

The NLC has worked extensively with Traditional Owners over a large area to develop buffalo harvesting operations. There have been varying levels of support for buffalo mustering: some regions favour culling to reduce numbers of feral buffalo and improve land management, while others support buffalo mustering. The NLC and Traditional Owners have had varying levels of success with the harvesting operations as the pool of suitably qualified mustersers is quite small and the areas to be mustered are extensive.

Buffalo mustering on Aboriginal land is a challenging activity as the areas where large buffalo numbers are located are identified wet regions, and access for heavy equipment is often limited until late in the dry season. The remote areas where buffalo have the highest densities are isolated and do not have suitable infrastructure for handling large numbers of animals in preparation for transport to market.

Most of the preparation is carried out in small portable facilities with limited capacity which often results in higher operating costs.

A summary of the buffalo mustering interests is as follows:

- Of the four s19 buffalo mustering licence agreements in place at the beginning of the reporting period covering a total area of approximately 21,072km², one agreement has been terminated and another expired. Two mustering agreement remain in place covering an area 5,801km². So, at the end of the year, there were 15,271 km² less under a mustering licence than the previous reporting period.
- Four s19 mustering expressions of interest of approximately 10,750km² have been presented to Traditional Owners during the reporting period and agreements will be finalised during the next reporting period.
- The number of officially recorded transfers of buffalo off Aboriginal land is 3,791 head.

The NLC regularly receives complaints about unauthorised removal of feral cattle and buffalo from Aboriginal land. Surveillance has been improved to reduce cattle and buffalo theft but resources are limited across the large geographical area and it is difficult to provide the level of monitoring required with limited resources. The Northern Territory Cattlemen's Association and many station owners have been calling on the NT Police for the past few years to re-establish a dedicated stock squad, to stem losses from cattle duffing operations as stock theft, unauthorised pet meat operations and weekend hunters is an increasing problem.

Summary

The NLC is continuing to support the development of pastoral and mustering activities on Aboriginal Land Trust areas in all regions of the NLC. Support includes the development of new agreements, the monitoring of current agreements and working towards the resolution of a number of compliance issues identified during inspections or variations sought by grazing licence holders to improve the development of property infrastructure. Pastoral activity development and compliance on land trust areas requires the coordination of the NLC's Legal, Anthropological and Regional Development branches to deliver positive outcomes to Traditional Owners. It is expected the pastoral industry will remain viable into the future with slight fluctuations from time to time; however, trends in expected demand for northern beef cattle remain positive and investment in the industry is expected to continue with long term benefits for Traditional Owners.



Buffalo Grazing wetland areas

Twin Hill cattle yards

Case Study



Twin Hill Aboriginal Corporation

Twin Hill Aboriginal Corporation has been running a cattle agistment business on the Delissaville Wagait Larrakia Aboriginal Land Trust for more than 20 years. The corporation's business allows it to provide extensive land management services to the operational area and maximises local employment opportunities where possible. Twin Hill Aboriginal Corporation is regarded as providing a niche industry opportunity offering high value dry season grazing for cattle destined for live export through the Port of Darwin. The opportunity to graze livestock on the floodplains during the annual dry season is a much sought after opportunity by pastoralists from many areas of the Northern Territory seeking to maximise the productive capacity of their own businesses.

The corporation has been operating a successful land management program on the wetlands and is regarded as having one of the most successful long term environmental programs in the Northern Territory. The

corporation's cattle agistment business continues to contribute significantly to the pastoral industry due to its operations. Flow on benefits include increased returns to livestock owners grazing cattle on the station area, the livestock transport industry, pastoral merchandise suppliers, agricultural aircraft hire businesses and livestock agents.

The Aboriginal pastoral station provides employment and accredited training opportunities to Traditional Owners as well as other people in its annual work cycle. The corporation works closely with a number of agencies to participate in and support a range of initiatives, for example; participation in regional land management programs, providing research opportunities with benefits to other land holders, working closely with government departments to keep up with current industry best practice and participating in Indigenous workshops both locally and interstate to share their story and provide ideas to other Indigenous groups in the cattle industry.

McArthur River, Borroloola.

Bradshaw Partnering Indigenous Land Use Agreement

The Department of Defence's Bradshaw Field Training Area (BFTA), formerly known as Bradshaw Station, is located near Timber Creek within the Victoria River District (VRD). The facility is one of the Australian Defence Force's (ADF) largest military training areas, purchased by the Australian Government in 1996. BFTA covers an area of approximately 870,000 hectares, bound to the north by the Fitzmaurice River, to the west by the Joseph Bonaparte Gulf, by the Victoria River to the south, and to the east by pastoral properties.

The Bradshaw Partnering Indigenous Land Use Agreement (ILUA), in place since July 2003, was negotiated by the Department of Defence with the NLC and Traditional Owners. The agreement has provided recurrent funding for more than a decade to support a dedicated position at Timber Creek to assist Traditional Owners with implementing

and monitoring the Bradshaw ILUA.

Over the past decade a special emphasis has been placed on developing the capacity of Traditional Owners to participate in cultural maintenance, business activities, training and employment, and promoting Aboriginal employment opportunities.

This led to the Traditional Owners establishing their own business in June 2008 – the Bradshaw and Timber Creek Contracting & Resource Co Pty Ltd. The business has taken advantage of the unique contracting opportunities within the BFTA and over the past decade it has taken on a range of contracts with the Department of Defence, US Marines Corp (USMC), the Victoria Daly Regional Council, NT Government and larger defence contractors.



Bradshaw & Timber Creek Contracting & Resource Co Pty Ltd

The company effectively started from a zero financial and asset base: it had no money, no equipment, and little business expertise, just a desire to provide local employment opportunities for Aboriginal people on their own country.

The business is 100 per cent Indigenous managed and operated, headed up by a board of six Aboriginal directors who are all Traditional Owners within the Bradshaw and VRD area. The company continues to be strongly supported by the NLC's Bradshaw Liaison Officer, and now has a strong asset base which includes an industrial workshop and yard, a dedicated workers village and large range of plant and machinery for municipal and infrastructure contracts.

The company employs five full-time local Aboriginal men; an additional 15 local Aboriginal men are engaged on a casual basis in peak contracting periods. The ADF, particularly through BFTA Range Control

Officers, has provided the company's local Aboriginal employees ongoing mentoring, encouragement, guidance and support. ADF's commitment to the ILUA and local Indigenous participation has been critical to the company's development and success to date.

There has been a general broadening of the complexity of works for the company at BFTA. Activities now include road works, firebreaks, weed management, solid waste and latrine management, erection and dismantling of military tents, installation of water infrastructure and maintenance and general support for training exercises. Joint ventures with other civil works companies have involved larger road projects, and some of the company's employees have been engaged by larger contractors.

The company has established a good reputation for being reliable and cost effective. It recently secured the NT Government weed management contract for the western Victoria River region and has been re-engaged for a further three years to do roadside slashing on the Victoria Highway.

*Telstra has 35
land use agreements
with the NLC over 49
parcels of land across the vast
NLC region, accommodating
radio transmitter sites, mobile
base stations and trunk
repeater optical fibre
regeneration huts.*

Telstra Communications

Since July 1997 Telstra has funded a dedicated Telstra liaison position to accelerate the provision and ongoing maintenance of vital communication infrastructure on Aboriginal land for the benefit of residents and businesses throughout the Northern Territory.

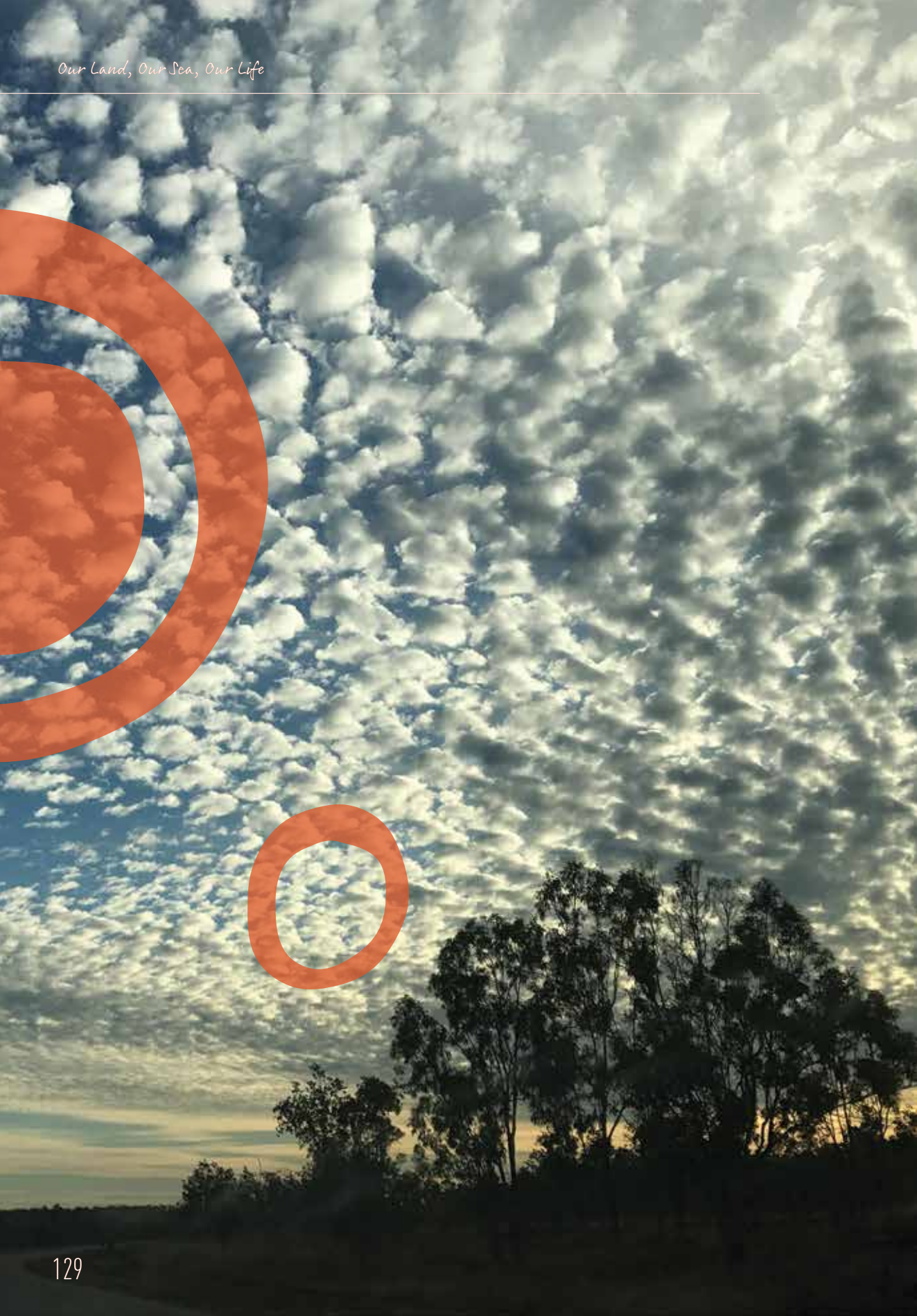
Embedding a Telstra liaison officer within the NLC has allowed for a single point of entry for permits and site clearance applications, lease applications, requests to repair and maintain infrastructure, compliance and renewals. The liaison officer provides dedicated information and advice about services, contacts, procedures and land access assistance to Telstra contractors and clients.

Telstra has been a long-standing partner with the Commonwealth and NT governments in delivering communication infrastructure to the bush, like the Telstra mobile black spot program that has extended mobile phone coverage into Minyeri and Manyalaluk over the past year; the Yarralin community will come online in the near future.

Telstra has 35 land use agreements with the NLC over 49 parcels of land across the vast NLC region, accommodating radio transmitter sites, mobile base stations and trunk repeater optical fibre regeneration huts.



The stories of Wagiman women have inspired a new art installation at Tjuwaliyn (Douglas) Hot Springs, incorporating four stainless steel tily pads and a tily flower.



Minerals and Energy Branch



The NLC's principal statutory obligations in relation to the minerals and energy sectors are prescribed by the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) and the *Native Title Act 1993* (NTA). These and other laws, such as the *Northern Territory Aboriginal Sacred Sites Act*, create a framework that recognises the rights and interests of Aboriginal people through their cultural connection to land, while providing a regulatory regime that facilitates exploration and development.

The NLC strives to ensure Aboriginal people are provided with all the information necessary to make informed decisions about whether or not they wish to enter into agreements to facilitate activities on their land.

The NLC provides accurate and up-to-date technical information, legal advice and other representation to Aboriginal people when dealing with resource companies at all stages of

project development from application, and in the case approval is granted, through to exploration and possible production. The NLC also ensures that consultation with Aboriginal people, and consideration of their concerns, remain paramount whenever a resource project is being placed into care and maintenance, administration, receivership or liquidation, or is permanently closed and rehabilitated.

Many resource-based development proposals, including exploration proposals, contain complex technical information. The NLC has a responsibility to ensure that all relevant information about an application is effectively communicated to ensure that the nature and purpose of a proposed project (including potential impacts and risks) is understood. Importantly this obligation also extends to the need for traditional Aboriginal owners and other affected Aboriginal people to have an opportunity to communicate their concerns and ask questions. The NLC maintains a high level of knowledge and technical expertise, in order to:

- identify the traditional Aboriginal owners, native title parties, estate groups and affected people and communities for land and sea located within an area of proposed development;
- understand and communicate the technical information related to a proposed resource development project, its timeframes, commercial aspects, and potential environmental, social and cultural risks, costs, benefits and opportunities;
- ensure that all relevant information is presented in a clear, objective, unbiased and fair manner;
- negotiate agreements suited to specific projects and mineral or hydrocarbon products that consider the local environment and effectively promote the needs and aspirations of the local Aboriginal people;
- manage the relationships between the proponents, Aboriginal people and other stakeholders which develop during the life of a project; and

- secure successful outcomes for Aboriginal people in the case of a dispute where the NLC may be required to mediate an outcome or seek resolution via arbitration.

Culture, its promotion and preservation in the face of ongoing change, remains a fundamental focus for the NLC. In the case of granted tenements where consent has been provided, the Minerals and Energy Branch will continue to:

- advocate for innovative means to facilitate Aboriginal participation in minerals and energy projects; and
- ensure the principle of intergenerational equity is supported by agreements that secure long-term benefits for both the current traditional Aboriginal owners of the land and to the generations that succeed them.

Positive outcomes for Aboriginal people facilitated by agreements negotiated include:

- local social, community or other infrastructure;
- training and employment;
- business opportunities;
- participation in the project planning and field activities (employment as cultural monitors and advisors);
- protection of sacred sites and other culturally sensitive areas during the conduct of approved activities; and
- exploration compensation and production royalty financial benefits.



Traditional Owners Gilbert Corbett, Pat Murphy, Russell Marshall and Allan Punch are briefed by Ben Garwood of Circle Advisory (not in frame) about the the Jemena Pipeline.



Flying into Borroloola.

Minerals and Energy Activities

Apart from activities related to the Northern Gas Pipeline (NGP), to transport gas from the Northern Territory to Queensland, there has been a significant reduction of the NLC's onshore petroleum workload. This slow-down has been the result of the Northern Territory Government's moratorium on hydraulic fracturing of onshore unconventional gas reservoirs and the work of the Scientific Inquiry into Hydraulic Fracturing.

The NLC's minerals and energy consultations were largely related to work programs under existing minerals exploration agreements.

During the past year, the Minerals and Energy Branch convened consultations and managed statutory and other responsibilities associated with the following mine sites and minerals processing facilities:

- The Rio Tinto Alcan Gove mine, which produces and exports unrefined bauxite near Nhulunbuy in north-east Arnhem Land.
- The Gulkula Bauxite Mine near Yirkala in north-east Arnhem Land.
- The Bootu Creek Manganese Mine near Tennant Creek, which returned to operations in January 2017, following 12 months in voluntary administration.
- The Glencore McArthur River Mine (MRM) near Borroloola, which produces a silver-lead-zinc ore and concentrate. MRM submitted an Environment Impact Statement (EIS) for a proposal to expand the project. The NLC strongly objected to the expansion in a submission to the NT Environment Protection Authority and in a meeting with the NT EPA Board. The opposition was broadly based on technical and engineering deficiencies in the design and management of a proposed overburden emplacement facility (waste rock dump), a lack of documented evidence that alternative development and waste management scenarios had been properly considered, a lack of information about costs. Most significantly, the NLC submitted that if the proposal was approved in its current form, it would present an increased and unacceptable risk to the surrounding environment and native title holders.
- The Ranger Uranium Mine near Jabiru, which ceased mining in December 2012. Energy Resources Australia (ERA) is still producing uranium oxide by processing existing ore stockpiles. In June 2018 ERA publicly released its Mine Closure Plan. The NLC is reviewing the plan and continues to engage with ERA to obtain the best outcome for Traditional Owners;
- The former Western Desert Resources iron ore mine near Ngukurr is now owned and operated by BritMar (Aust) Pty Ltd (Britmar). The NLC convened consultations to notify traditional Aboriginal owners and native title holders that Britmar had taken over the project. Britmar is assessing what actions are required to recommence production. Further consultations will be held once Britmar has advised its plans.
- Australian Ilmenite Resources Pty Ltd.'s (AIR) SIL80 ilmenite project near Minyerri. The NLC convened several consultations with traditional Aboriginal owners and native title holders to support the negotiation of an Indigenous Land Use Agreement (ILUA). The ILUA was completed and registered during the reporting period.

Over the course of the year, the NLC continued to monitor developments at several other mine sites, including:

- Diamond Mine near Borroloola operated by Merlin Operations Pty Ltd;
- Frances Creek Iron Ore Mine near Pine Creek (currently in care and maintenance);
- numerous gold-producing mines operating or nearing start-up around Pine Creek;
- Northern Territory Iron Ore Pty Ltd.'s (NTIO) iron ore project near Minyerri;
- Vista Gold Australia Pty Ltd.'s Mount Todd gold mine (currently in care and maintenance); and
- Australian Ilmenite Resources Pty Ltd.'s (AIR) SIL80 ilmenite project near Minyerri which is undertaking preparations to commence production of Ilmenite concentrate.

The NLC, traditional Aboriginal owners and native title holders also convened consultations or participated in various forums or activities related to the closure and rehabilitation of various mine sites, including:

- development of closure criteria for the Ranger Uranium Mine through regular technical meetings with Energy Resources Australia (ERA), ERA's consultants and representatives of the Northern Territory and Commonwealth governments;
- negotiation of a Service Agreement governing the NLC/NT Government working arrangements in relation to the Redbank Working Group that was established to engage traditional Aboriginal owners with

the work of the Legacy Mines Unit (NT Government) to address serious environmental issues associated with remediation and rehabilitation of the former Redbank Copper Mine located near the Queensland/NT border on Wollongorang Station;

- closure of the Newmont Copper Mine (Woodcutters), near Batchelor;
- rehabilitation of the former Rum Jungle Uranium Mine Site, near Batchelor; and
- inspections of ongoing rehabilitation of the former Nabarlek Uranium Mine Site, near Gunbalanya in western Arnhem Land.

Backlog of Applications

At the end of 2017/18, the NLC had a backlog of 201 minerals and petroleum applications over Aboriginal land. The majority were either inactive or not pursued during the reporting period.

Much of the backlog comprises small tenement applications that were previously excised from larger applications through decisions to refuse consent to grant over these areas.

Minerals and energy companies holding applications that historically have been subject to a series of veto decisions are unlikely to want the NLC to convene consultations given the almost certain outcome that consent would again be refused. In some cases an application is not being progressed because the applicant has not agreed to pay costs associated with consultations or does not respond to NLC communications.

Representation

During 2017/18, the NLC represented traditional Aboriginal owners and native title holders at various scientific and technical forums. A number of Aboriginal people (or their representative associations) also participated on some of the following committees:

- Alligator Rivers Region Technical Committee (ARRTC)
- Alligator Rivers Region Advisory Committee (ARRAC)
- Ranger, Jabiluka and Nabarlek Mine Site Technical Committees (MTCs)
- Ranger Uranium Mine Closure Criteria Working Groups
- Rum Jungle Liaison Committee
- Woodcutters Mine Closure Liaison Committee
- Bootu Creek Manganese

Mine Liaison Committee

- Redbank Mine Working Group
- The Annual Geoscience Exploration Seminar (AGES) 2018.

The NLC also provided environmental advice, presented formal submissions and attended meetings in response to the following resource industry developments, environmental impact assessments and independent inquiries:

- The Ranger Uranium Mine Closure Plan
- Draft Terms of Reference for the preparation of an EIS for the Roper Valley Iron Ore Project (Northern Territory Iron Ore Pty Ltd)
- The Scientific Inquiry into Hydraulic Fracturing in the Northern Territory
- The Draft Environmental Impact Statement for the McArthur River Mine Overburden Management Project.

FIGURE 31: MINERALS AND ENERGY CONSULTATIONS

| Consultation Type | No. Of Projects | No. Of Consultations/ Meetings |
|--|-----------------|--------------------------------|
| Aboriginal Land Rights Act | | |
| Applications for Minerals and Energy Exploration Tenements | 13 | 20 |
| Granted Minerals and Energy Exploration Tenements | 5 | 6 |
| Liaison and other Committee Meetings | 11 | 33 |
| Native Title Act | | |
| Applications for Minerals and Energy Exploration Tenements | 0 | 0 |
| Granted Minerals and Energy Exploration Tenements | 6 | 40 |
| Liaison and other Committee Meetings | 3 | 3 |
| Total – All NLC Minerals And Energy Consultations | 38 | 102 |



Kenbi land, Cox Peninsular.

Land Rights Act Part IV (Mining)



The principal aim of Part IV of the Land Rights Act is to protect the rights and interests of Aboriginal landowners whilst providing an administrative framework for, and security of tenure to, minerals and energy companies that wish to explore for (and possibly one day produce) minerals or energy products on Aboriginal land in the Northern Territory.

The ALRA (particularly Part IV), is regarded as the benchmark standard for the enshrinement of Indigenous land rights in Australian legislation, because it allows traditional Aboriginal landowners in the Northern Territory to either consent to or refuse minerals and petroleum exploration applications on their lands and associated waters. No legislation elsewhere affords this level of assurance to landowners in Australia (outside the major population centres).

Certain areas of Aboriginal land in the Northern Territory are regarded as highly prospective for both minerals and onshore petroleum, ensuring a high level of interest from the resources sector and their continued engagement with the NLC and Aboriginal landowners.

Where consultations are convened for the consent to grant under Part IV ALRA

(applications) the NLC must establish whether or not the traditional Aboriginal land owners have given their Free, Prior and Informed Consent (FPIC) to exploration and possible production. If the NLC determines that FPIC has not been achieved, further consultations, information sharing and discussion with the traditional Aboriginal owners would be required until such time as the NLC is satisfied that all statutory requirements have been met.

Traditional Aboriginal owners do not have the right to veto a project at the production phase; this veto right applies only when the initial exploration application is presented for consideration. The lack of a veto right at production requires the NLC to negotiate the principles for a production agreement during the exploration agreement negotiations.

Part IV imparts responsibilities on the NLC to: (i) ensure timely management of minerals and energy applications; (ii) under instructions, negotiate leading practice agreements that ensure appropriate benefits flow to land holders; and (iii) manage compliance with negotiated exploration and production agreements.

The statutory obligations start once a proponent lodges an application for consent to grant to explore for minerals or petroleum over Aboriginal land, under section 41, Part IV (Figure 32 and 33 on page 141 and 142). These obligations remain in place until the application is either finalised or withdrawn. The obligation to consult holds even where traditional Aboriginal owners have refused exploration activities in the past – i.e., a tenement can be subject to reapplication following conclusion of the five-year moratorium period. The Part IV consultation process can result in any of the following outcomes:

- a) refusal to the consent to grant of a tenement (the entire application area is placed into moratorium for five years), commonly referred to as the “right to veto”; or
- b) partial grant and partial refusal to the consent to grant of a tenement (refused areas are excised from the granted tenement and placed into moratorium for five years during which time the company holds no rights to access or conduct exploration); or
- c) consent to the grant of a tenement (the entire application area is processed to grant).

Exploration and Production

The exploration phase is initiated when a tenement proceeds to grant following provision of Traditional Owner consent, ministerial approval and execution of the agreement. An Exploration Licence (EL) is granted for minerals applications and an Exploration Permit (EP) for petroleum, production activities are not permitted under the terms of grant for an EL or an EP.

Once a tenement is granted by the Northern Territory Government, the proponent is obliged to present its proposed exploration activities to Traditional Owners at a work program meeting. These meetings are a standard contractual obligation under NLC agreements and occur annually, although additional meetings are required if significant changes are subsequently made to an approved work program. The NLC also facilitates Traditional Owners’ participation in the project through engagement as cultural monitors and other employment and business opportunities that may be available.

Most exploration projects do not proceed to production; in such cases, following cessation of exploration and rehabilitation activities, the tenement is relinquished and the company has no further rights to the land.

If during the exploration phase an economic resource is discovered the proponent may proceed to apply for either a Mineral Lease (for mining of minerals) or a Production Licence (for production of petroleum) over any part of the EL or EP depending on the size and location of the resource and the placement of ancillary infrastructure including processing plants, tailings dams, waste rock dumps, worker accommodation camps, haul roads, water supply (dams, pipelines), power supply, airstrips, loading facilities, shipping channels, dredge spoil and



Group photo taken during inspection of rock trenching operation at the Jemena Pipeline.

containment areas, compressor stations, etc.

In addition to the various government approvals required to commence production, under Part IV a section 46 (s.46) statement describing the proposed production activities must be submitted to the NLC. If the statement is accepted, consultations would

be convened with the traditional Aboriginal owners and any affected Aboriginal people and communities to explain the proposal, listen to their concerns and to obtain advice and instructions towards the negotiation of suitable terms for a production agreement.

FIGURE 32: MINERAL EXPLORATION IN THE NORTHERN LAND COUNCIL AREA

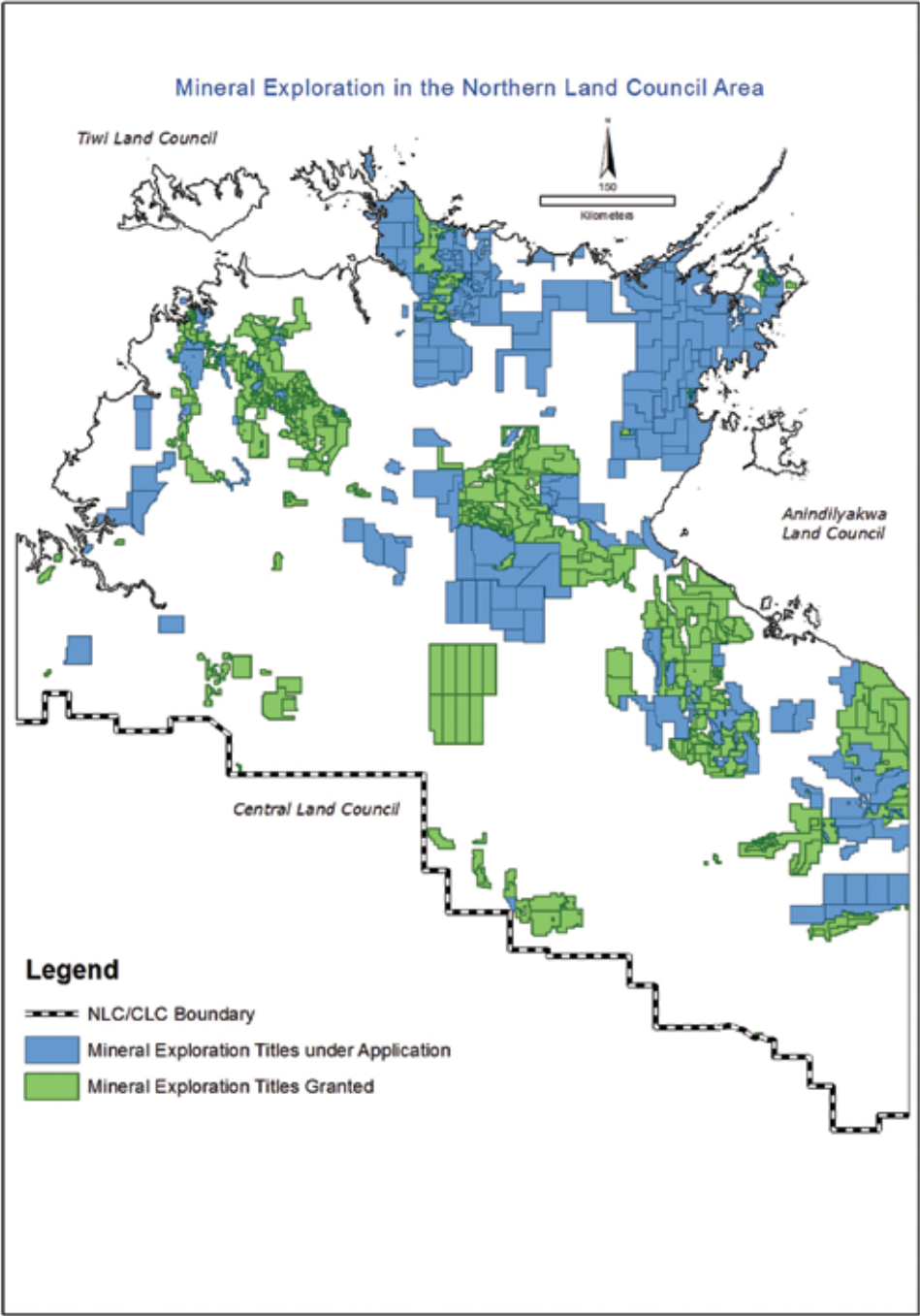
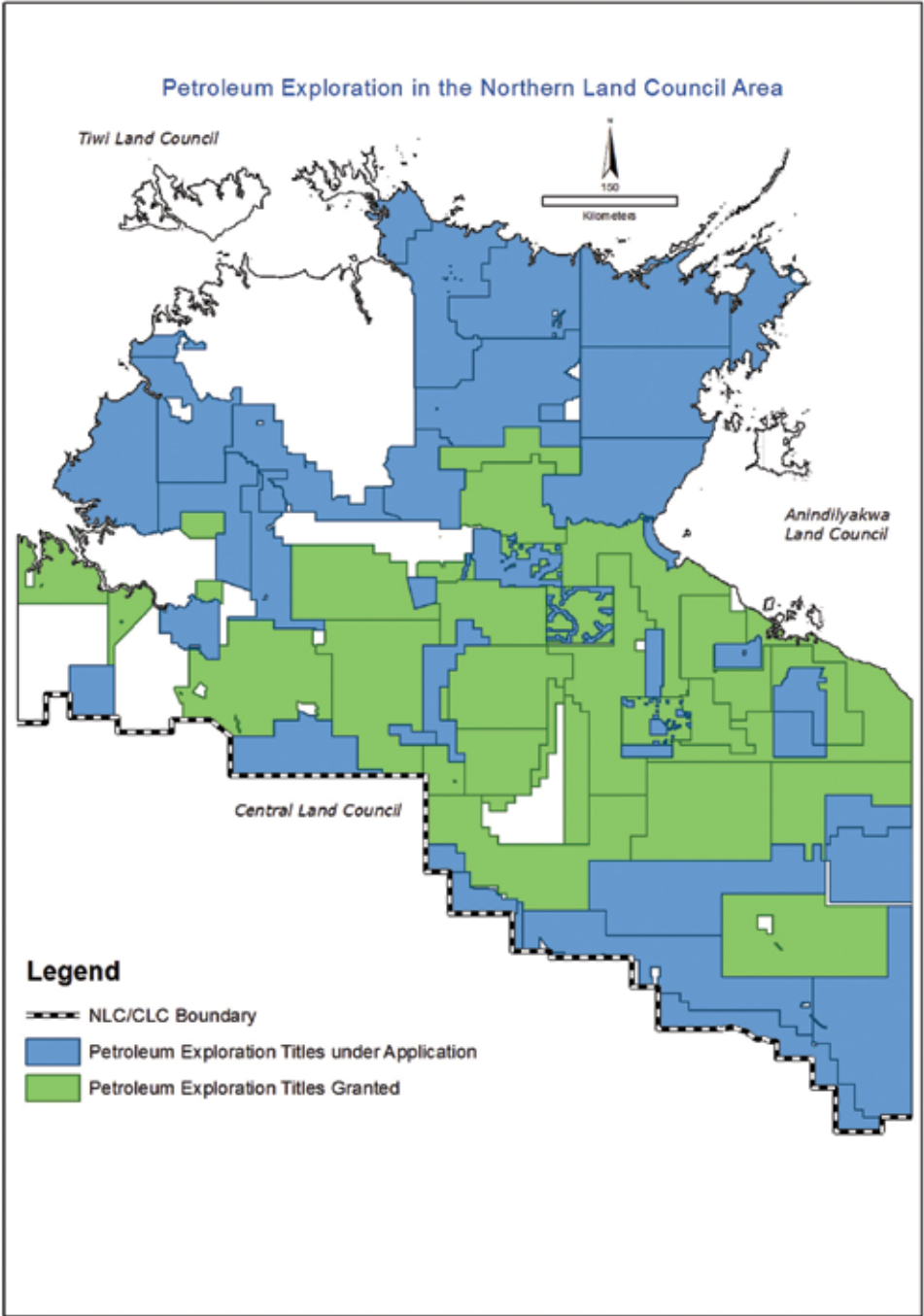


FIGURE 33: PETROLEUM EXPLORATION IN THE NORTHERN LAND COUNCIL AREA





Arruwarra country in the vicinity of the Jemena Pipeline: Senior Traditional Owner and respected elder, Gilbert Corbett points to a 'boomerang tree', telling its story. Pictured from left, Allan Punch, Pat Murphy, Gilbert Corbett and Russell Marshall.

Native Title Act 1993



The NLC is a Native Title Representative Body (NTRB) under the provisions of the Native Title Act 1993 (NTA), and as part of its statutory responsibilities, deals with applications for minerals and petroleum exploration and production on land over which the NTA applies.

The Northern Territory Government is obliged to notify native title holders about new exploration proposals over land subject to native title. The process to approve minerals and energy exploration over lands subject to native title is two-tiered, allowing for a standard process of agreement negotiation and an “expedited” process. Minerals and energy exploration and production activities are referred to as “future acts” under the NTA.

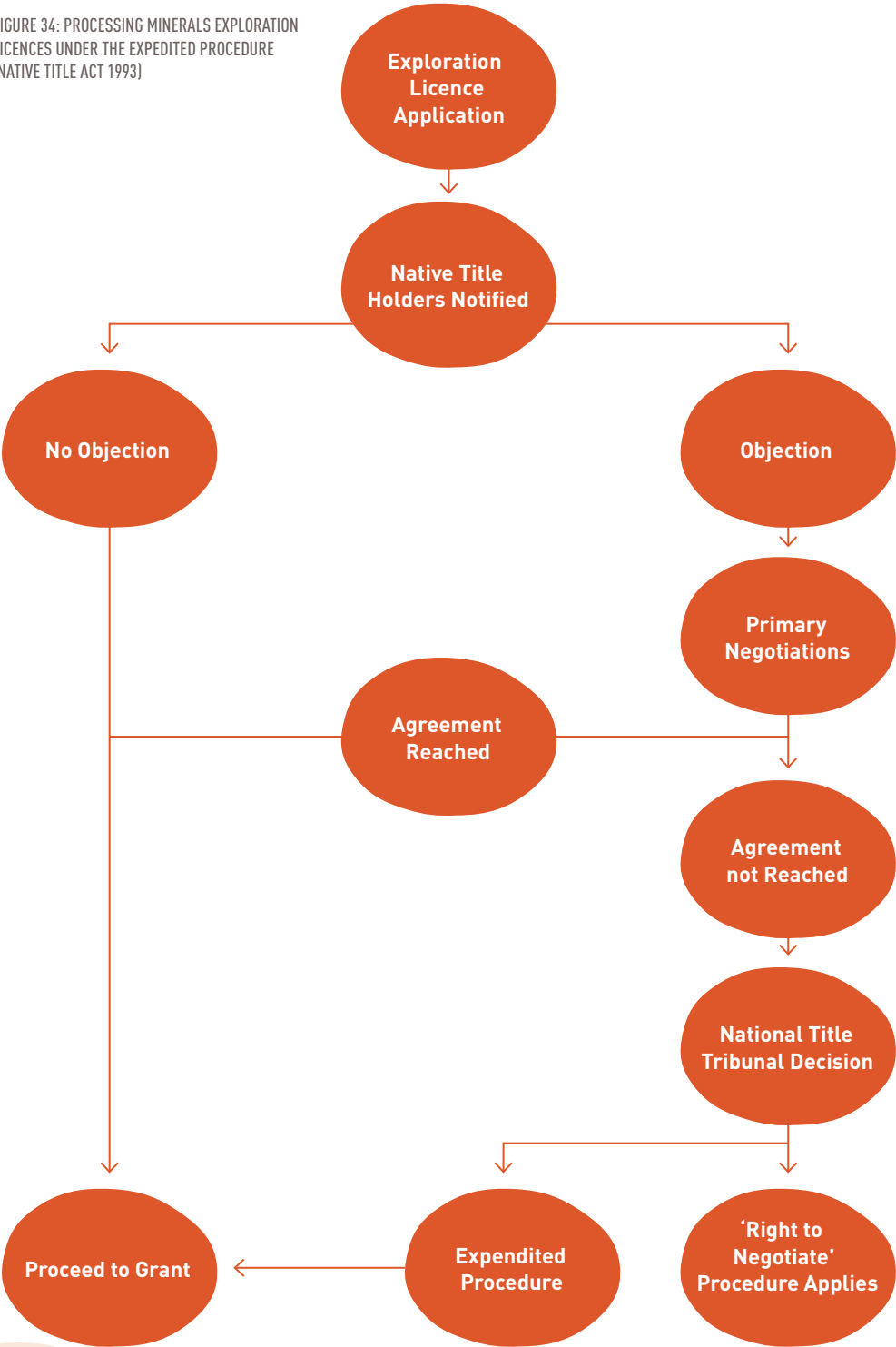
Section 237 of the NTA, specifies any act that is likely to attract the expedited procedure is: (i) unlikely to interfere directly with community or social activities; (ii) unlikely to interfere with areas or sites of particular significance; and (iii) unlikely to involve major disturbance to any lands or waters.

Generally, the expedited process applies to minerals Exploration Licences (ELs) in the Northern Territory. Proponents

are encouraged to enter negotiations in good faith with native title holders at the application stage – though, predominantly, minerals companies with EL(A)s processed under the expedited procedure will waive this opportunity until they have identified an economic resource and wish to apply for a Mineral Lease.

Petroleum Exploration Permits (EPs) and most minerals production titles such as Mineral Leases (MLs), on the other hand, are deemed to attract the “Right to Negotiate” (RTN) under the NTA and as such are not processed under the expedited procedure. Where the RTN applies, the NLC (as the designated NTRB) undertakes consultations with native title holders to obtain instructions; if agreement is not reached, the matter may proceed to the Native Title Tribunal for determination.

FIGURE 34: PROCESSING MINERALS EXPLORATION LICENCES UNDER THE EXPEDITED PROCEDURE (NATIVE TITLE ACT 1993)





Borroloola artist Jack Green and his wife, Josie, in front of his artwork, part of the Open Cut exhibition at the Northern Centre for Contemporary Art, Parap, August 2017.

Petroleum Exploration and Production

Due to the continuation of the Northern Territory Government's moratorium on hydraulic fracturing of onshore unconventional reservoirs, no onshore petroleum exploration activities were undertaken in 2017/18, and no applications for onshore petroleum production were lodged.

Since the commencement of the moratorium the NLC has actively engaged with the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory by meeting with the Inquiry Panel, including the Inquiry Chair, the Hon. Justice Pepper, and by lodging various submissions over the course of the Inquiry.

The Final Report of the Inquiry was released in March 2018 and contained a suite of recommendations for regulatory and other

reforms to manage risks and impacts associated with hydraulic fracturing.

One recommendation in the Final Report was "that the Government implements all of the recommendations in this Report" and that if this was done in its entirety "not only should the risks associated with an onshore gas industry be minimised to an acceptable level, in some instances, they can be avoided altogether".

The Inquiry also found that certain recommendations needed to be implemented before any further exploration approvals are granted and that all of the Inquiry's other recommendations, including those related to the Strategic Regional Environmental and Baseline Assessment, needed to be in place before any approvals for onshore shale gas production.



Morning briefing before inspections of the Jemena Pipeline.

If the Government's regulatory reform program proceeds according to schedule, onshore petroleum exploration activities are expected to resume in 2019 across the Beetaloo sub-Basin and other prospective petroleum-rich areas.

The Minerals and Energy Branch is committed to ensuring that Aboriginal people will be appropriately engaged when onshore petroleum exploration activities resume. On-country consultations will ensure the presentation of accurate, unbiased, and culturally appropriate information about the onshore petroleum industry and its practices.

Managing Minerals and Energy Agreements

Agreements negotiated between the NLC and resource companies are legally binding documents which include contractual obligations for both the company and the Land Council.

The NLC monitors how companies meet their commitments through various mechanisms: by holding annual work program consultations, conducting routine inspections and audits of work being undertaken, facilitating Aboriginal people to participate directly in the project via liaison committees and obtain employment as cultural monitors or advisors and by seeking to address any concerns that might be raised during the life of a project.



This is an ongoing process with the oldest exploration deed now at 16 years (EL5893, western Arnhem Land). Arnhem Land continues to have the bulk of the mineral agreements due to the region's prospectivity for uranium, bauxite and other minerals. The NLC managed agreements for 42 Exploration Licences over Arnhem Land during the reporting period.

Annual work program meetings provide Traditional Owners and native title holders the opportunity to speak to the company and NLC staff about:

- Proposed exploration activities
- Results of the previous year's exploration activities
- Sacred sites or archaeological clearances
- Cultural induction requirements for workers

- Environmental concerns
- Employment opportunities
- Site inspections and audits

These meetings are supported by staff from the Regional Development and Anthropology Branches.

Good relationships have been forged between exploration companies, the NLC and traditional Aboriginal owners and during the past year the NLC presented a paper at the Northern Territory Annual Geoscience Exploration Seminar (AGES) conference highlighting examples of those relationships. The paper can be accessed at:

https://dpir.nt.gov.au/__data/assets/pdf_file/0003/491907/1100-1120_Thompson_NLC.pdf



Learning footy, Galiwin'ku.

Community Planning and Development



Introduction

The NLC's Community Planning and Development (CP&D) program has been operating for two years. It supports Aboriginal land-owning groups to use payments from land use agreements to drive their own development and secure lasting benefits from their land, waters and seas.

To facilitate this, the NLC Strategic Plan 2016 – 2020 proposed to implement a Community Development Unit. The Community Planning and Development (CP&D) Unit, now with five staff, is working closely with other branches of the NLC to progress the CP&D Program and to support the application of CP&D principles and processes across the organisation's functions.

Our Goal, Objectives and Approach

The CP&D Framework, endorsed by the NLC Full Council in November 2016, guides the development work of the organisation generally, as well as the delivery of the CP&D program. The framework approaches community development as a set of principles and a process that build Aboriginal capacity, ownership and control and make Aboriginal groups or communities stronger

through the achievement of social, cultural, environmental and economic outcomes.

Community development works best when groups of people take action together, based on their ideas of what is important, and their knowledge of how to solve problems in their community. Groups often need assistance, and community development workers bring people together to do good planning, make informed decisions about those plans, make sure they happen, and then review whether the plans achieved their objectives and what lessons have been learnt along the way. This work is guided by an eight-step process, also approved by the NLC Full Council, which the NLC works through with each Aboriginal group that decides to use land use payments for lasting community benefit.

The program has the following goals and objectives:

Goal

Healthy, resilient and engaged Aboriginal people, groups and communities that are strong in language, culture, connection to country, health, education and employment.

Objectives

1. Strengthen Aboriginal capacity, control and group cohesion, particularly through the management of resources that belong to them.
2. Generate social, cultural, environmental and economic outcomes prioritised and valued by Aboriginal people and which benefit them.
3. Monitor and evaluate to strengthen the program and show that the NLC's CP&D approach works.
4. Share lessons with government and non-government agencies so they support Aboriginal-led planning and development.

Achievements

The NLC has made substantial progress in the establishment and operation of its CP&D program in this reporting period. A team of five experienced staff have been recruited to do the complex work of supporting Aboriginal groups to prioritise their aspirations and needs, then design and fund initiatives that will deliver on these priorities. The team has also made solid progress in raising Council and constituent awareness of the program, developing internal systems and processes, and developing relationships with government and non-government stakeholders.

Aboriginal Traditional Owner groups across the Top End continue to approach the NLC seeking to participate in the program. While the CP&D Unit doesn't currently have the resources to respond to all requests received, briefings on the program were provided to four new Traditional Owner or native title holder groups. One group indicated a strong interest in applying future income via the program; Wadeye Aboriginal Traditional Owners have allocated more than \$1 million for community benefit; and native title holders for Legune Station have committed more than \$1.4 million of future income to community benefit, in addition to the funds available through their Indigenous Land Use Agreement to upgrade Marralum homeland.

Seven CP&D projects are now underway across four NLC regions. The Aboriginal land-owning groups that have opted into the program have allocated a combined total of current and future income of more than \$5 million. This is a substantial investment by Aboriginal people in driving their own development and demonstrates a move away from directing funds to individual distribution.

The NLC is working with each group through the eight-step CP&D process:

1. Malak Malak Traditional Owners were the first group to plan, fund and oversee a development initiative to completion. A culture camp project to support intergenerational knowledge transfer saw young people spend time on the Malak Malak Land Trust learning from elders and Aboriginal Rangers, with future camps planned.
2. Gupapuyngu-Liyalanmirri Traditional Owners in Gapuwiyak, north east Arnhem Land, want to create training and employment opportunities



Native title holder Marcus Simon removes old fencing at Marralum Outstation near the NT/WA border.

- for young people. To achieve this they have designed and funded an innovative project with a view to creating training and employment for young people by setting up community businesses. Project partner, Arnhem Land Progress Association, is working alongside the group to set up strong governance arrangements and undertake business planning.
3. In Galiwin'ku, the NLC is working with a number of clan groups who receive income from township leases. Two of the leases contain clauses that set aside part of the rental income for community benefit. After a series of comprehensive clan consultations, Traditional Owners have directed almost \$600,000 over two years to activities for young people, including youth diversion, recreation activities and cultural raypirri camps. They have also funded a law and justice initiative which will improve knowledge of the western law system and how this interacts with Yolngu law systems.
 4. Milwarapara-Yutpundji Traditional Owners decided to set some of their land use agreement income aside for community development, and are well on the way to achieving their vision for a better community. The school oval is being upgraded so young people can play sport at school and keep healthy. New toilet facilities are being built at the church to improve public amenity, and welcome signage has been installed at a nearby outstation.
 5. Traditional Owners associated with the South East Arnhem Land Indigenous

Protected Area (IPA) receive income from the provision of fire abatement services. A high priority for the elders is to share knowledge, stories and songs for country with young people, and they have decided to fund two culture camps within the IPA. These camps will be supported by the Yugul Mangi and Numbulwar Numburindi Rangers.

6. Native title holders for Legune Station receive income from Project Sea Dragon, a major aquaculture project. One group has completed a detailed participatory planning process to fund a \$500,000 upgrade to Marralum homeland. The project is underway and has already achieved strong employment and on-the-job training outcomes for young native title holders. Marralum is near Legune Station, and native title holders are planning to pursue employment and business opportunities from Project Sea Dragon. They have also begun

planning for their other priorities, such as projects relating to health, culture, education and business.

7. Diminin Traditional Owners in Wadeye have set aside a large amount of their \$19 lease income for community benefit. Their main priority is to support young people to learn about culture, get a good education and find employment. Traditional Owners have begun planning for projects in this area so young people can look forward to a positive future.

To strengthen this work and explore opportunities for leveraging of funds, the CP&D team actively engages with Australian and Northern Territory government agencies and other organisations.

The NLC also made solid progress on its objective to monitor and evaluate the program. With support from La Trobe and Charles Darwin universities a Monitoring and Evaluation Framework has been finalised and an Indigenous Advancement Strategy funding

Girls footy team, Galiwin'ku





Traditional Owners project planning, Gapuwiyak

application prepared. Lessons from the early stages of the CP&D work have been shared through numerous presentations at Australian and Northern Territory government forums, meetings with other Northern Territory land councils, and the national Indigenous Development Forum of the Australian Council for International Development.

*Seven
Aboriginal groups
opted in to the program*

*More than \$5 million of
current and future income set
aside for community benefit*

*Nine development initiatives
planned, funded and
being delivered*

*Two initiatives
completed.*

Looking Forward

The CP&D program is now an established initiative within the NLC and across the Top End region. Aboriginal people are increasingly aware of the program process and the outcomes it is starting to generate, and are looking to opt in. To ensure the next stage of program growth is strategic and sustainable the NLC intends to develop a "road map", with a focus on securing quality development outcomes, rather than simply signing up more groups and working with more money.

To promote continuous improvement and robust outcomes, the NLC will also begin implementing its monitoring and evaluation framework, provided resources are secured. Monitoring progress and collecting data will also enable the NLC to measure the extent to which using a community development approach in working with Aboriginal groups and their land use payments contributes to increased well-being, empowerment and capacity of Aboriginal people and communities.



Part

3

Nhulunbuy Beach

Corporate

Governance and Management

Enabling Legislation

The enabling legislation of the NLC is the *Aboriginal Land Rights (Northern Territory) Act 1976*. The responsible Minister for the 2017/2018 reporting period is Senator the Hon. Nigel Scullion, Minister for Indigenous Affairs.

The Minister gave no directions to the NLC during the reporting year.

Strategic Thinking

The NLC's strategic direction takes into account the changing social, political, cultural, economic and environmental landscape of our region, and the opportunities it presents. Our planning framework incorporates:

- Corporate Plan – a four-year plan of our high level initiatives to achieve our strategic goals and objectives
- Strategic Plan – a four-year overview of our vision, goals, values and objectives
- Business Plans – annual plans that outline activities and actions in each branch of the NLC that will deliver our goals and objectives.

These plans are reviewed annually and may be amended as required to reflect changing strategic priorities.

The planning framework enables the Chief Executive Officer, Leadership Group, Full Council Members and the Executive and Regional Councils and staff to be regularly informed on progress and performance to achieve our strategic goals and objectives and, where necessary, take corrective action to ensure initiatives are on track.

Corporate Plan 2016–2020

The Corporate Plan 2016–2020 presents the NLC's goals and objectives for the next four years, based on the organisation's legislative responsibilities (under the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Native Title Act 1993*), and our identified Vision (see page i).

Our goals and objectives are translated into actions across the internal operational areas within the NLC, along with details on how these activities will be delivered and measured.

The seven goals espoused in the Corporate Plan are:

1. Advocate, protect and acquire Aboriginal property rights and interests in our traditional lands, waters and seas through land claims and native title claims.
2. Ensure the sustainable use and management of natural and cultural resources on Aboriginal lands.
3. Protect Aboriginal sacred sites, and places and objects of significant cultural heritage.
4. Support Aboriginal people to maintain sustainable communities, outstations and healthy lives.
5. Facilitate economic opportunities that lead to viable and sustainable regional commercial activities and development.
6. Advocate on behalf of Aboriginal people to raise broader community awareness of the role and vision of the NLC.
7. Operate in accordance with best practice and reporting standards and obligations.

The plan is the vehicle to achieve our corporate mission: to have an experienced and capable organisation that effectively serves Aboriginal peoples' interests in the Northern Territory's land, waters and seas – one that is focused and committed to achieving our strategic objectives over the next four years.

The NLC's focus during this four-year period is to improve governance support to the Council, support the Council in policy development, and increase community engagement and the delivery of accessible and efficient services to Aboriginal people of the Territory.

Strategic Plan 2016–2020

This four-year Strategic Plan covers the period 2016–2020 and is informed by legislative responsibilities, strategic directions, and views expressed by the Full Council membership and the NLC administration about our goals and strategies.

The objectives of this four-year Strategic Plan are:

- To serve as a document that sets out medium-term, high-level, strategic directions for the Full Council, Executive Council and Regional Councils, and the Chief Executive Officer.
- To establish a platform for the Chief Executive Officer, in conjunction with the Leadership Group and staff, to set, monitor and review annual priorities and actions outlined in the Corporate Plan alongside detailed business plans for each operational area.

- To provide a communication tool to inform governments, stakeholders and the general public on the strategic direction of the NLC over the next four years and recognition of achievements.

The NLC is fully committed to the successful delivery of strategic objectives that will see Aboriginal people benefit economically, socially and culturally from the secure possession of our land, waters and seas in the Top End of the Northern Territory.

The Strategic Plan provides high-level direction and is complemented by more detailed planning documents, specifically the Corporate Plan and Business Plans for each operational area of the NLC.

Exemptions Granted By Finance Minister

No exemptions were granted by the Finance Minister in regard to reporting requirements in 2017/18.

Insurance Premiums For Officers

No indemnity against liability has been given by agreement or other means to a current or former member of staff. Comcover provides general liability and professional indemnity insurance for NLC directors and officers, and legal practitioners are covered by compulsory professional indemnity as required by the Northern Territory Law Society.

Risk Management and Ethics

NLC members are responsible for setting the policy and oversight of the risk management framework that integrates the process for managing risk into the organisations governance, strategic planning, management, reporting processes, policies, and organisational culture to comply with the Australian/New Zealand Risk Management Standard (AS/ANZ ISO 31000:2009).

The Leadership Group, including the Chief Executive Officer, is responsible for ensuring that management systems, processes and controls are in place to minimise risks and impacts to the organisation's strategic objectives and desired operational outcomes. In 2017/18, the NLC established and implemented an appropriate system of risk oversight and management, including a risk management plan, risk framework, risk policy and risk register.

The Audit Committee is responsible for monitoring financial risk, compliance and financial performance in conjunction with the Leadership Group. The risk management framework is an evolving document and has been updated along with the 2016–2020 Strategic Plan. The Audit Committee Charter sets out the role and purpose of the Audit Committee which also acts as an advisory body on operational and financial management controls and reporting responsibilities, oversees internal and external audit functions, and provides independent and objective assurance that the NLC's systems, processes and risk management strategies are robust and comply with acceptable standards and government requirements.

During 2017/18, the Audit Committee was independently chaired by Mr Jon Webster, and attended by two independent members and two Council members.

The Chief Financial Officer attends Audit Committee meetings, but is not a member of the committee. The Australian National Audit Office (ANAO) and HLB Mann Judd on behalf of the ANAO have a standing invitation to attend all Audit Committee meetings.

The NLC's Code of Conduct Policy and Council Members Handbook outline ethical behaviour standards at

both personal and professional levels expected within the workplace. The NLC workplaces include an office environment and/or remote field environments.

Each staff member is made aware of and has access to the Staff Code of Conduct on commencement, via the intranet and during reviews. Similarly, Council members receive an induction and copy of the Members Handbook, as well as a clear understanding of appropriate and acceptable behaviour.

Related Entity Transactions

There were no loans or grants made to directors or director-related entities.

Freedom of Information

The NLC is exempt from reporting under the *Freedom of Information Act 1982*.

Information Communication and Technology

The recommendations from the 2016/17 ICT review conducted by EY Consulting continue to be implemented. In 2017/18 the two major milestones were the migration of the data centre to an off-site location and some critical business services to the cloud. Both these milestones aligned to the strategic road map and contributed to the establishment of modern, efficient and capable ICT solutions.

Other ICT initiatives implemented included upgrades to the internal network, the wide area network, wireless network and video conferencing system. Security enhancements were also made.

Fleet and Property Management

The NLC maintains a fleet of more than 100 vehicles including a range of four wheel drives, sedans, trailers and buses. The ranger program requires specialised vehicles like quad bikes and boats. The entire fleet is licensed and maintained to roadworthy and safe standards. The fleet is funded from several sources including ABA, native title or grant funding. All 4WD fleet vehicles are fitted out to operate in harsh environments.

A comprehensive review of the motor vehicle fleet has been undertaken; the outcomes of the review will be known in the first quarter of 2018/19.

Consultants Expenditure

During the reporting period, the NLC engaged consultants to do work in relation to the Council's functions and exercise of powers under the *Aboriginal Land Rights (Northern Territory) Act 1976*, as required under s.37(8) and under *Native Title Act 1993* (see figure 35).

FIGURE 35: CONSULTANTS EXPENDITURE

| CONSULTANTS EXPENDITURE GREATER THAN \$25.000 | TOTAL |
|---|-----------------------|
| Sturt Glacken- (A J Dever Pty Ltd) | \$343,764.24 |
| Ashurst Australia | \$322,384.98 |
| List G Barristers | \$195,807.42 |
| K & L GATES | \$173,597.07 |
| Chris Brown Consultancy | \$162,290.00 |
| Susan Jane O'Sullivan | \$124,080.00 |
| Anthropos Consulting | \$114,621.61 |
| OTS Management Pty Ltd | \$109,316.52 |
| Robert Blowes | \$108,250.00 |
| Peter Willis | \$101,704.40 |
| Walter Zukowski | \$99,500.00 |
| Gareth David James Lewis | \$98,250.00 |
| Culture And Heritage | \$97,440.00 |
| Camatta Lempens Pty Ltd Lawyers | \$90,051.69 |
| Tom Keely/Howell's List Barristers Pty Ltd | \$89,623.62 |
| C-AID Consultants | \$76,385.63 |
| Mick Reynolds | 73,140.94 |
| Environmental And Cultural Services | \$71,500.00 |
| Cardno (Nt) Pty Ltd | \$69,533.18 |
| Ghd Pty Ltd | \$63,175.34 |
| Bennetts Anthropological Consultancy – II | \$52,000.00 |
| Jitendra Kumarage | \$38,619.36 |
| Kim Barber | \$38,400.00 |
| Conservation Management Pty Ltd | \$37,936.36 |
| Griffith University | \$36,871.28 |
| Latitude12 | \$36,236.00 |
| Desert Wildlife Services | \$34,100.00 |
| Anna Nolan | \$33,000.00 |
| Continuum Analytics Pty Ltd. | \$33,000.00 |
| Melanie Dulfer-Hyams Consulting | \$31,980.00 |
| ABS Scrofa(AUST) PTY LTD | \$31,818.18 |
| Dr Philip Clarke | \$30,153.00 |
| Australian National University | \$27,431.82 |
| Gay English Consulting | \$25,200.00 |
| TOTAL | \$3,071,162.64 |

Environmental Performance

The principles of ecologically sustainable development are considered in the objectives of the NLC’s Corporate and Strategic Plans and are addressed throughout consultations and negotiations of land use proposals. In particular, the economic, environmental cultural and political impacts are considered during all decision-making processes. This includes the precautionary principle, and monitoring and compliance of environmental impacts on natural and cultural resources of exploration and mining.

Committees

Enterprise Agreement Committee

The draft Northern Land Council Enterprise Agreement 2018 was overwhelmingly approved by a staff vote and has been lodged with the Fair Work Commission.

Enterprise Agreement Committee membership: Management – Joe Morrison, Joe Valenti, Kathryn Laferla; CPSU and Staff – Tamara Cole, , Kirsty Kassman; Shannon O’Connell, Pam Wickham and CPSU representative; Chamber of Commerce (NT).

Audit Committee

The NLC has an Audit Committee in compliance with section 45 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and PGPA Rule section 17 Audit Committee for Commonwealth Entities.

The Audit Committee assists the

Council in respect of financial reporting, performance reporting, risk oversight and management, internal control and compliance with relevant laws and policies.

Remuneration Committee

Following from Australian National Audit Office recommendations, the NLC established a Remuneration Committee in 2017. The committee is responsible for ensuring pay and allowances under the Enterprise Agreement are correct and meet the minima as set in the Australian Local Government Industry Award 2016. The committee also sets common law contract remuneration levels.

Remuneration Committee membership: Kathryn Laferla, Joe Valenti , Chenoa Ellison.

Work Health and Safety Committee

The WHS committee has nine members including the WHS co-ordinator and WHS officer who were seconded to the committee. The committee is active and meets regularly.

The role and responsibilities of the committee are articulated in the *Work Health Safety Act 2011* and procedures required under statutory obligations. The committee has provided timely advice to the CEO on WHS matters and is focused on improving the safety standards for all NLC employees to ensure a safe workplace and to be compliant under the legislation.

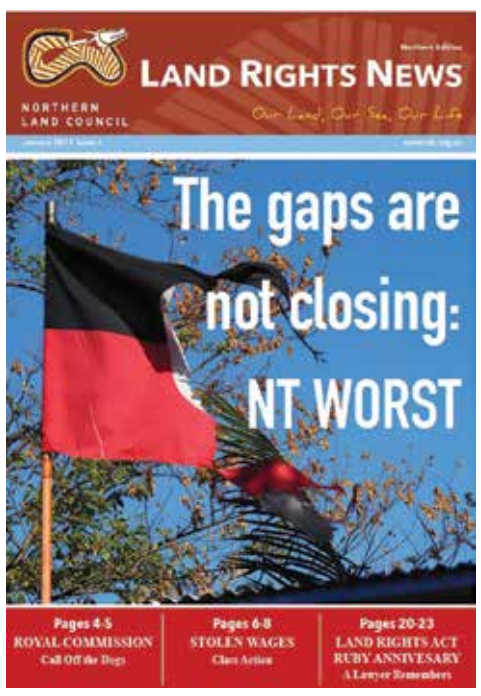
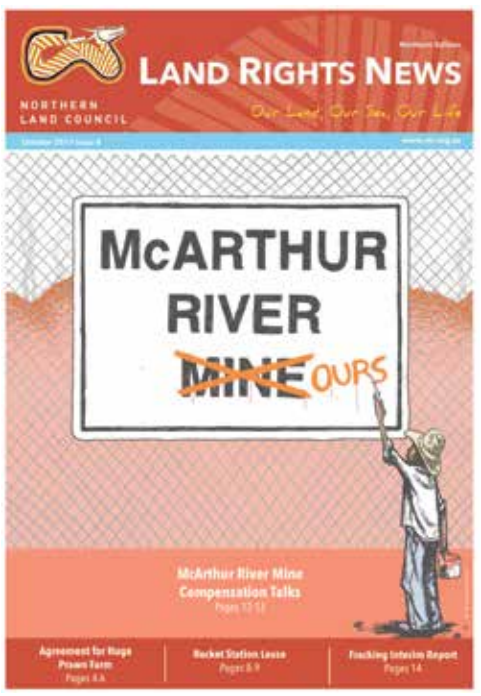
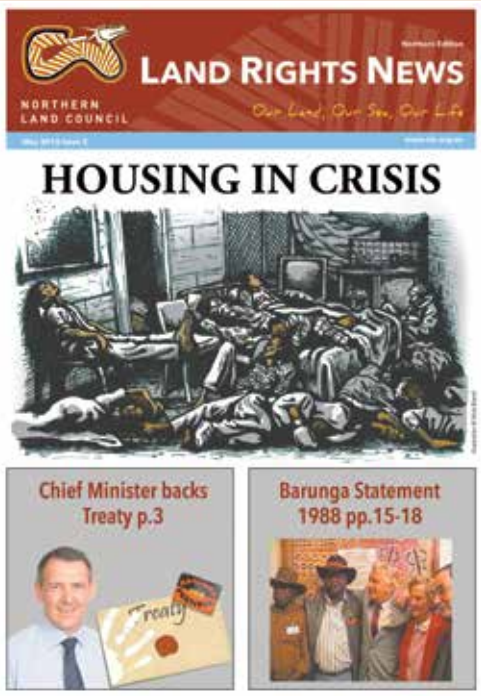
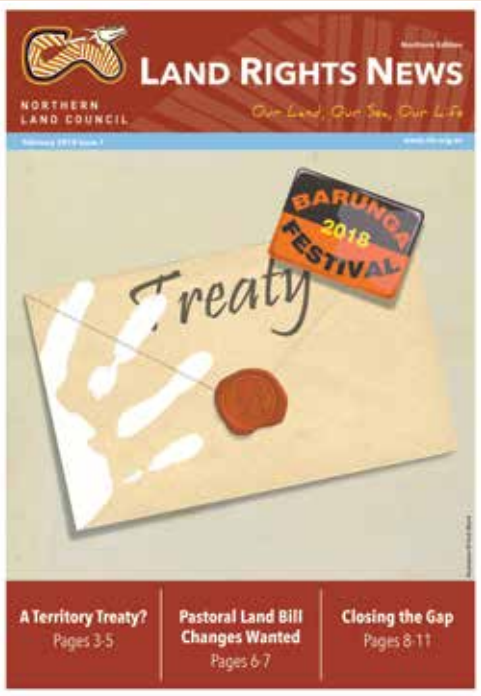
Work Health and Safety Committee members: Joe Valenti (chair) Kathryn Laferla, Greg McDonald, Jeffrey Yoelu, Andrew Thomas, Ian Amy, Hidayat Nurslanis, Don Couzens, Kylie Burn, Tamara Cole.

FIGURE 36: NLC AUDIT COMMITTEE MEETINGS AND ATTENDANCE

| AUDIT COMMITTEE | MEETINGS HELD | MEETINGS ATTENDED |
|-------------------------------------|---------------|-------------------|
| Jon Webster (independent chair) | 4 | 4 |
| Angela Shima (non-executive member) | 4 | 2 |
| Aswin Kumar (non-executive member) | 4 | 4 |
| Linda Fletcher (NLC member) | 4 | 2 |
| Wayne Wauchope (NLC member) | 4 | 2 |

Mapuru airport, east Arnhem Land.





Public Awareness and Education

The NLC's media unit is part of the Executive Branch and has helped to represent the organisation at various events, including the Garma and Barunga festivals and the annual NAIDOC march.

The unit has managed a major refresh and upgrade of the NLC's website, which went live in December 2017. The new website has a fresher look, is easier to navigate and is more informative.

A senior vacancy in the media unit was filled during the reporting year, and the appointee has overseen a big push by the NLC into social media. The NLC can now boast a lively Facebook, Instagram and Twitter presence which has much enhanced the organisation's profile.

Information Resources

The NLC produces a range of information and educational resources, and also publishes *Land Rights News – Northern Edition*.

Land Rights News, first published in 1977, is Australia's longest-running Aboriginal newspaper, and is distributed free to subscribers and Aboriginal communities and organisations across Australia.

From the first issue in 2018, publication dates for *Land Rights News* were changed. The dates are now February, May, August and November.

Annual Report

The media unit is also responsible for preparing the NLC's annual report.

In June, the 2016/17 Annual Report was recognised with a Silver Award in the Australasian Reporting Awards.

News Media Assistance

The media unit receives and responds to a large number of enquiries from local, national and international news media, often on subjects beyond the NLC's core business.

The unit also oversees the issue of permits for news media to enter Aboriginal lands. Permission to film landscapes and interview Aboriginal community members is considered by Traditional Owners and, where these engagements are commercial in nature, a special agreement is negotiated.

Over the past year, no permit application has been refused.

Advertising and Market Research

The NLC advertised during normal recruitment campaigns and placed public notices relating to waiver of permits in the intertidal zone and to access to lands within the Kenbi Land Trust.

No market research, polling or direct mail activities were undertaken.

NLC CEO Joe Morrison addresses media.



Distribution of Royalties

The NLC manages the receipt and disbursement of royalty monies to Aboriginal people.

The NLC maintains a royalty trust account that receives monies on behalf of individuals and associations of Aboriginal people, and disperses them in accordance with section 35(2) of the ALRA. The NLC makes distributions of rents, payments and royalties payable to Traditional Owners and royalty receiving associations.

Taking instructions and the distribution of royalties and payments is an intensive process. The primary responsibility for the co-ordination of meetings of Aboriginal landowners to determine distributions lies with regional office staff and anthropologists. The NLC also assists groups to resolve disputes over distributions.

Outcome

Under the ALRA, income of \$56,201,000 was generated from Aboriginal land during 2017/18.

Distributions have been made as per instructions from Traditional Owners in accordance with traditional decision making processes. A total of 7,191 royalty payments were made during the course of the financial year totalling \$57,504,000.

Administering Aboriginal Land Trusts

The NLC assists Aboriginal Land Trusts to act in accordance with the ALRA.

Land Trusts are statutory bodies corporate that hold title to Aboriginal land under the Aboriginal Land Rights Act for the benefit of

the Aboriginal people concerned, including Traditional Owners and Aboriginal persons who are entitled by tradition to use or occupy the land, whether or not that entitlement is qualified by place, time, circumstance, purpose or permission. Where land is granted in a deed of grant held in escrow by a Land Council, a Land Trust may acquire the estates and interests of other persons with a view of gaining the delivery of the title to the Land Trust. A Land Trust cannot exercise its functions in relation to land except in accordance with a direction given by the NLC.

Land Trusts usually comprise a Chairman and not fewer than three members who hold office for periods not exceeding five years. Land Trust members are usually Traditional Owners of the land held in trust.

The NLC assists Land Trusts in a number of ways including the secure storage of Deeds of Grant and Common Seals, administering and negotiating leases, receiving and distributing monies such as rents and royalty payments and the resolution and management of disputes.

Mediation and Dispute Resolution

The NLC supports Traditional Owners and attempts to conciliate disputes.

With its abundant natural resources, the Top End of the Northern Territory has always supported a large Traditional Owner population.

Demand for coastal land and sea access, farming development, mineral and petroleum resources, large township development and water resource exploitation all confront the Traditional Owner population.

The social, economic and cultural gap can cause tension within and between groups. In addition, issues arise with regard to traditional ownership. There may be boundary



Senator Patrick Dodson and NLC's Community Planning and Development Manager, Dr Danielle Campbell.

disputes between groups, or intra-group disputes regarding membership, or both.

The NLC's functions include (under s25 of the ALRA) a duty to "attempt the conciliation of disputes".

Where a Land Council is informed that there is, or there may arise, a dispute with respect to land in the area of the Council

between persons to whom this section applies, the Land Council shall use its best endeavours by way of conciliation for the settlement or prevention, as the case may be, of that dispute.

The NLC is also the arbiter for the identification of the Traditional Owners.



Yugul Mangi Ranger Lorraine Huddleston at the annual pre fire season meeting at Barapunta in April 2018.

Management of Human Resources



Significant Achievements

- The NLC sustains a majority (52 per cent) Aboriginal and Torres Strait Islander employee representation.
- The NLC concludes Enterprise Bargaining, and with APSC approval lodges the NLC Enterprise Agreement 2018 with the Fair Work Commission (FWC) in June 2018.
- NLC wins the 2018 Employer Support Award for the not-for-profit sector and the overall Supportive Employer Award in recognition of continued support of the Australian Defence Force Reserves.

Capability

The diverse nature of the work that the NLC performs requires an equally diverse and dynamic workforce, providing capability across multiple industries and disciplines including:

- Administration / Corporate Services
- Anthropology
- Community Planning and Development
- Land Conversation and Management
- Legal
- Management
- Minerals and Energy

As at 30 June 2018, the NLC had 244 full time and 77 part time employees (total 231) and also maintained a large pool of casual employees. Casual employees work predominantly during the dry season when activities such as controlled fire burning and regional council meetings are at a peak.

The NLC understands the importance of building and retaining a suitably skilled workforce that is representative of the communities it operates in and the clients it services (25.5% of the Northern Territory population identify as Aboriginal or Torres Strait Islander). Indigenous employment, training and development initiatives are integral to the NLC's ability to deliver functions as a Land Council and ensure a high standard of culturally appropriate customer service.

The Human Resource Unit has a philosophy of continuous improvement, to modernise systems and practices and improve

legislative compliance. This is being achieved through the implementation of an HR information system (iCHRIS) to manage payroll, recruitment, performance and WHS, and the HR team's engagement with the following organisations:

- APSC - Workplace Relations Team
- APSC - Indigenous Capability Team
- Australian Human Resources Institute (AHRI)
- Chamber of Commerce NT

The HR Team are members of AHRI and the HR Manager holds a seat on the AHRI State Council 2018.

As at 30 June 2018, the NLC had 244 full time and 77 part time employees (total 231) and also maintained a large pool of casual employees.



Gapuwiak

| Classification level | No of FT / PT Employees |
|-----------------------------|-------------------------|
| AS01 | 52 |
| AS02 | 11 |
| AS03 | 9 |
| AS04 | 22 |
| AS05 | 22 |
| AS06 | 16 |
| Legal Stream | 12 |
| Professional Officer | 12 |
| Senior Professional Officer | 18 |
| Senior Officer | 36 |
| Management (EL) | 13 |
| Leadership (SES) | 8 |
| Total | 231 |

FIGURE 37: WORKFORCE COMPOSITION – BY CLASSIFICATION

Workforce Composition

The employee demographics reflect the composition of the NLC workforce as at 30 June 2018.

| Location | No of FT / PT Employees |
|-----------------|-------------------------|
| Darwin | 123 |
| Belyuen | 5 |
| Borrooloola | 11 |
| Bulgul | 6 |
| Croker Island | 8 |
| Daly River | 7 |
| Galiwinku | 1 |
| Goulburn Island | 5 |
| Jabiru | 7 |
| Katherine | 11 |
| Kununurra | 1 |
| Maningrida | 1 |
| Ngukurr | 9 |
| Nhulunbuy | 5 |
| Numbulwar | 7 |
| Pine Creek | 8 |
| Tennant Creek | 0 |
| Timber Creek | 8 |
| Winnellie | 3 |
| Wudicupildiyerr | 5 |
| Total | 231 |

FIGURE 38: WORKFORCE COMPOSITION – BY LOCATION

| Type of vacancy | No of positions |
|---|-----------------|
| New position / project position created | 14 |
| Relief (maternity leave) | 3 |
| Existing position vacant | 39 |

FIGURE 39: VACANCIES

| Reason for end of employment | No of employees | Turnover % |
|--|-----------------|------------|
| Retirement | 1 | 0.5% |
| Death | 2 | 1% |
| Redundancy | 3 | 1.5% |
| Conduct / Attendance issues | 4 | 2% |
| End of Contract (3 years) | 7 | 3% |
| ASRAC – Ranger Group moved to independence | 16 | 7% |
| Resignation | 25 | 11% |
| Total Turnover | 58 | 25.5% |

FIGURE 40: REASON FOR END OF EMPLOYMENT

| Tenure (years) | No of employees | % of employees |
|------------------------|-----------------|----------------|
| Up to 3 | 137 | 59% |
| Over 3 up to 5 | 19 | 8% |
| Over 5 up to 10 | 51 | 22% |
| Over 10 up to 20 years | 20 | 9% |
| Over 20 years | 4 | 2% |

FIGURE 41: WORKFORCE TENURE

Recruitment

The NLC's profile as an employer of choice in the NT is consistently improving; position application numbers have increased and the use of recruitment agencies decreased during the year.

Usual recruitment activities across the year increased due to the NLC's focus on systems improvement and major project reforms. A dedicated Project Unit was established in 2017 and the ICT Unit was subject to an external review and subsequent restructure to meet organisational needs. This has resulted in a number of new fixed term project positions and two ongoing positions being created.

In line with the implementation of the iCHRIS, existing recruitment practices were reviewed. A panel of ATSI Employment Providers has been established, and they will be advised of all vacancies (these include local VTEC providers Real Futures and Karen Sheldon Training).

Turnover and Retention

A diverse workforce attracts higher levels of turnover and the NLC has seen some positive staff movements during 2017/2018 including the ASRAC Ranger Group's move to independence (16 employees) and Indigenous trainees (two employees) advancing into careers within other NT public sector agencies. Resignation turnover sat at 11 per cent for the year, in line with accepted norms.

The NLC's Enterprise Agreement provides for ongoing employment contracts from AS01 to AS06 and three-year contracts for higher classifications. The NLC sees value in retaining experienced long term staff as well as introducing new talent and expertise to the organisation; 41 per cent of employees have more than three years service, and up to 34 years tenure. Short-term contracts are expected to increase from 2018 to 2020 as project staff are engaged to deliver major reforms, including the permit system reform and ICT improvements.

Workforce Diversity and Inclusion

Aboriginal and Torres Strait Islander Employment

The NLC supports the APSC Commonwealth Aboriginal and Torres Strait Islander Employment Strategy and is a major employer of Indigenous people across the Top End. The Commonwealth Aboriginal and Torres Strait Islander Employment Strategy had a goal to reach three per cent Indigenous representation by 2018. The NLC consistently maintains Indigenous employee representation of 50 to 55 per cent, and more than 90 per cent

engagement within our casual employee pool. Of the NLC leadership team, 37 per cent is Aboriginal. However, a concerning lag exists in professional and middle management positions. In 2018/2019, initiatives will be introduced to increase Indigenous representation in professional and middle management positions. These include the proposal to enter into an MOU with the APSC Indigenous Capability Unit and increased training and development programs for officers at level AS06 and above.

FIGURE 42: ATSI Employees by classification

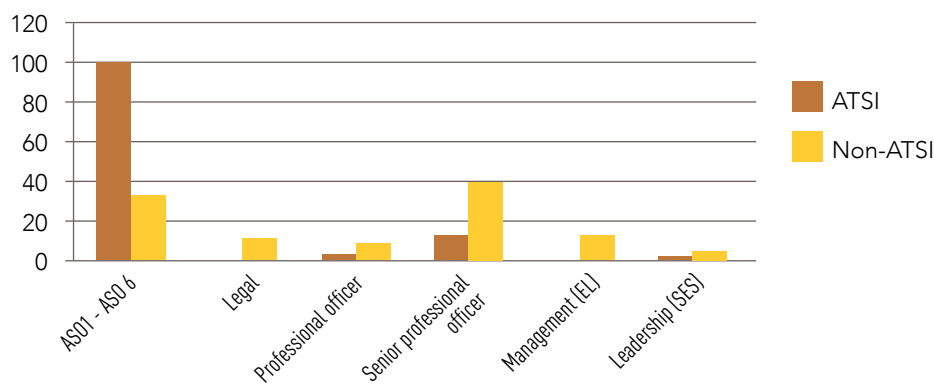
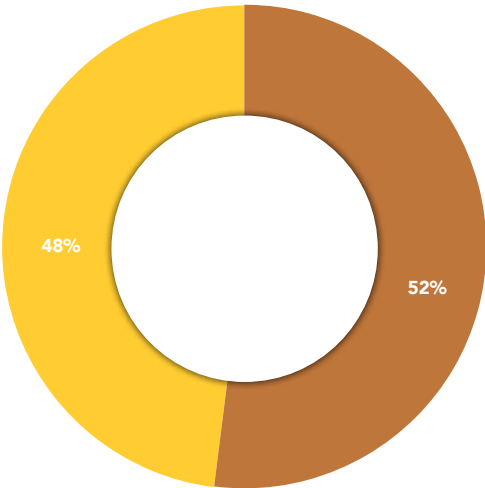


FIGURE 43: ATSI EMPLOYEES

■ Non Aboriginal
■ Aboriginal or Torres Strait Islander



Gender Equity

The NLC has consistently maintained a good gender balance, with a balanced distribution across most classification levels. Female representation at the middle management level is also increasing, providing for strong leadership succession possibilities beyond 2018. There is an increased focus on identifying and nurturing

female leadership opportunities, in particular for senior Indigenous employees.

The Caring For Country Branch's Women Employment Strategy has also seen the number of female rangers increase to 32 per cent in 2017/2018, with a target for 50 per cent by 2020. As the nature of Working on Country work has inherent cultural gender biases in some communities, the NLC sees this growth as a major achievement.

FIGURE 44: ATSI Employees by classification

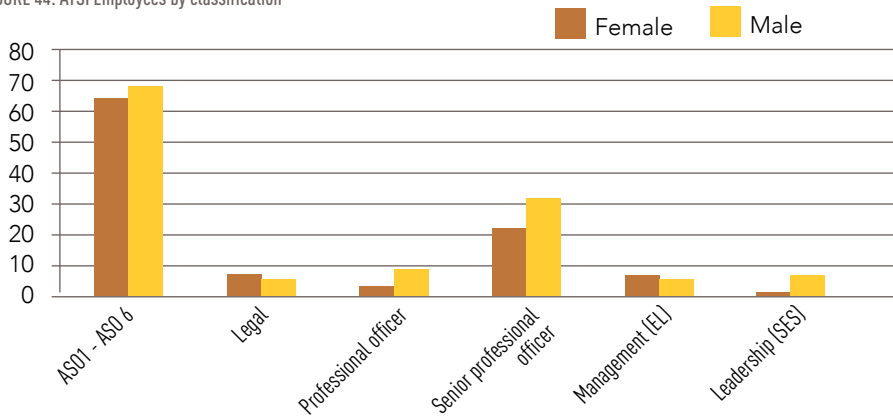
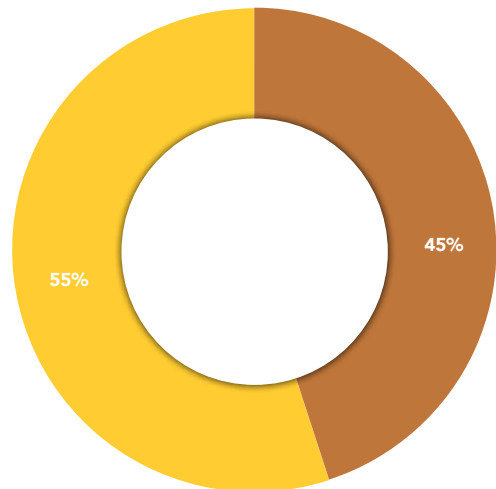


FIGURE 45: ATSI EMPLOYEES

Female
Male





Malak Malak ranger Aaron Green is among the first six rangers to be appointed as an NT Fisheries Inspector, having successfully completed Certificate II and III courses in Fisheries Compliance.

People with Disabilities

The NLC has three employees who identify as having a disability, but this figure is known to be higher. With the introduction of an online recruitment module in 2018, identifying employees who may have special needs or identify as having a disability will become part of the application and onboarding process.

The WHS Advisor is a trained contact officer through The Northern Territory Anti-Discrimination Commission and is able to provide necessary support for employees as employment for people with disabilities increases.

Generational Diversity

The NLC has an even spread of employees across the working age spectrum (18 to 70 years), but more needs to be done to attract young people. The Caring for Country branch is developing programs to engage Aboriginal and Torres Strait Islander school students in regional communities and provide pathways for future employment in Ranger Programs.

Through increased engagement with VTEC providers in the NT, more entry level job applicants will be attracted and engagement levels for 18 to 20 years old employees will improve.

| Age range | No of employees | % of employees |
|-----------|-----------------|----------------|
| Up to 20 | 2 | 1% |
| 20 to 29 | 61 | 26% |
| 30 to 39 | 81 | 35% |
| 40 to 49 | 79 | 34% |
| 50 to 59 | 66 | 29% |
| 60 to 64 | 22 | 10% |
| 65 plus | 10 | 4% |



Malak Malak ranger coordinator Rob Lindsay is among the first six rangers to be appointed as an NT Fisheries Inspector, having successfully completed Certificate II and III courses in Fisheries Compliance.

Workplace Relations

The NLC observes the relevant provisions of the following legislative instruments in relation to sound workplace relations and industrial compliance:

- NLC Enterprise Agreement 2011
- *Fair Work Act 2009*
- National Employment Standards
- APSC Workplace Relations Bargaining Policy 2018
- Australian Public Service Commissioner's Directions 2016
- *Long Service Leave (Commonwealth Employees) Act 1976*
- *Maternity Leave (Commonwealth Employees) Act 1973*
- *Work Health and Safety Act 2011*

Management of workplace relations, including the management of performance, attendance or conduct concerns, is based on cultural consideration, fair process and legislative compliance. There has been a deliberate shift from using disciplinary measures to remedy minor conduct issues to working with frontline managers to “start a conversation” and work with employees to seek amicable solutions before workplace issues escalate. This approach has served the NLC well, with no unfair dismissal claims in 2017/2018.

Remuneration

The NLC remunerates management level staff under negotiated common law contracts and all other staff under the provisions of the NLC EA 2011. Management remuneration levels are set in consultation with the Remuneration Committee to ensure fairness and reasonable parity in relation to the Enterprise Agreement pay scale and management level (EL or SES equivalent).



Drone shot of Northern Territory land councils joint Full Council meeting at Barunga, June 2018.

The NLC Enterprise Agreement 2011 expired on 1 July 2013 and negotiations between employee representatives, the Community and Public Sector Union and NLC management began in June 2013, and negotiations were for a long time protracted.

In August 2016, the Chamber of Commerce NT was brought in to help reach a harmonious conclusion. On 11 May 2018, the draft Northern Land Council Enterprise Agreement 2018 was approved by the Australian Public Sector Commissioner and employees voted on 30 and 31 May 2018 to approve it: 97.5% supported of the proposed agreement, which was then lodged with the Fair Work Commission on 13 June 2018; approval is pending.

Managing Attendance

Managing a dispersed and diverse workforce requires a contemporary and flexible workplace relations approach. Access to services in regional and remote communities of the NT can impact on attendance and ultimately productivity and performance. In line with the rollout of the online leave management system (HR21) front line managers and staff were educated on better utilisation and scheduling of leave entitlements and this has had a positive effective on leave management. Annual leave liabilities reduced by 15 per cent over the year and scheduled leave applications increased by 41 per cent. The new system has also improved the capacity to monitor and address unauthorised absences.



Training and Development

Training options can be limited in availability and frequency in the NT. Management and APSC training in particular often requires travel to major cities. Sourcing local providers or bringing training providers to the NT to maximise value is always considered in the first instance. The NLC has training needs across three major areas:

- Compliance Training such as Remote First Aid, Chainsaw and small engines, Chemical handling and 4WD Training. With more than 250 training activities in this area in 2017/2018 compliance-related training forms the bulk of the NLC training budget.
- Continuous Improvement related

training is training delivered to enhance employee performance in existing roles. This includes in-house training for new systems, industry or sector related training, seminars or conferences, APSC training and IT related training such as training in the latest versions of Microsoft Office Excel or Word. The Employee Performance Review process is often the catalyst for identifying training of this nature.

- Succession Training & Development is offered to employees to support career progression and advancement to higher classifications. Training may include management training or professional coaching.

Work Health and Safety

New Initiatives

- The NLC now has a contact officer for equity and diversity issues.
- The NLC has introduced a domestic violence action plan.
- The NLC formed a partnership with the National Health Foundation to conduct a workplace wellness program.
- Wellness activities included yoga, meditation and workplace massage.
- Stress management awareness information presentations were held for workers and managers.
- Ten workers were trained in mediation skills.
- 30 workers were involved in a fundraising 10,000 steps challenge and the NLC supports lunch time sports –touch football and volleyball.
- The NLC has introduced support programs for workers who wish to quit smoking.

Ongoing WHS Activities

- The NLC WHS delegates continued to work on self-improvement.
- The WHS Committee continued to meet every three months.
- All NLC facilities were inspected during the year to monitor compliance with WHS requirements.
- Test & Tag of all electrical appliances continued.
- Development, review and updating of WHS policies, procedures and work practices continued.
- WHS Officers attended industry seminars, conferences and training programs.
- WHS officers maintained close links

with regulators and other organisations to ensure best practice.

Outcomes

The NLC continued to experience very low injury rates and minimal work days lost because of injuries. There were no notifiable incidents relating to injuries or near misses and no injuries requiring hospital admissions.

- Reported minor injuries that did not require time off work: three.
- Reported injuries resulting in lost work days: two.
- Total days lost due to injury: seven.

There were two new workers compensation applications during the year; both were minor and resolved quickly; one long-term case is being managed.

Worker Welfare

The NLC provides access to an employee assistance program for confidential counselling and mediation. The service provided assistance to 35 workers with 74 counselling sessions, a decrease in both clients seeking assistance and the number of sessions. Most presentations were for personal reasons; less than 10 per cent were work-related.

The number of workers seeking workplace ergonomic assistance has increased, as has the provision of ergonomic aids such as stand-up desks and ergonomic chairs.

The NLC continues to provide education sessions related to worker welfare and stress management.

Notifiable Incidents

There was one notifiable incident which was the result of an Asbestos scare in an NLC-rented facility. The incident was reported to Comcare and NT Worksafe and the substance was ultimately determined not to be asbestos.

Yugul Mangi Ranger Coordinator
Winston Thompson at the annual
pre fire season meeting at
Barapunta in April 2018.





McArthur River, Borroloola.

NLC Annual Performance Statement 2017/2018



1. Introductory Statement

We, Samuel Bush-Blanasi and Joe Morrison as the Accountable Authority of the Northern Land Council (NLC), present the 2017/18 annual performance statements of the Northern Land Council, as required under paragraph 39(1) (a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In our opinion, these annual performance statements are based on properly maintained records, accurately reflect the performance of the entity and comply with subsection 39(2) of the PGPA Act.

In Kununurra, native title holder Bernadette Simon (left) and Janelle Nungarmara prepare to celebrate a land use agreement for a huge prawn farm at Legune Station on 30 August 2017.



2. Entity Purposes

The purpose of the NLC is to enable and assist Indigenous people within the NLC region to acquire and manage land and seas and promote economic and community development.



3. Results

| Performance Criterion | Criterion Source |
|--|------------------|
| <p>Through the management of the available capacity, continue the prosecution of Land Rights claims, and the court schedule of Native Title claims.</p> <p>Through the management of available capacity, consult with Traditional Owners and negotiate Land Use Agreements and other commercial agreements.</p> <p>Provide policy and advocacy for cultural integrity and protection of intellectual and cultural rights.</p> | Corporate Plan |
| <p>Resource the Legal and Anthropology Branches (subject to budget) to provide capacity in Human Resources and systems so that the legislative responsibilities can be prosecuted efficiently and in a timely manner.</p> | Corporate Plan |
| <p>Update GIS Mapping capabilities.</p> | Corporate Plan |
| <p>Establish a Community Planning and Development Unit to assist and facilitate Traditional Owners' access to resources in order to economically and socially develop their own groups, and to support Aboriginal Corporations and Associations in their development.</p> <p>Develop and promote an "economic prospectus" for the region, identifying the demand, capability and opportunities for Traditional Owners to participate in economic development on their lands.</p> | Corporate Plan |
| <p>Strengthen the capabilities of Ranger Groups through training and capacity building.</p> <p>Continual improvement of operations of Ranger groups, management activities of IPAs and jointly managed parks.</p> | Corporate Plan |
| <p>Develop and implement a communications and public relations plan.</p> <p>Organise events, and prepare resources and publications, publish the <i>Land Rights News</i> quarterly; develop a program of media releases and press conferences around issues of the day.</p> <p>Maintain the alliance with Aboriginal Peak Organisations Northern Territory (APO NT).</p> <p>Regularly liaise with Aboriginal Areas Protection Authority and other institutions.</p> | Corporate Plan |
| <p>Develop, implement, and continually improve policies and procedures that will strengthen the governance and management of the organisation, so that NLC operates in accordance with best practice principles and meets all statutory reporting obligations in order to provide its Aboriginal constituents with responsive, transparent governance and administration.</p> | Corporate Plan |

| | Result Against Performance Criterion |
|--|---|
| | <ul style="list-style-type: none"> Hearings commenced in 3 land claims which are now part-heard; The NLC participated in the review of detriment in respect of 16 land claims recommended but not yet granted; No ALRA land claims finalised in 2017/18. 6.5% of remaining ALRA claims were settled in 2016/17 and are awaiting final approval. NLC has complied with the Federal Court's orders in respect of all native title claims. No native title claims finalised in 2017/18. Total of 536 EOIs (Expressions of Interest by parcel of land) for 2017/18, with a completion rate of 34%. |
| | <ul style="list-style-type: none"> Additional budget funding made available to increase capacity in the prosecution of the NLC's responsibilities under the ALRA and NTA. |
| | <ul style="list-style-type: none"> Upgrade to the GIS software toolkit. Significant workflows were developed to manage important corporate datasets in line with NLC operational procedures |
| | <ul style="list-style-type: none"> Operational funding secured from third party and the ABA to employ 2 additional FTE staff bringing CP&D Unit to 5 FTE. 7 Aboriginal groups now opted in and working through CP&D program to use income for social, cultural, economic and environmental initiatives. 9 development initiatives planned, funded and being delivered. Two initiatives successfully completed. Joint CLC/NLC Economic Development Strategy agreed. |
| | <ul style="list-style-type: none"> Funding Branch review and related restructure completed in line with NLC strategic plan and regionalisation agenda. Working on Country and IPA reporting accepted by DPMC as meeting required standard. |
| | <ul style="list-style-type: none"> New NLC website launched. Appointment made for new media job. NLC's social media presence much enhanced. Four issues of <i>Land Rights News</i> (Northern Edition) published. Press releases published, and responses made to frequent news media enquiries. NLC 2016/17 Annual Report wins Silver Award. APONT membership sustained, and regular liaison maintained with other institutions, including AAPA. |
| | <ul style="list-style-type: none"> Annual Financial Statements prepared, submitted and published on time. 27 policies approved and implemented within the 2017/18 period. Established and implemented an appropriate system of risk oversight and management including a risk management plan, risk framework, risk policy and risk register. |

4. Analysis

The Northern Land Council continued to implement reforms in 2017/18 to strengthen efficiency through a review and upgrade of systems, policies and processes.

A focus in 2017/18 has been the establishment of a projects team to drive and manage major projects of the organisation. Two major projects commenced during the year, including the (i) Permits Reform project and the (ii) Land Use Management and Royalties project. Both focus on delivering modern, efficient systems and process.

The information, communications and technology area continued to implement the recommendations of the 2016/17 ICT review. In 2017/18 two significant ICT milestones achieved were the migration of the data centre to an off-site location and some critical business services to the cloud. This

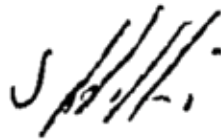
financial year also saw the NLC work towards establishing and implementing an appropriate system of risk oversight and management including a risk management plan, risk framework, risk policy and risk register.

The Community Planning and Development (CP&D) Unit activities increased over the year with seven Aboriginal groups opting in and working through the CP&D program to use income for social, cultural, economic and environmental initiatives. The unit also had nine development initiatives planned, funded and being delivered, while two initiatives were successfully completed.

The Northern Land Council's purposes, activities and the environment in which it operates did not change significantly in the reporting period to materially impact its performance.



Joe Morrison
CHIEF EXECUTIVE OFFICER



Samuel Bush-Blanasi
CHAIRMAN

Wagiman Rangers, from left, Arthur Muggleton, Cyrus Liddy and Jasmin Huddleston at the new tily pad watering station installed at Tjuwaliyn (Douglas) Hot Springs.



Part 4

Annual Financial Statement 2017/2018

Public Governance, Performance and Accountability Act 2013

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AUDITOR'S REPORT



INDEPENDENT AUDITOR'S REPORT

To the Minister for Indigenous Affairs

Opinion

In my opinion, the financial statements of the Northern Land Council for the year ended 30 June 2018:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Northern Land Council as at 30 June 2018 and its financial performance and cash flows for the year then ended.

The financial statements of the Northern Land Council, which I have audited, comprise the following statements as at 30 June 2018 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to the financial statements, comprising a Summary of Significant Accounting Policies and other explanatory information.

Basis for Opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Northern Land Council in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's Responsibility for the Financial Statements

As the Accountable Authority of the Northern Land Council, the Chairman and Chief Executive Officer are responsible under the *Public Governance, Performance and Accountability Act 2013* for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under that Act. The Chairman and Chief Executive Officer are also responsible for such internal control as the Chairman and Chief Executive Officer determine is necessary to enable the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chairman and Chief Executive Officer are responsible for assessing the Northern Land Council's ability to continue as a going concern, taking into account whether the entity's operations will cease as a result of an administrative restructure or for any other

GPO Box 707 CANBERRA ACT 2601
19 National Circuit BARTON ACT
Phone (02) 6203 7300 Fax (02) 6203 7777

reason. The Chairman and Chief Executive Officer are also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's Responsibilities for the Audit of the Financial Statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



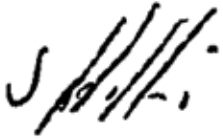
Rita Bhana
Senior Director
Delegate of the Auditor-General
Canberra
28 September 2018

STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2018 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Northern Land Council will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the directors.



SAMUEL BUSH-BLANASI
Chairman / Accountable Authority



JOE MORRISON
Chief Executive Officer /
Accountable Authority



JOE VALENTI
Chief Financial Officer

28 September 2018

STATEMENT OF COMPREHENSIVE INCOME

for the year ended 30 June 2018

| NET COST OF SERVICES | Notes | 2018 | 2017 |
|---|-------|---------------|---------------|
| | | \$'000 | \$'000 |
| EXPENSES | | | |
| Employee benefits | 3A | 24,581 | 21,234 |
| Suppliers | 3B | 19,437 | 18,532 |
| Depreciation | 3C | 3,006 | 974 |
| Write-down and impairment of assets | 3D | 193 | 74 |
| Loss on disposal of assets | 3E | 5 | 50 |
| Total Expenses | | 47,222 | 40,864 |
| OWN-SOURCE INCOME | | | |
| Own-source revenue | | | |
| Sale of goods and rendering of services | 4A | 5,023 | 3,385 |
| Interest | 4B | 401 | 210 |
| Total own-source revenue | | 5,424 | 3,595 |
| Gains | | | |
| Reversals of previous asset write-downs and impairments | 4C | 394 | 751 |
| Total gains | | 394 | 751 |
| Total own-source income | | 5,818 | 4,346 |
| Net cost of services | | 41,404 | 36,518 |
| Revenue from Government- Department of The Prime Minister & Cabinet (PM&C) | 4D | 5,386 | 5,045 |
| Revenue from Aboriginals Benefit Account (ABA) s64 (1) | 4E | 23,433 | 21,438 |
| Revenue from Government- Special Purpose Grant | 4F | 12,761 | 10,831 |
| Total revenue from Government | | 41,580 | 37,314 |
| Surplus attributable to the Australian Government | | 176 | 796 |
| Other Comprehensive Income | | | |
| Change in asset revaluation surplus | 7A | - | 1,042 |
| Total Other Comprehensive Income | | - | 1,042 |
| Total comprehensive income attributable to the Australian Government | | 176 | 1,838 |

The above statement should be read in conjunction with the accompanying notes.

STATEMENT OF FINANCIAL POSITION

as at 30 June 2018

| | NOTES | 2018 | 2017 |
|-----------------------------------|-------|---------------|---------------|
| | | \$'000 | \$'000 |
| ASSETS | | | |
| Financial Assets | | | |
| Cash and cash equivalents | 6A | 23,758 | 16,549 |
| Trade and other receivables | 6B | 1,090 | 834 |
| Total financial assets | | 24,848 | 17,383 |
| Non-Financial Assets | | | |
| Land and buildings | 7A | 5,893 | 4,340 |
| Property, plant and equipment | 7A | 2,618 | 4,574 |
| Other non-financial assets | 7B | 426 | 259 |
| Total non-financial assets | | 8,937 | 9,173 |
| Total Assets | | 33,785 | 26,556 |
| Liabilities | | | |
| Payables | | | |
| Suppliers | 8A | 1,374 | 1,111 |
| Other payables | 8B | 865 | 1,326 |
| Total payables | | 2,238 | 2,437 |
| Unearned Revenue | | | |
| Advance Payments | 9 | 16,525 | 9,708 |
| Total Unearned Revenue | | 16,525 | 9,708 |
| Provisions | | | |
| Employee provisions | 10 | 3,676 | 3,241 |
| Total provisions | | 3,676 | 3,241 |
| Total Liabilities | | 22,439 | 15,386 |
| Net Assets | | 11,346 | 11,170 |

| | | | |
|----------------------------|--|---------------|---------------|
| Equity | | | |
| Asset Revaluation Reserves | | 3,028 | 3,028 |
| Retained surplus | | 8,318 | 8,142 |
| Total Equity | | 11,346 | 11,170 |

The above statement should be read in conjunction with the accompanying notes.

STATEMENT OF CHANGES IN EQUITY for the year ended 30 June 2018

| | RETAINED EARNINGS | | ASSET REVALUATION RESERVE | | TOTAL EQUITY | |
|---|-------------------|------------|---------------------------------|--------------|--------------|--------------|
| | 2018 | 2017 | 2018 | 2017 | 2018 | 2017 |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Opening balance | | | | | | |
| Balance carried forward from previous period | 8,142 | 7,346 | 3,028 | 1,986 | 11,170 | 9,332 |
| Adjusted opening balance | 8,142 | 7,346 | 3,028 | 1,986 | 11,170 | 9,332 |
| | | | | | | |
| Comprehensive Income | | | | | | |
| Other Comprehensive Income | - | - | - | 1,042 | - | 1,042 |
| Surplus (Deficit) for the period | 176 | 796 | - | - | 176 | 796 |
| Total Comprehensive Income | 176 | 796 | - | 1,042 | 176 | 1,838 |
| | | | | | | |
| "Closing balance as at 30 June attributable to the Australian Government" | 8,318 | 8,142 | 3,028 | 3,028 | 11,346 | 11,170 |

The above statement should be read in conjunction with the accompanying notes.

CASH FLOW STATEMENT for the year ended 30 June 2018

| | NOTES | 2018 | 2017 |
|---|----------------|-----------------|-----------------|
| | | \$'000 | \$'000 |
| OPERATING ACTIVITIES | | | |
| Cash received | | | |
| Sales of goods and rendering of services | | 6,031 | 4,131 |
| Receipts from Government | | 43,001 | 38,253 |
| Net GST received | | - | 37 |
| Interest | Note 4B | 401 | 210 |
| Total cash received | | 49,433 | 42,631 |
| Cash used | | | |
| Employees | | (24,146) | (21,184) |
| Suppliers | | (14,100) | (10,797) |
| Net GST paid | | (1,370) | - |
| Total cash used | | (39,616) | (31,981) |
| NET CASH FROM OPERATING ACTIVITIES | | 9,817 | 10,650 |
| INVESTING ACTIVITIES | | | |
| Cash received | | | |
| Proceeds from sales of property, plant and equipment | | 16 | 45 |
| Total cash received | | 16 | 45 |
| Cash used | | | |
| Purchase of property, plant and equipment | | (2,624) | (1,500) |
| Total cash used | | (2,624) | (1,500) |
| Net cash / (used by) investing activities | | (2,608) | (1,455) |
| Net increase in cash held | | 7,209 | 9,195 |
| Cash and cash equivalents at the beginning of the reporting period | | 16,549 | 7,354 |
| Cash and cash equivalents at the end of the reporting period | NOTE 6A | 23,758 | 16,549 |

The above statement should be read in conjunction with the accompanying notes.

Note 1: Summary of Significant Accounting Policies

1.1 Overview

The Northern Land Council is a representative body with statutory authority under the *Aboriginal Land Rights (Northern Territory) Act 1976*. It also has responsibilities under the *Native Title Act 1993* and the *Pastoral Land Act 1992*. It is a not-for-profit entity. The objectives of the Northern Land Council are to:

- Advocate, protect and acquire Aboriginal property rights and interest in our traditional lands, water and seas through land claims and the native title process.
- Ensure the sustainable use and management of natural and cultural resources on Aboriginal lands.
- Protect Aboriginal sacred sites, places and object of significant cultural heritage.
- Support Aboriginal people to maintain sustainable communities, outstations and healthy lives.
- Facilitate economic opportunities that lead to viable and sustainable regional commercial activities and development in the regions.
- Advocate on behalf of Aboriginal people to raise broader community awareness of the role and vision of the NLC.
- Operate in accordance with best practice and reporting standards and obligations

The Northern Land Council is a statutory authority formed within the provision of Section 21 of the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA).

The Northern Land Council receives appropriations from the Aboriginal Benefit Account (ABA) pursuant to ministerially approved estimates prepared in accordance with Section 34 of the Act and made available under Section 64 of the Act.

The Northern Land Council is structured to meet the following outcomes:

Outcome 1: Access to Aboriginal Land is managed effectively and efficiently.

Outcome 2: Traditional owners are assisted to manage their land, sea and natural resources in a sustainable manner.

Outcome 3: To assist Aboriginal people to obtain or acquire property rights over their traditional land and seas.

Outcome 4: To secure economic, social and cultural benefits for Traditional Owners from developments taking place on Aboriginal land.

Outcome 5: Develop employment and training plans in partnership with industry and government stakeholders, and facilitate the implementation of these plans.

Outcome 6: Efficiently process exploration and mining license applications and provide accurate advice on potential environmental impacts and benefits.

Outcome 7: Empower Aboriginal people to carry out commercial activities and build sustainable enterprises.

Outcome 8: Advocate on behalf of Aboriginal people and express their views.

Outcome 9: Raise public awareness of the NLC's work and the views of Aboriginal people.

Outcome 10: Supporting Aboriginal people to maintain and protect their sacred sites and cultural heritage.

Outcome 11: Help Aboriginal people achieve their development potential by facilitating access to leadership and governance programs, resources, infrastructure and government services.

Outcome 12: Receive and distribute statutory and other payments for Aboriginal people.

Outcome 13: Assist Land Trusts' to act appropriately and in accordance with the ALRA.

Outcome 14: Support Traditional Owners to manage and resolve disputes.

The funding conditions of the Northern Land Council are laid down by the ALRA, and any special purpose grant guidelines. Accounting for monies received from the ABA is subject to conditions approved by the Minister for Indigenous Affairs.

The continued existence of the Northern Land Council in its present form with its present programs is dependent on Government policy and on continuing funding by Parliament for the Northern Land Council's administration and programs.

1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 (FRR)* for reporting periods ending on or after 1 July 2015; and
- b) Australian Accounting Standards and Interpretations – Reduced Disclosure Requirements issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and all values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FRR, assets and liabilities are recognised in the statement of financial position when and only when it is probable that future economic benefits will flow to the NLC or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executory contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in note 3B.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when, and only when, the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

1.3 Significant Accounting Judgements and Estimates

The NLC has made the following judgements and estimates that has the most significant impact on the amounts recorded in the financial statements:

- The NLC changed its estimates of the useful lives of its fixed assets to better reflect the estimated periods during which these assets will remain in service. For details refer to accounting policy in Note 7 (Changes in Accounting Judgements and Estimates); and
- Impairment allowance of \$342,455 has been made for doubtful debts impaired in the current year.

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

1.4 New Accounting Standards

New Accounting Standards and Interpretations not yet mandatory or early adopted

No accounting standard has been adopted earlier than the application date as stated in the standard.

All new/revised/amending standards and/or interpretations that were issued prior to sign-off date and are applicable to the current reporting period did not have a

material effect, and are not expected to have a future material impact on the Northern Land Council's financial statements.

The following new/revised/amending standards and/or interpretations were issued by the Accounting Standards Board prior to the signing of the statement by the accountable authority, chief executive officer and chief financial officer, on the entity's financial statements for future reporting period(s).

| Standard/ Interpretation | Application date | Nature of impending change/s in accounting policy and likely impact on initial application |
|--|---------------------|---|
| AASB 1058 Income of Not- for-Profit Entities | 1 Jan 2019 | <p>Income of Not-for-Profit Entities AASB 1058 will replace a part of AASB 1004 Contributions. Together with AASB 15, they contain a comprehensive and robust framework for the recognition, measurement and disclosure of income including revenue from contracts with customers. The requirements of AASB 1058 more closely reflect the economic reality of NFP entity transactions that are not contracts with customers (as defined in AASB 15). The timing of income recognition depends on whether such a transaction gives rise to a liability or other performance obligation, or contribution by owner related to an asset (such as cash or another asset) received by an entity. Under AASB 1058, revenue from capital grants that are provided under an enforceable agreement that have sufficiently specific obligations, will be deferred and recognised as the performance obligations are satisfied.</p> <p>NLC has undertaken a preliminary assessment of the impact of AASB 1058. Based on preliminary assessment, the Standard is not expected to have a material impact on the transactions and balances recognised in the financial statements ending 30 June 2019, however management's assessment is ongoing.</p> |
| AASB 16 - Leases | 1 Jan 2019 | <p>The standard replaces AASB 117 'Leases' and for lessees will eliminate the classifications of operating leases and finance leases. The key changes introduced by AASB 16 include the requirement to recognise most operating leases on the balance sheet, which will result in an increase in net debt. Subject to exceptions, a 'right-of-use' asset will be capitalised in the statement of financial position, measured as the present value of the unavoidable future lease payments to be made of the lease term.</p> |

| | | |
|------------------|------------|---|
| AASB 16 - Leases | 1 Jan 2019 | <p>The exceptions relate to short-term leases of 12 months or less and leases of low-value assets (such as personal computers and small office furniture) where an accounting policy choice exists whereby either a 'right-of-use' asset is recognised or lease payments are expensed to profit or loss as incurred. A liability corresponding to the capitalised lease will also be recognised, adjusted for lease prepayments, lease incentives received, initial direct costs incurred and an estimate of any future restoration, removal or dismantling costs. Straight-line operating lease expense recognition will be replaced with a depreciation charge for the leased asset (included in operating costs) and an interest expense on the recognised lease liability (included in finance costs). In the earlier periods of the lease, the expenses associated with the lease under AASB 16 will be higher when compared to lease expenses under AASB 117. However EBITDA (Earnings Before Interest, Tax, Depreciation and Amortisation) results will be improved as the operating expense is replaced by interest expense and depreciation in profit or loss under AASB 16. For classification within the statement of cash flows, the lease payments will be separated into both a principal (financing activities) and interest (either operating or financing activities) component. For lessor accounting, the standard does not substantially change how a lessor accounts for leases.</p> <p>NLC has undertaken a preliminary assessment of the impact of AASB 16. Based on preliminary assessment, the Standard is not expected to have a material impact on the transactions and balances recognised in the financial statements ending 30 June 2019, however management's assessment is ongoing.</p> |
|------------------|------------|---|

| | | |
|---|------------|--|
| AASB 15 Revenue from Contracts with Customers | 1 Jan 2019 | <p>The core principle of AASB 15 is to require an entity to recognise revenue when the entity satisfies a performance obligation by transferring a promised good or service to a customer. The changes in revenue recognition will result in changes to the timing and amount of revenue recognised.</p> <p>NLC has undertaken a preliminary assessment of the impact of AASB 15. Based on the preliminary assessment, the Standard is not expected to have a material impact on the transactions and balances recognised in the financial statements ending 30 June 2019, however management’s assessment is ongoing.</p> |
| AASB 9 Financial Instruments (Dec 2014), AASB 2014-1 Amendments to Australian Accounting Standards (Part E – Financial Instruments), AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (Dec 2014) | 1 Jan 2018 | <p>The final version of AASB 9 brings together the classification and measurement, impairment and hedge accounting phases of the IASB’s project to replace AASB 139 Financial instruments.</p> <p>Recognition and Measurement. This version adds a new expected loss impairment model and limited amendments to classification and measurement for financial assets.</p> <p>The standard does not impact the financial statements.</p> |

Note 2: Events after the Reporting Period

There are no subsequent events that had the potential to significantly affect the ongoing structure and financial activities of the Northern Land Council.

Note 3: Expenses

| | 2018 | 2017 |
|--|---------------|---------------|
| | \$'000 | \$'000 |
| Note 3A: Employee Benefits | | |
| Wages and salaries | 21,197 | 18,121 |
| Superannuation | | |
| Defined contribution plans | 2,445 | 2,158 |
| Leave and other entitlements | 939 | 955 |
| Total employee benefits | 24,581 | 21,234 |
| Note 3B: Suppliers | | |
| Goods and services supplied or rendered | | |
| Consultants | 4,022 | 2,720 |
| Stationery | 557 | 557 |
| Travel | 2,914 | 3,307 |
| Vehicle Expenses | 1,634 | 1,629 |
| Office Accommodation | 929 | 826 |
| IT/Communications | 2,135 | 1,882 |
| Payment to Grant Partners | 1,557 | 2,334 |
| Other | 3,992 | 3,468 |
| Total goods and services supplied or rendered | 17,740 | 16,723 |
| Other suppliers | | |
| Operating lease rentals | | |
| Minimum lease payments | 1,476 | 1,505 |
| Workers compensation expenses | 221 | 304 |
| Total other suppliers | 1,697 | 1,809 |
| Total suppliers | 19,437 | 18,532 |
| Leasing Commitments | | |
| Operating Lease Commitments | | |
| Within 1 year | 536 | 541 |
| Between 1 to 5 years | 1,040 | 1,095 |
| More than 5 years | 49 | 124 |
| Total Operating Lease Commitments | 1,625 | 1,760 |

Accounting Policy

The nature of operating leases relates to the leases for office accommodation and office equipment.

Lease payments are subject to annual increases in accordance with upwards movements in the Consumer Price Index. On expiry leases may be renewed for up to ten years at the Northern Land Council's option, following a once- off adjustment of rentals to current market levels.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

| | | |
|--|--------------|------------|
| Note 3C: Depreciation | | |
| Depreciation: | | |
| Property, plant and equipment | 2,631 | 596 |
| Buildings and leasehold | 375 | 378 |
| Total depreciation | 3,006 | 974 |
| Note 3D: Write-Down and Impairment of | | |
| Impairment on financial Instruments | 193 | 74 |
| Total write-down and impairment of assets | 193 | 74 |
| Note 3E: Loss on disposal of Assets | | |
| Proceeds from sale | 16 | 45 |
| Carrying value of assets disposed | 21 | 95 |
| Total loss from assets sales | 5 | 50 |

Note 4: Own-Source Income

| | 2018 | 2017 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| OWN-SOURCE REVENUE | | |
| Note 4A: Sale of Goods and Rendering of Services | | |
| Rendering of services in connection with | | |
| Related entities | 601 | 535 |
| External parties | 4,422 | 2,850 |
| Total sale of goods and rendering of services | 5,023 | 3,385 |
| Accounting Policy | | |
| Revenue from the sale of goods is recognised when: | | |
| <ul style="list-style-type: none"> a. the risks and rewards of ownership have been transferred to the buyer; b. the Northern Land Council retains no managerial involvement or effective control over the goods; c. the revenue and transaction costs incurred can be reliably measured; and d. it is probable that the economic benefits associated with the transaction will flow to the Northern Land Council. | | |
| Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when: | | |
| <ul style="list-style-type: none"> a. the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and b. the probable economic benefits with the transaction will flow to the Northern Land Council. | | |
| The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction. | | |
| Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed as at the end of the reporting period. Allowances are made when collectability of the debt is no longer probable. | | |
| Note 4B: Interest | | |
| Deposits | 401 | 210 |
| Total interest | 401 | 210 |
| Accounting Policy | | |
| Interest revenue is recognised using the effective interest method as set out in AASB 139 Financial Instruments: Recognition and Measurement. | | |

| | | |
|---|---------------|---------------|
| Note 4C: Reversals of Previous Asset write-downs and | | |
| Reversal of Impairment losses | 394 | 751 |
| TOTAL REVERSALS OF PREVIOUS ASSET WRITE-DOWNS AND IMPAIRMENTS | 394 | 751 |
| Note 4D: Revenue from Government - Department of The Prime Minister & Cabinet (PM&C) | | |
| Native Title Program | 5,060 | 4,575 |
| Others | 326 | 469 |
| | 5,386 | 5,045 |
| Note 4E: ABA s64 (1) | | |
| PMC - Revenue from ABA s64 (1) | 23,433 | 21,438 |
| | 23,433 | 21,438 |
| Note 4F: Revenue from Government-Special Purpose Grants | | |
| Department of The Prime Minister and Cabinet | 8,246 | 7,826 |
| Indigenous Land Corporation | 1,016 | 1,014 |
| Department of Defence | 318 | - |
| Department of Environment & Energy (NHT) | 1,125 | 862 |
| Department of Primary Industries & Resources | 120 | 120 |
| Department of Environment & Natural Resources | 1,121 | 175 |
| Department of Agriculture & Water Resources | 76 | 218 |
| ALFA (NT) Limited | 173 | 200 |
| Parks & Wildlife Commission | 232 | 228 |
| Territory Natural Resource Management | 94 | - |
| Central Land Council | 150 | - |
| Others | 90 | 188 |
| | 12,761 | 10,831 |

Accounting Policy

Funding received or receivable from Government is recognised as Revenue from Government when the Northern Land Council gains control of the appropriation, except for certain amounts that are reciprocal in nature, in which case revenue is recognised only when it is earned.

Appropriations receivable are recognised at their nominal amounts.

Note 5: Income tax expense (Competitive neutrality)

The Northern Land Council has been approved as a Public Benevolent Institution. The services of the Council are provided on a 'not-for-profit' basis. Therefore, the Northern Land Council is not subject to the Australian Government's Competitive Neutrality policy.

Accounting Policy

Taxation

The Northern Land Council is exempt from all forms of taxation except fringe benefits tax (FBT) and the goods and services tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- a. where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- b. for receivables and payables.

Competitive Neutrality

The Northern Land Council does not provide services on a for-profit basis.

Therefore, the Land Council is not required to make Australian Income Tax Equivalent payments to the Government.

Note 6: Financial Assets

| | 2018 | 2017 |
|--|---------------|---------------|
| | \$'000 | \$'000 |
| Note 6A: Cash and cash equivalents | | |
| Cash on hand or on deposit | 23,758 | 16,549 |
| Total cash and cash equivalents | 23,758 | 16,549 |
| Accounting Policy | | |
| Cash is recognised at its nominal amount. Cash and cash equivalents include: | | |
| a. cash on hand | | |
| b. demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. | | |
| Note 6B: Trade and other receivables | | |
| Goods and Services receivables | 711 | 1,216 |
| Total goods and services receivable | 711 | 1,216 |
| Grant receivables | | |
| External parties | 661 | 145 |
| Related parties | 61 | 17 |
| Total Grant receivables | 722 | 162 |
| Total Trade Receivables | 1,433 | 1,378 |
| Less impairment allowance | | |
| Grants Receivable | (40) | (40) |
| Goods and services | (303) | (504) |
| Total impairment allowance | (343) | (544) |
| Total trade and other receivables (Net) | 1,090 | 834 |
| Trade and other receivables (net) expected to be recovered: | | |
| No more than 12 months | 1,090 | 834 |
| Total trade and other receivables (Net) | 1,090 | 834 |

Accounting Policy**Loans and Receivables**

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Effective Interest Method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Income is recognised on an effective interest rate basis except for financial assets that are recognised at fair value through profit or loss.

**Reconciliation of the impairment allowance:
Movements in relation to 2018**

| | GOODS AND SERVICES 2018 | GRANTS RECEIVABLES 2018 | GST 2018 | TOTAL 2018 |
|----------------------|-------------------------------|-------------------------------|-------------|---------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Opening balance | 504 | 40 | - | 544 |
| Amounts written off | - | - | - | - |
| Amounts recovered | (394) | - | - | (394) |
| Impairment of assets | 193 | - | - | 193 |
| Closing balance | 303 | 40 | - | 343 |

Movements in relation to 2017

| | GOODS AND SERVICES 2017 | GRANTS RECEIVABLES 2017 | GST 2017 | TOTAL 2017 |
|----------------------|-------------------------------|-------------------------------|-------------|---------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Opening balance | 1,181 | 40 | - | 1,221 |
| Amounts written off | - | - | - | - |
| Amounts recovered | (751) | - | - | (751) |
| Impairment of assets | 74 | - | - | 74 |
| Closing balance | 504 | 40 | - | 544 |

Accounting Policy

Financial assets are assessed for impairment at the end of each reporting period.

Note 7: Non-Financial Assets

Note 7A: Reconciliation of the Opening and Closing Balances of Land, Buildings, Leasehold improvements and Property, Plant and Equipment

| Reconciliation of the opening and closing balance of Land, Buildings, Leasehold improvements and Property, Plant and Equipment for 2018 | | | | | |
|---|--------|-----------|------------------------|---------|---------|
| | Land | Buildings | Leasehold Improvements | PP & E | Total |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Balance as at 1 July 2017 | | | | | |
| Total as at 1 July 2017 | 290 | 2,340 | 1,710 | 4,574 | 8,914 |
| Additions by purchase | - | 54 | 1,874 | 696 | 2,624 |
| Depreciation | - | (59) | (316) | (2,631) | (3,006) |
| Disposals - other | - | - | - | (21) | (21) |
| Total as at 30 June 2018 | 290 | 2,335 | 3,268 | 2,618 | 8,511 |
| Total as at 30 June 2018 represented by: | | | | | |
| Gross book value | 290 | 2,394 | 3,584 | 5,247 | 11,515 |
| Accumulated depreciation | - | (59) | (316) | (2,629) | (3,004) |
| Total as at 30 June 2018 | 290 | 2,335 | 3,268 | 2,618 | 8,511 |

Revaluations of non-financial assets

All revaluations are conducted in accordance with the revaluation policy stated in accounting policy below. On 30 June 2017, an independent valuer conducted the valuation.

No indicators of impairment were found for Land, Buildings, Leasehold improvements and Property, Plant and Equipment at year end.

No Land, Buildings, Leasehold improvements and Property, Plant and Equipment are expected to be sold or disposed of within the next 12 months.

| Reconciliation of the opening and closing balance of Land, buildings, leasehold improvements and Property, Plant and Equipment for 2017 | | | | | |
|---|------------|--------------|------------------------|--------------|--------------|
| | Land | Buildings | Leasehold Improvements | PP & E | Total |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| As at 1 July 2016 | | | | | |
| Gross book value | 299 | 2,385 | 2,458 | 4,175 | 9,317 |
| Accumulated depreciation | - | (105) | (878) | (892) | (1,875) |
| Total as at 1 July 2016 | 299 | 2,280 | 1,580 | 3,283 | 7,443 |
| Additions by purchase | - | - | 69 | 1,430 | 1,500 |
| Revaluation and Impairments recognised in other comprehensive income | (9) | 119 | 380 | 552 | 1,042 |
| Depreciation | - | (60) | (319) | (596) | (974) |
| Disposals - other | - | - | - | (95) | (95) |
| Total as at 30 June 2017 | 290 | 2,340 | 1,710 | 4,574 | 8,914 |
| Total as at 30 June 2017 represented by: | | | | | |
| Gross book value | 290 | 2,340 | 1,710 | 4,574 | 8,914 |
| Accumulated depreciation | - | - | - | - | - |
| Total as at 30 June 2017 represented by: | 290 | 2,340 | 1,710 | 4,574 | 8,914 |

Accounting Policy

Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transfer of Northern Land Council’s accounts immediately prior to the restructuring.

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases below the capitalisation threshold, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The capitalisation thresholds values are:

| | |
|-----------------------------------|----------|
| Land | \$1 |
| Buildings | \$25,000 |
| Leasehold improvements | \$10,000 |
| Furniture and equipment | \$10,000 |
| Information technology (hardware) | \$10,000 |
| Information technology (software) | \$10,000 |
| Motor vehicles | \$10,000 |

Revaluations

Fair values for each class of asset are determined as shown below:

| Asset Class | Fair Value Measurement |
|--|------------------------------|
| Land | Market selling price |
| Buildings excluding Leasehold Improvements | Market selling price |
| Leasehold Improvements | Depreciated replacement cost |
| Other Property - Plant and Equipment | Market selling price |

Following initial recognition at cost, property plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

An independent valuer conducted the valuations and has provided a comprehensive review and valuation of all stated assets on 30 June 2017 for financial reporting purposes. This valuation was performed in accordance with all aspects of the relevant accounting, insurance and valuation framework, which includes (but is not limited to) the International Valuation Standards (IVS) 2014 which are endorsed by the Australian Property Institute, AASB 116 Property, Plant and Equipment and Public Governance, Performance and accountability (Financial Reporting) Rule 2015.

Extent of Investigation

The extent of investigation undertaken by the valuer in completing the valuation has included:

- collation of information from relevant parties regarding the subject property;
- undertaking research regarding the subject property;
- an inspection of the property and measurement of buildings where required, and;
- undertaking market research in terms of values and/or costs of similar properties;
- an inspection of the property and measurement of buildings where required, and;
- undertaking market research in terms of values and/or costs of similar properties;

Valuation Approaches

AASB 13 recognises three valuation approaches to measure fair value:

- Market approach: based on market transactions involving identical or similar assets or liabilities.
- Income approach: based on future amounts (e.g., cash flows or income and expenses) that are converted (discounted) to a single present amount.
- Cost approach: based on the amount required to replace the service potential of an asset.

Adopted Valuation Method

In practice, there are number of methods under each of these three primary approaches. In some cases, it may be appropriate to use more than one approach or method in order to arrive at the valuation, especially where there is shortage of market data to fully support the use of one method.

For the purpose of this valuation for financial reporting purposes, the market approach and cost approach has been adopted. Due regard has been given to sales of comparable properties.

Transfers

The Land Council deems any transfers between levels of the fair value hierarchy to have occurred at the end of the reporting period.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Northern Land Council using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

| | 2018 | 2017 |
|------------------------------|------------|---------------|
| Buildings on Freehold Land | 40 years | 10 - 40 years |
| Leasehold Improvements | Lease term | Lease term |
| Office Furniture & Equipment | 3 years | 3 to 5 years |
| Motor Vehicles | 5 years | 3 to 10 years |
| Plant & Equipment | 3 years | 3 years |

Impairment

All assets were assessed for impairment at 30 June 2018. Where indications of impairment exist, the assets' recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount. The recoverable amount of an asset is the higher of its fair value less costs of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Northern Land Council were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Changes in Accounting Judgements and Estimates

The NLC has performed a review of the estimated useful lives of its fixed assets. This review indicated that the actual lives of certain assets were shorter than the estimated useful lives used for depreciation purposes. As a result, effective 1 July 2017, the NLC changed its estimates of the useful lives of its fixed assets to better reflect the estimated periods during which these assets will remain in service. The estimated useful lives of the motor vehicles that previously averaged up to ten years were reduced to 5 years, similarly Office Furniture & equipment that previously averaged up to 5 years were reduced to 3 years. The effect of this change in estimate increased 2018 depreciation expense by \$1,988,794. It is impracticable to determine the effect of this change for future periods. Total gross carrying value of assets, which are fully depreciated, but still in use is \$1,635,361.

| | 2018 | 2017 |
|--|------------|------------|
| | \$'000 | \$'000 |
| Note 7B: Other Non-Financial Assets | | |
| Other | 57 | 13 |
| Prepayments | 369 | 246 |
| Total other non-financial assets | 426 | 259 |

Other non financial assets to be recovered

All other non financial assets are expected to be recovered in no more than 12 months.

No indicators of impairment were found for other non-financial assets.

Note 8: Payables

| | 2018 | 2017 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| Note 8A: Suppliers | | |
| Trade creditors and accruals | 1,374 | 1,111 |
| Total suppliers | 1,374 | 1,111 |
| Suppliers expected to be settled | | |
| All Suppliers are expected to be settled in no more than 12 months | | |
| Settlement was usually made within 30 days. | | |
| Note 8B: Other Payables | | |
| Salaries and wages | 262 | 180 |
| Superannuation | 233 | 170 |
| GST payable to the Australian Taxation Office | 362 | 590 |
| Other | 7 | 387 |
| Total other payables | 865 | 1,326 |
| Total other payables expected to be settled | | |
| All other payables are expected to be settled in no more than 12 months | | |

Note 9: Unearned Revenue

| | 2018 | 2017 |
|--|---------------|--------------|
| | \$'000 | \$'000 |
| Advance Payments | 16,525 | 9,708 |
| Total Unearned Revenue | 16,525 | 9,708 |
| Total Unearned Revenue expected to be settled | | |
| All unearned revenue is expected to be settled in no more than 12 months. Unearned revenue is made up of various special purpose grants and projects, which will be used as per grant agreements. | | |

Note 10: Employee provisions

| | 2018 | 2017 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| Leave | 3,676 | 3,241 |
| Total employee provisions | 3,676 | 3,241 |
| Employee provisions expected to be settled | | |
| No more than 12 months | 2,741 | 2,260 |
| More than 12 months | 935 | 980 |
| Total employee provisions | 3,676 | 3,241 |

Accounting policy

Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 Employee Benefits) and termination benefits due within twelve months of the end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that applied at the time the leave is taken, including the Northern Land Council's employer superannuation contribution rates, to the extent that the leave is likely to be taken during service rather than paid out on termination.

Liabilities for current employee benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

NLC used the shorthand method to calculate the long service leave liability.

Superannuation

The Northern Land Council's staff can choose their own super fund with most members being with MLC Master Key Super. The entity makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by the enterprise agreement. The liability of superannuation recognised as at 30 June represents outstanding contributions.

Note 11: Contingent Assets and Liabilities

| | CLAIMS FOR DAMAGES OR COSTS | |
|---------------------------------------|-----------------------------|--------|
| | 2018 | 2017 |
| | \$'000 | \$'000 |
| Contingent Liabilities | | |
| Balance from previous period | 600 | 160 |
| New contingent liabilities recognised | 32 | 440 |
| Obligations expired | (598) | - |
| Total contingent liabilities | 34 | 600 |

Quantifiable Contingencies

The above table contains \$34,000 of contingent liabilities disclosed in respect to claims for damages/costs (2017: \$600,000). The amount represents an estimate of the Northern Land Council's liability based on precedent cases. The Council is defending the claims.

The nature of decisions of the Northern Land Council mean that at times the decisions are subject to dispute and judicial review. Specific information about legal matters is not disclosed where the information would be prejudicial to the Northern Land Council.

Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

Note 12: Related Party Disclosures

| The Council Executive Members who held office during the year ended 30 June 2018 were: | |
|--|--------------------|
| Samuel Bush-Blanasi | Chairperson |
| John Christophersen | Deputy Chairperson |
| Richard Dixon | Executive |
| Raymond Hector | Executive |
| Ronald Lami Lami | Executive |
| Peter Lansen | Executive |
| Helen Lee | Executive |
| Elizabeth Sullivan | Executive |
| Bobby Wunungmurra | Executive |
| <p>Full Council elections were held in November 2016. The elections are held every three years to elect a new Full Council and Executive Council. The next call for nominations will be held in November 2019.</p> <p>There were no loans made to directors or other transactions with Directors or Director - Related Entities during the year.</p> | |

Note 13: Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the NLC, directly or indirectly, including any Director of the NLC. The NLC has determined the key management personnel to be the Executive Council members and leadership group, which consists of the CEO and Branch managers. Key management personnel remuneration is reported in the table below:

| | 2018 | 2017 |
|--|--------------|--------------|
| | \$'000 | \$'000 |
| Short-term employee benefits: | | |
| Salary | 2,169 | 2,022 |
| Performance bonus | 10 | - |
| Total short-term employee benefits | 2,179 | 2,022 |
| Post-employment benefits: | | |
| Superannuation | 284 | 256 |
| Total post-employment benefits | 284 | 256 |
| Other long-term employee benefits: | | |
| Annual leave | 192 | 171 |
| Long-service leave | 4 | 3 |
| Total other long-term employee benefits | 196 | 174 |
| Total key management personnel remuneration expenses | 2,659 | 2,452 |
| The total number of key management personnel that are included in the above table are 19 (2017: 19). | | |

Note 14: Remuneration of Auditors

| | 2018 | 2017 |
|--|-----------|-----------|
| | \$'000 | \$'000 |
| Remuneration to auditors for the reporting period are as follows: | | |
| Australian National Audit Office (ANAO) - Statutory audit | 71 | 69 |
| HLB Mann Judd - Grant Audits | 10 | 10 |
| | 81 | 79 |
| The audit fees above report the costs associated with auditing each financial year. No other services were provided by the Australian National Audit Office and HLB Mann Judd. | | |

Note 15: Financial Instruments

| | 2018 | 2017 |
|---|---------------|---------------|
| | \$'000 | \$'000 |
| 15A Categories of financial instruments | | |
| Financial Assets | | |
| Loans and receivables | | |
| Cash and Cash Equivalents | 23,758 | 16,549 |
| Trade and Other Receivables | 1,090 | 834 |
| Total Loan and Receivables | 24,848 | 17,383 |
| Total financial assets | 24,848 | 17,383 |
| Financial Liabilities | | |
| Financial liabilities measured at amortised cost | | |
| Suppliers | 1,374 | 1,111 |
| Other payables | 865 | 1,326 |
| Total financial liabilities at amortised cost | 2,239 | 2,437 |
| Total financial liabilities | 2,239 | 2,437 |
| 15B Net gain or losses on financial assets | | |
| Loans and receivables | | |
| Interest revenue | 401 | 210 |
| Net gain/(losses) on loans and receivables | 401 | 210 |
| 15C Fair value of financial instruments | | |

The carrying amount of the financial assets and liabilities is a reasonable approximation of fair value due to their short term nature.

Accounting Policy

Financial Assets

The Northern Land Council classifies its financial assets as loans and receivables. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon trade date.

Financial Liabilities

Financial liabilities are recognised and derecognised upon trade date. Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

Note 16 : Royalty Assets Held in Trust

Monetary Assets

The Northern Land Council maintains a Royalty Trust Account. Monies received on behalf of Associations of Aboriginal people and individuals, under both the Aboriginal Land Rights (Northern Territory) Act 1976 [ALR(NT) Act 1976], and the Native Title Act 1993 are held in the royalty trust account, and are distributed according to the terms and conditions of the individual agreements. These monies mainly come from government agencies, mining and exploration companies and various commercial operators. Majority of the agreements are continuous agreements whereas some are one off agreements. These monies are not available for other purposes and are not recognised in the financial statement of the Northern Land Council.

Non-monetary Assets

The Council had no non-monetary assets held in trust in both the current and prior reporting periods.

| Royalty Trust Account - Monetary Asset | | |
|---|-----------------|-----------------|
| | 2018 | 2017 |
| | \$'000 | \$'000 |
| Cash held at the beginning of the reporting period | 49,397 | 45,111 |
| RECEIPTS | | |
| ABA Section 64 (3) Royalty Equivalents | 17,322 | 14,674 |
| Section 15, 16 & 19 rental and lease monies | 22,418 | 19,273 |
| Section 42, 43 and 44 mining Exploration negotiated monies | 16,457 | 12,765 |
| Native Title | 3,920 | 4,895 |
| Contract Administration | 221 | 293 |
| Other monies | 844 | 831 |
| Total Receipts | 61,182 | 52,731 |
| PAYMENTS | | |
| ABA Section 35 (2) Royalty Equivalents | (17,322) | (16,880) |
| Section 35 (3) rental and lease monies | (21,659) | (16,448) |
| Section 35 (4) negotiated monies | (18,484) | (10,682) |
| Native Title | (5,705) | (1,554) |
| Contract Administration | (100) | (282) |
| Other monies | (254) | (504) |
| Total Payments | (63,524) | (46,350) |
| GST PAID TO ATO | (2,324) | (2,095) |
| Total amount held at the end of the reporting period | 44,730 | 49,397 |
| Cash at bank | 44,730 | 49,397 |

The reporting requirements of the Aboriginal Land Rights (Northern Territory) Act 1976 are detailed in section 37 (3) - (5), and refer to the application of monies received by the Northern Land Council under various sections of the Act, in particular under sub-section 64(3).

| Receipts under section 64(3), as referred in section 35(2): | | |
|---|----------|----------|
| | 2018 | 2017 |
| | \$'000 | \$'000 |
| Opening balance | - | 2,206 |
| Funds received | 17,322 | 14,674 |
| Funds distributed to the following associations: | | |
| Gumatj Aboriginal Corporation | (10,308) | (10,536) |
| Rirratjingu Aboriginal Corporation | (3,172) | (2,563) |
| Laynhapuy Homelands Aboriginal Corporation | (2,379) | (1,922) |
| Gundjeihmi Aboriginal Corporation | (1,463) | (1,859) |
| Guyanggan Aboriginal Corp | - | - |
| Funds awaiting distribution | - | - |
| Closing balance | - | - |

Determination Pursuant to Section 35(2) *Aboriginal Land Rights (Northern Territory) Act 1976*

Gove Rio Alcan project royalty equivalents received pursuant to Section 64(3)

The Northern Land Council determines pursuant to sub-section 35(2) that for the next 5 years (subject to any further determination within that period) amounts equal to all monies received under s.64(3) with respect to the Gove Alcan Project are to be apportioned and paid as follows:

| |
|---|
| Gumatj Aboriginal Corporation 65% |
| Rirratjingu Aboriginal Corporation 20% |
| Laynhapuy Homelands Aboriginal Corporation 15% |
| Resolution Number: C110/4784 |
| Note: This determination will expire on 17 June 2020. |

Determination Pursuant to Section 35(2) *Aboriginal Land Rights (Northern Territory) Act*

Ranger Project royalty equivalents received pursuant to Section 64(3)

The Northern Land Council determines pursuant to sub-section 35(2) that for the next 5 years amounts equal to all monies received under s.64(3) with respect to the Ranger Project are to be paid to Gundjeihmi Aboriginal Corporation.

The Northern Land Council determines pursuant to sub section 35(2) that for the next 5 years amounts equal to all monies received under s.64(3) with respect to the Ranger Project are to be paid to Gundjeihmi Aboriginal Corporation.

Resolution: C 110/4785

Note: This determination will expire on 17 June 2020.

Community Planning and Development Fund:

The NLC's Community Planning and Development (CP&D) Program, endorsed by the NLC Full Council in November 2016 and commenced in the financial year 2017-18, supports groups of Aboriginal people to plan and implement projects that bring lasting community benefit (social, cultural, economic, environmental), using income that they receive from land use agreements. It is a voluntary, consent-based approach based on the principles of Aboriginal people self-determination and participation, with Aboriginal people control and decision-making at every step. Approved CP&D Program designated funds are held on trust by the NLC for community benefit purposes, and then applied in accordance with the consultation and planning processes set out in the CP&D Program. Where there is a decision by Traditional Owners to set aside monies from payments in respect of Aboriginal land for community development projects, the NLC and its CP&D Program administer those funds in accordance with its obligations under the Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA).

| | 2018 |
|---|--------------|
| | \$'000 |
| Cash held at the beginning of the reporting period | - |
| RECEIPTS | |
| Malak Malak | 176 |
| Gapuwiyak | 415 |
| Galiwinku | 1,035 |
| Ngukurr | 236 |
| VRD | 500 |
| Other | 127 |
| Total Receipts | 2,489 |
| PAYMENTS | |
| Malak Malak | 49 |
| Gapuwiyak | 40 |
| Galiwinku | 264 |
| Ngukurr | 92 |
| Total Payments | 445 |
| Total amount held at the end of the reporting period | 2,044 |
| Cash at bank | 2,044 |

Note 17A: ABA Special Purpose Grant Funerals and Ceremony

| | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | Total |
|-----------------------------|-----------------|------------------|------------------|----------------|-----------------|-----------------|----------------|------------------|------------------|
| | Actual | Actual | Actual | Actual | Actual | Actual | Actual | Actual | Actual |
| Income | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Aboriginals Benefit Account | - | 500,000 | 500,000 | 500,000 | 340,379 | 290,788 | 469,127 | 325,500 | 2,925,794 |
| Recoveries | 1,231 | - | 2,980 | - | - | - | - | - | 4,211 |
| Total Income | 1,231 | 500,000 | 502,980 | 500,000 | 340,379 | 290,788 | 469,127 | 325,500 | 2,930,005 |
| Expenditure | | | | | | | | | |
| Borrooloola/Barkly Region | 5,126 | 40,933 | 64,429 | 26,295 | 43,285 | 25,755 | 33,065 | 27,329 | 266,218 |
| Darwin/Daly Region | 16,039 | 131,425 | 212,689 | 110,203 | 82,068 | 73,354 | 50,715 | 89,588 | 766,080 |
| Jabiru Region | 15,304 | 118,418 | 182,395 | 82,057 | 75,330 | 64,389 | 46,492 | 90,275 | 674,660 |
| Katherine Region | 19,542 | 97,477 | 80,050 | 65,739 | 56,049 | 75,100 | 61,818 | 74,058 | 529,832 |
| Ngukurr Region | 7,964 | 45,551 | 29,091 | 44,477 | 24,518 | 24,136 | 36,480 | 28,726 | 240,943 |
| Nhulunbuy Region | 16,443 | 154,743 | 135,477 | 77,804 | 66,735 | 83,503 | 69,929 | 113,890 | 718,524 |
| Tennant Creek | 2,054 | 13,325 | 33,747 | 11,826 | 14,486 | 12,276 | 4,113 | 10,909 | 102,737 |
| Timber Creek (VRD) Region | 6,706 | 28,932 | 33,962 | 14,545 | 15,441 | 19,215 | 10,470 | 27,467 | 156,738 |
| Administration | 77 | 1,833 | 3,653 | (1,682) | 1,400 | - | - | - | 5,281 |
| Total | | | | | | | | | |
| Expenditure | 89,255 | 632,637 | 775,493 | 431,265 | 379,312 | 377,728 | 313,082 | 462,241 | 3,461,013 |
| Surplus (Deficit) | (88,024) | (132,637) | (272,513) | 68,735 | (38,933) | (86,940) | 156,045 | (136,741) | (531,008) |

Note 17B: ABA - Capital Works/Infrastructure

| | 2016/17 Actual | 2017/18 Actual | Total Actual |
|--------------------------|-------------------|-------------------|------------------|
| | \$ | \$ | \$ |
| INCOME | | | |
| Grant Income | - | 1,822,751 | 1,822,751 |
| Grant Income | - | 1,822,751 | 1,822,751 |
| EXPENDITURE | | | |
| Salaries & Wages | - | - | - |
| Superannuation | - | - | - |
| Other Wage On-cost | - | - | - |
| Property Costs | - | - | - |
| Travel Related Expenses | 4,171 | 6,447 | 10,618 |
| Consultants | 61,409 | 93,284 | 154,693 |
| Fleet Costs | - | - | - |
| Meeting Costs | - | - | - |
| Building/Capital Works | - | 464,894 | 464,894 |
| Equipment Expenses | - | - | - |
| Total Expenditure | 65,580 | 564,624 | 630,204 |
| Balance brought forward | 319,026 | - | 319,026 |
| Balance Of Funds | 253,446 | 1,258,127 | 1,511,573 |

Note 17C: ABA - Construct a Cultural Display Tjuwaliyn (Douglas) Hot Springs

| | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | Total |
|---------------------------|---------------|---------------|--------------|---------------|-----------------|----------------|---------------|
| | Actual | Actual | Actual | Actual | Actual | Actual | Actual |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Income | | | | | | | |
| Grant Income | 10,000 | 35,000 | - | 28,000 | 7,000 | - | 80,000 |
| Total Income | 10,000 | 35,000 | - | 28,000 | 7,000 | - | 80,000 |
| EXPENDITURE | | | | | | | |
| Motor Vehicle Expenses | - | 273 | (273) | - | - | - | - |
| Audit & Acct. Fees | 800 | - | - | - | - | - | 800 |
| Telephone & Fax | - | - | - | - | - | - | - |
| Consultants Other | 7,000 | - | - | 24,000 | 41,200 | 7,000 | 79,200 |
| Minor Equipment Purchases | - | - | - | - | - | - | - |
| Total Expenditure | 7,800 | 273 | (273) | 24,000 | 41,200 | 7,000 | 80,000 |
| Surplus (Deficit) | 2,200 | 34,727 | 273 | 4,000 | (34,200) | (7,000) | - |

Part 4a



Native Title Representative Body Annual Financial Statement 2017/2018

Public Governance, Performance and Accountability Act 2013 & Native Title Act 1993

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AUDITOR'S REPORT



INDEPENDENT AUDITOR'S REPORT

To the Minister for Indigenous Affairs

Opinion

In my opinion, the financial statements of the Northern Land Council as Native Title Representative Body for the year ended 30 June 2018:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Northern Land Council as Native Title Representative Body as at 30 June 2018 and its financial performance and cash flows for the year then ended.

The financial statements of the Northern Land Council as Native Title Representative Body, which I have audited, comprise the following statements as at 30 June 2018 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to the financial statements, comprising a Summary of Significant Accounting Policies and other explanatory information.

Basis for Opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Northern Land Council as Native Title Representative Body in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's Responsibility for the Financial Statements

As the Accountable Authority of the Northern Land Council as Native Title Representative Body the Chairman and Chief Executive Officer are responsible under the *Public Governance, Performance and Accountability Act 2013* for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under that Act. The Chairman and Chief Executive Officer are also responsible for such internal control as the Chairman and Chief Executive Officer determine is necessary to enable the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chairman and Chief Executive Officer are responsible for assessing the Northern Land Council as Native Title Representative Body's ability to continue as a going concern, taking into account whether the entity's operations will cease as a result of an administrative restructure or for any other reason. The Chairman and Chief Executive Officer are also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's Responsibilities for the Audit of the Financial Statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Rita Bhana
Senior Director
Delegate of the Auditor-General
Canberra
28 September 2018

NORTHERN LAND COUNCIL - NATIVE TITLE REPRESENTATIVE BODY STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

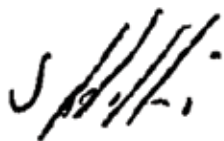
The Northern Land Council (NLC) is a Native Title Representative Body (NTRB) under the Native Title Act 1993 and a land council under the Aboriginal Land Rights (Northern Territory) Act 1976. Since being recognised as an NTRB, the NLC has performed the functions of the NTRB in association with other NLC functions.

While separate books and records are not maintained by the NLC for the NTRB, the revenue and expenditure is recorded as separate cost centres within the NLC financial books and records for the current year and assets and liabilities have been able to be separately identified as detailed in the financial statements.

In our opinion, the attached financial statements for the year ended 30 June 2018 comply with subsection 42(2) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

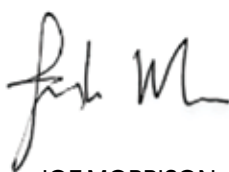
In our opinion, at the date of this statement, there are reasonable grounds to believe that the Body will be able to pay its debts as and when they become due and payable.

This Statement is made in accordance with a resolution of the directors.



SAMUEL BUSH-BLANASI

Chairman / Accountable Authority



JOE MORRISON

Chief Executive Officer /
Accountable Authority



JOE VALENTI

Chief Financial Officer

28 September 2018

STATEMENT OF COMPREHENSIVE INCOME

for the year ended 30 June 2018

| NET COST OF SERVICES | Notes | 2018 | 2017 |
|--|-------|--------------|--------------|
| | | \$'000 | \$'000 |
| EXPENSES | | | |
| Employee benefits | 3A | 2,802 | 2,091 |
| Suppliers | 3B | 2,588 | 2,871 |
| Write-down and impairment of assets | 3C | - | 2 |
| Total Expenses | | 5,390 | 4,964 |
| OWN-SOURCE INCOME | | | |
| Own-source revenue | | | |
| Sale of goods and rendering of services | 4A | - | 481 |
| Interest | 4B | 37 | 42 |
| Total own-source revenue | | 37 | 522 |
| Gains | | | |
| Reversals of previous asset write-downs and impairments | 4D | 217 | 139 |
| Total gains | | 217 | 139 |
| Total own-source income | | 254 | 661 |
| Net cost of services | | 5,136 | 4,303 |
| Revenue from Government- Department of The Prime Minister & Cabinet (PM&C) | 4C | 5,060 | 4,575 |
| Total revenue from Government | | 5,060 | 4,575 |
| Surplus / (Deficit) attributable to the Australian Government | | (76) | 272 |
| Total comprehensive income / (loss) attributable to the Australian Government | | (76) | 272 |

The above statement should be read in conjunction with the accompanying notes.

STATEMENT OF FINANCIAL POSITION

as at 30 June 2018

| | Notes | 2018 | 2017 |
|-------------------------------|-------|--------------|--------------|
| | | \$'000 | \$'000 |
| ASSETS | | | |
| Financial Assets | | | |
| Cash and cash equivalents | 6A | 1,541 | 2,263 |
| Trade and other receivables | 6B | 16 | - |
| Inter-entity receivable | 6C | 338 | - |
| Total financial assets | | 1,895 | 2,263 |
| Total Assets | | 1,895 | 2,263 |
| LIABILITIES | | | |
| Payables | | | |
| Inter-entity payable | 7A | - | 458 |
| Other payable | 7B | 271 | 159 |
| Total payables | | 271 | 617 |
| Provisions | | | |
| Employee provisions | 8 | 299 | 245 |
| Total provisions | | 299 | 245 |
| Total Liabilities | | 570 | 862 |
| Net Assets | | 1,325 | 1,401 |
| EQUITY | | | |
| Retained surplus | | 1,325 | 1,401 |
| Total Equity | | 1,325 | 1,401 |

The above statement should be read in conjunction with the accompanying notes.

STATEMENT OF CHANGES IN EQUITY

for the year ended 30 June 2018

| | RETAINED EARNINGS | | TOTAL EQUITY | |
|--|-------------------|--------------|--------------|--------------|
| | 2018 | 2017 | 2018 | 2017 |
| | \$'000 | \$'000 | \$'000 | \$'000 |
| OPENING BALANCE | | | | |
| Balance carried forward from previous period | 1,401 | 1,129 | 1,401 | 1,129 |
| Adjusted opening balance | 1,401 | 1,129 | 1,401 | 1,129 |
| Comprehensive Income | | | | |
| Surplus (Deficit) for the period | (76) | 272 | (76) | 272 |
| Total Comprehensive Income | (76) | 272 | (76) | 272 |
| Closing Balance as at 30 June | 1,325 | 1,401 | 1,325 | 1,401 |

The above statement should be read in conjunction with the accompanying notes.

CASH FLOW STATEMENT

for the year ended 30 June 2018

| | NOTES | 2018 | 2017 |
|--|-------|----------------|----------------|
| | | \$'000 | \$'000 |
| OPERATING ACTIVITIES | | | |
| Cash received | | | |
| Sales of goods and rendering of services | | 217 | 668 |
| Receipts from Government | | 5,264 | 4,738 |
| Interest | 4B | 37 | 42 |
| Total cash received | | 5,518 | 5,447 |
| Cash used | | | |
| Employees | | (3,157) | (2,388) |
| Suppliers | | (2,836) | (2,980) |
| Net GST paid | | (247) | (219) |
| Total cash used | | (6,240) | (5,586) |
| Net cash from/(used by) operating activities | | (722) | (138) |
| Net increase/(decrease) in cash held | | (722) | (138) |
| Cash and cash equivalent at the beginning of the reporting period | | 2,263 | 2,401 |
| Cash and cash equivalent at the end of the reporting period | 6A | 1,541 | 2,263 |

The above statement should be read in conjunction with the accompanying notes.

Note 1: Summary of Significant Accounting Policies

1.1 Overview

The Northern Land Council is a Native Title Representative Body (NTRB) under the Native Title Act 1993 and a Land Council under the Aboriginal Land Rights (Northern Territory) Act 1976. Since being recognised as an NTRB, the NLC has performed the functions of the NTRB in association with other NLC functions. It is a not-for-profit entity.

The general functions of the NTRB are to:

- Assist claimants in the preparation of anthropological and historical evidence in support of their claim applications,
- Respond to 'future act' applications (for example, proposed mining on native title land subject to registered native title claim)
- Provide claimants with legal representation e.g. negotiations for Indigenous Land Use Agreements (ILUAs), and
- Act as mediators between the claimants and the Government.

Proving native title is difficult and involves a lot of historical and anthropological research into the area involved in the native title claim. This is a time-consuming and resource-intensive process for NTRB field and community liaison officers, anthropologists, legal officers and research staff involved in preparing a claim, attending court, mediation and consultation. Other functions of NTRBs include certification, dispute resolution, consultation and notification and agreement making.

The NTRB is dependent on the continued release of these funds for its continued existence and ability to carry out its normal activities. The funding conditions of the NTRB are laid down by the Native Title Act, and any special purpose grant guidelines. Accounting for monies received from the Department of the Prime Minister and Cabinet (PM&C) is subject to conditions approved by the Land Rights Branch.

1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 42 of the Public Governance, Performance and Accountability Act 2013 and section 203DC [4] of the Native Title Amendment Act 1998.

The financial statements have been prepared in accordance with:

- a. Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 (FRR); and
- b. Australian Accounting Standards and Interpretations – Reduced Disclosure Requirements issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The NLC has prepared the statement of comprehensive income, statement of financial position and cash flow statement applicable to the NTRB operation and function. All NTRB account balances have been identified from within the NLC financial information system and accurately extracted from the NLC accounts, representing the completeness and existence of all assets and liabilities of the NTRB. The NLC maintains

an NTRB revenue and expenditure cost centre and the statement of comprehensive income is a complete and accurate record of NTRB revenue and expenditure.

The NTRB financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and all values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FRR, assets and liabilities are recognised in the NTRB statement of financial position when and only when it is probable that future economic benefits will flow to the entity or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executory contracts are not recognised unless required by an accounting standard. Liabilities and Assets that are unrecognised are reported in the contingencies note.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when, and only when, the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

1.3 Significant Accounting Judgements and Estimates

No accounting assumptions or estimated have been identified that have significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

1.4 New Accounting Standards

New Accounting Standards and Interpretations not yet mandatory or early adopted

No accounting standard has been adopted earlier than the application date as stated in the standard.

All new/revised/amending standards and/or interpretations that were issued prior to sign-off date and are applicable to the current reporting period did not have a material effect, and are not expected to have a future material impact on the Northern Land Council's financial statements as a NTRB.

The following new/revised/amending standards and/or interpretations were issued by the Accounting Standards Board prior to the signing of the statement by the accountable authority, chief executive officer and chief financial officer, on the entity's financial statements for future reporting period(s).

| Standard/ Interpretation | Application date | Nature of impending change/s in accounting policy and likely impact on initial application |
|--|---------------------|--|
| AASB 1058 Income of Not-for-Profit Entities | 1 Jan 2019 | <p>Income of Not-for-Profit Entities AASB 1058 will replace a part of AASB 1004 Contributions. Together with AASB 15, they contain a comprehensive and robust framework for the recognition, measurement and disclosure of income including revenue from contracts with customers. The requirements of AASB 1058 more closely reflect the economic reality of NFP entity transactions that are not contracts with customers (as defined in AASB 15). The timing of income recognition depends on whether such a transaction gives rise to a liability or other performance obligation, or contribution by owner related to an asset (such as cash or another asset) received by an entity. Under AASB 1058, revenue from capital grants that are provided under an enforceable agreement that have sufficiently specific obligations, will be deferred and recognised as the performance obligations are satisfied.</p> <p>NTRB has undertaken a preliminary assessment of the impact of AASB 1058. Based on preliminary assessment, the Standard is not expected to have a material impact on the transactions and balances recognised in the financial statements ending 30 June 2019, however management's assessment is ongoing.</p> |
| AASB 16 - Leases | 1 Jan 2019 | <p>The standard replaces AASB 117 'Leases' and for lessees will eliminate the classifications of operating leases and finance leases. The key changes introduced by AASB 16 include the requirement to recognise most operating leases on the balance sheet, which will result in an increase in net debt. Subject to exceptions, a 'right-of-use' asset will be capitalised in the statement of financial position, measured as the present value of the unavoidable future lease payments to be made of the lease term. The exceptions relate to short-term leases of 12 months or less and leases of low-value assets (such as personal computers and small office furniture) where an accounting policy choice exists whereby either a 'right-of-use' asset is recognised or lease payments are expensed to profit or loss as incurred. A liability corresponding to the capitalised lease will also be recognised, adjusted for lease prepayments, lease incentives received, initial direct costs incurred and an estimate of any future restoration, removal or dismantling costs.</p> <p>Straight-line operating lease expense recognition will be replaced with a depreciation charge for the leased</p> |

| | | |
|---|------------|---|
| | | <p>asset (included in operating costs) and an interest expense on the recognised lease liability (included in finance costs). In the earlier periods of the lease, the expenses associated with the lease under AASB 16 will be higher when compared to lease expenses under AASB 117. However EBITDA (Earnings Before Interest, Tax, Depreciation and Amortisation) results will be improved as the operating expense is replaced by interest expense and depreciation in profit or loss under AASB 16. For classification within the statement of cash flows, the lease payments will be separated into both a principal (financing activities) and interest (either operating or financing activities) component. For lessor accounting, the standard does not substantially change how a lessor accounts for leases.</p> <p>NTRB has undertaken a preliminary assessment of the impact of AASB 16. Based on preliminary assessment, the Standard is not expected to have a material impact on the transactions and balances recognised in the financial statements ending 30 June 2019, however management's assessment is ongoing.</p> |
| AASB 15 Revenue from Contracts with Customers | 1 Jan 2019 | <p>The core principle of AASB 15 is to require an entity to recognise revenue when the entity satisfies a performance obligation by transferring a promised good or service to a customer. The changes in revenue recognition will result in changes to the timing and amount of revenue recognised.</p> <p>The standard does not impact the financial statements.</p> |
| AASB 9 Financial Instruments (Dec 2014), AASB 2014-1 Amendments to Australian Accounting Standards (Part E – Financial Instruments), AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (Dec 2014) | 1 Jan 2018 | <p>The final version of AASB 9 brings together the classification and measurement, impairment and hedge accounting phases of the IASB's project to replace AASB 139 Financial instruments.</p> <p>Recognition and Measurement. This version adds a new expected loss impairment model and limited amendments to classification and measurement for financial assets.</p> <p>The standard does not impact the financial statements.</p> |

1.5 Comparative Figures

Certain comparative amounts have been reclassified to conform with the 2018 financial year's reporting presentation.

Note 2: Events after the Reporting Period

There are no events that have occurred after reporting date that have been brought to account in the 2017/18 Financial Report.

Note 3: Expenses

| | 2018 | 2017 |
|--|--------------|--------------|
| | \$'000 | \$'000 |
| Note 3A: Employee Benefits | | |
| Wages and salaries | 2,479 | 1,891 |
| Superannuation | | |
| Defined contribution plans | 259 | 209 |
| Leave and other entitlements | 64 | (9) |
| Total employee benefits | 2,802 | 2,091 |
| Note 3B: Suppliers | | |
| Goods and services supplied or rendered | | |
| Consultants | 1,426 | 1,321 |
| Stationery | 49 | 63 |
| Travel | 332 | 490 |
| Vehicles | 5 | 122 |
| Training | 70 | 41 |
| IT/Communications | 227 | 167 |
| Other | 397 | 580 |
| Total goods and services supplied or rendered | 2,506 | 2,784 |
| Other suppliers | | |
| Operating lease rentals | | |
| Minimum lease payments | 55 | 51 |
| Workers compensation expenses | 27 | 36 |
| Total other suppliers | 82 | 87 |
| Total suppliers | 2,588 | 2,871 |
| Note 3C: Write-Down and Impairment of Assets | | |
| Impairment on financial Instruments | - | 2 |
| Total write-down and impairment of assets | - | 2 |

Note 4: Own-Source Income

| | 2018 | 2017 |
|---|-----------|------------|
| | \$'000 | \$'000 |
| OWN-SOURCE REVENUE | | |
| Note 4A: Sale of Goods and Rendering of Services | | |
| Rendering of services - external parties | - | 481 |
| Total sale of goods and rendering of services | - | 481 |
| Accounting Policy | | |
| Revenue from the sale of goods is recognised when: | | |
| <ul style="list-style-type: none"> a. the risks and rewards of ownership have been transferred to the buyer; b. the Northern Land Council as an NTRB retains no managerial involvement or effective control over the goods; c. the revenue and transaction costs incurred can be reliably measured; and d. it is probable that the economic benefits associated with the transaction will flow to the NTRB. | | |
| Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when: | | |
| <ul style="list-style-type: none"> a. the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and b. the probable economic benefits with the transaction will flow to the NTRB. | | |
| The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction. | | |
| Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed as at the end of the reporting period. Allowances are made when collectability of the debt is no longer probable. | | |
| Note 4B: Interest | | |
| Deposits | 37 | 42 |
| Total interest | 37 | 42 |
| Accounting Policy | | |
| Interest revenue is recognised using the effective interest method as set out in AASB 139 Financial Instruments: Recognition and Measurement | | |

| | | |
|---|-------|-------|
| Note 4C: Revenue from Government - Department of The Prime Minister & Cabinet (PM&C) | | |
| Native Title Program | 5,060 | 4,575 |
| | 5,060 | 4,575 |
| Accounting Policy | | |
| Funding received or receivable from Government is recognised as Revenue from Government when the entity gains control of the appropriation, except for certain amounts that are reciprocal in nature, in which case revenue is recognised only when it is earned. | | |
| Note 4D: Reversals of Previous Asset write-downs and Impairments | | |
| Reversal of Impairment losses | 217 | 139 |
| Total Reversals of previous asset write-downs and impairments | 217 | 139 |

Note 5: Income tax expense (Competitive neutrality)

The NTRB has been approved as a Public Benevolent Institution. The services of the Council are provided on a ‘not-for-profit’ basis. Therefore, the NTRB is not subject to the Australian Government’s Competitive Neutrality policy.

| |
|--|
| Accounting Policy |
| Taxation |
| The NTRB is exempt from all forms of taxation except fringe benefits tax (FBT) and the goods and services tax (GST). |
| Revenues, expenses and assets are recognised net of GST except: |
| a. where the amount of GST incurred is not recoverable from the Australian Taxation Office; and |
| b. for receivables and payables. |
| Competitive Neutrality |
| The NTRB does not provide services on a for-profit basis. Therefore, the NTRB is not required to make Australian Income Tax Equivalent payments to the Government. |

Note 6: Financial Assets

| | 2018 | 2017 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| Note 6A: Cash and cash equivalents | | |
| Cash on deposit | 1,541 | 2,263 |
| Total cash and cash equivalents | 1,541 | 2,263 |
| Accounting Policy | | |
| Cash is recognised at its nominal amount. Cash and cash equivalents include: | | |
| a. cash on hand | | |
| b. demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of change in value. | | |
| NTRB cash is received into the NTRB bank account. All payments are made from the NLC operating account. | | |
| On a regular basis, the funds are transferred from the NTRB bank account to the NLC operating account for the value of payments on behalf of the NTRB. | | |
| Note 6B: Trade and other receivables | | |
| Goods and Services | | |
| Goods and Services - External parties | 19 | 221 |
| Total goods and services receivable | 19 | 221 |
| Less impairment allowance | | |
| Goods and services | (3) | (221) |
| Total impairment allowance | (3) | (221) |
| Total trade and other receivables (net) | 16 | - |
| Trade and other receivables (net) expected to be recovered: | | |
| No more than 12 months | 16 | - |
| Total trade and other receivables (net) | 16 | - |

Note 6B: TRADE AND OTHER RECEIVABLES (CONT'D)

Accounting Policy

Loans and Receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Effective Interest Method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Income is recognised on an effective interest rate basis except for financial assets that are recognised at fair value through profit or loss.

Reconciliation of the impairment allowance:

Movements in relation to 2018

| | GOODS AND SERVICES 2018 | TOTAL 2018 |
|--------------------------------|----------------------------|---------------|
| | \$'000 | \$'000 |
| Opening balance | 221 | 221 |
| Amounts recovered and reversed | (218) | (218) |
| Impairment of assets | - | - |
| Closing balance | 3 | 3 |

Movements in relation to 2017

| | GOODS AND SERVICES 2017 | TOTAL 2017 |
|--------------------------------|----------------------------|---------------|
| | \$'000 | \$'000 |
| Opening balance | 358 | 358 |
| Amounts recovered and reversed | (139) | (139) |
| Impairment of assets | 2 | 2 |
| Closing balance | 221 | 221 |

Accounting Policy

Financial assets are assessed for impairment at the end of each reporting period.

| | | |
|---|-----|---|
| Note 6C: Inter-Entity Receivable | | |
| Receivable from Northern Land Council | 338 | - |

Note 7: Payables

| | 2018 | 2017 |
|---|------------|------------|
| | \$'000 | \$'000 |
| Note 7A: Inter-Entity Payable | | |
| Payable to Northern Land Council | - | 458 |
| Note 7B: Other Payables | | |
| Trade Payables | 141 | 134 |
| Salaries and wages | 28 | 15 |
| Accruals | 102 | 10 |
| Total other payables | 271 | 159 |
| Total payables | 271 | 617 |
| Total payables expected to be settled | | |
| All payables are expected to be settled in no more than 12 months. Settlement was usually made within 30 days. | | |

Note 8: Employee provisions

| | 2018 | 2017 |
|---|------------|------------|
| | \$'000 | \$'000 |
| Annual leave | 184 | 130 |
| Long service leave | 115 | 115 |
| Total employee provisions | 299 | 245 |
| Employee provisions expected to be settled | | |
| No more than 12 months | 209 | 161 |
| More than 12 months | 90 | 84 |
| Total employee provisions | 299 | 245 |

Accounting Policy

Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 Employee Benefits) and termination benefits due within twelve months of the end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that applied at the time the leave is taken, including the NTRB's employer superannuation contribution rates, to the extent that the leave is likely to be taken during service rather than paid out on termination.

Liabilities for current employee benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

NLC used the shorthand method to calculate the long service leave liability.

Superannuation

The NTRB's staff can choose their own super fund with most members being with MLC Master Key Super. The entity makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by the Enterprise agreement. The liability of superannuation recognised as at 30 June represents outstanding contributions.

Note 9: Contingent Assets & Liabilities

| | Claims for damages or costs | |
|---------------------------------------|-----------------------------|--------|
| | 2018 | 2017 |
| | \$'000 | \$'000 |
| Contingent Liabilities | | |
| Balance from previous period | 20 | - |
| New contingent liabilities recognised | 30 | 20 |
| Obligations Expired | (20) | - |
| Total contingent liabilities | 30 | 20 |

Quantifiable Contingencies

The Northern Land Council as NTRB has undertaken an assessment of the reasonable potential liability arising out of litigation to which the NTRB is a party.

The above table contains \$30,000 of contingent liabilities disclosed in respect to potential liability arising out of litigation (2017: \$20,000). The amount represents an estimate of the Northern Land Council as NTRB's liability based on precedent cases. The NTRB is defending the claims.

The nature of decisions of the Northern Land Council as NTRB mean that at times the decisions are subject to dispute and judicial review. Specific information about legal matters is not disclosed where the information would be prejudicial to the Northern Land Council as NTRB.

Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

Note 10: Key Management Personnel Remuneration

There were no director or executive remuneration payments made during the period with NTRB monies. Key Management Personnel act for NTRB through Northern Land Council (NLC) and are paid through NLC. There were no related party transactions made during the year.

Note 11: Remuneration of Auditors

| | 2018 | 2017 |
|--|-----------|-----------|
| | \$'000 | \$'000 |
| Financial statement audit services provided to the Northern Land Council in regard to NTRB by the Australian National Audit Office | | |
| Fair value of the services provided | | |
| Financial statement audit services | 12 | 10 |
| Total | 12 | 10 |
| No other services were provided by the ANAO and HLB Mann Judd. | | |

Note 12: Financial Instruments

| | 2018 | 2017 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| 12A Categories of Financial Instruments | | |
| Financial Assets | | |
| Loans and receivables: | | |
| Cash on deposit | 1,541 | 2,263 |
| Trade and other receivables | 16 | - |
| Inter-entity receivable | 338 | - |
| Total financial assets | 1,895 | 2,263 |
| Financial Liabilities | | |
| Amortised Cost: | | |
| Inter-entity payable | - | 458 |
| Other payables | 271 | 159 |
| Total Carrying amount of financial liabilities | 271 | 617 |
| 12B Gains or losses on Financial Assets | | |
| Loans and receivables | | |
| Interest revenue | 37 | 42 |
| Net gain/(loss) loans and receivables | 37 | 42 |
| 12C Fair Values of Financial Instruments | | |
| The carrying amount of the financial instruments are reasonable approximation of fair value due to their short term nature. | | |

Part 5



Appendices

- Council meetings attendance
- Compliance index
- Glossary of terms

Council Meetings Attendance

Full Council

- 116th FCM, 13-17 November 2017, Tennant Creek
- 117th FCM, 4-5 June 2018, Barunga
- Combined Land Councils FCM, 5-8 June 2018, Barunga

| REGION / NAME | POSITION | WARD | 116TH FCM | 117TH FCM | COMBINED FCM |
|------------------------|-----------|---------------------|-----------|-----------|--------------|
| | | | | | |
| NGUKURR | | | | | |
| Peter Lansen | Executive | Nutwood / Cox River | X | X | X |
| Virginia Nundhirribala | Member | Numbulwar | X | X | X |
| Timothy Wurramara | Member | Numbulwar | Apology | X | X |
| Faye Mangurra | Member | Numbulwar | Apology | Absent | Absent |
| Keith Farrell | Member | Hodgson Downs | Apology | X | X |
| Grace Daniels | Member | Ngukurr | Apology | X | X |
| Walter Rogers | Member | Ngukurr | Apology | X | X |
| Gregory Daniels | Member | Ngukurr | X | X | X |
| Clifford Duncan | Member | Urapunga | X | X | X |
| | | | | | |
| BORROLOOLA / BARKLY | | | | | |
| Richard (Dickie) Dixon | Executive | Robinson River | X | X | X |
| Keith Rory | Member | Borroloola | X | Absent | X |
| Brian Limerick | Member | Alexandria | Apology | X | X |
| Shannon Dixon | Member | Murranji | X | X | X |
| Gordon Noonan | Member | Rockhampton Downs | X | Absent | X |
| John Finlay | Member | Wombaya | X | X | X |
| Jason Bill | Member | Muckaty | Absent | X | X |

| REGION / NAME | POSITION | WARD | 116TH FCM | 117TH FCM | COMBINED FCM |
|-------------------------------|-----------|-------------------|-----------|-----------|--------------|
| Chris Neade | Member | Elliott | X | X | X |
| Maxine Wallace | Member | Brunette Downs | Absent | Absent | Absent |
| Jody Evans | Member | Borrooloola | Absent | X | X |
| Jason Mulholland | Member | Borrooloola | Apology | Apology | Apology |
| Joy Priest | Member | North Barkly | Absent | Absent | X |
| Timothy Lansen | Member | Nicholson | X | X | X |
| | | | | | |
| DARWIN / DALY / WAGAIT | | | | | |
| Elizabeth Sullivan | Executive | Pine Creek | X | X | X |
| Kevin (Tibby) Quall | Member | Darwin | Absent | Absent | Absent |
| John Daly | Member | Daly River South | X | X | X |
| Phillip Goodman | Member | Darwin South | X | X | X |
| Graham Kenyon | Member | Darwin East | X | X | X |
| Audrey Tilmouth | Member | Darwin | X | X | X |
| Paul Henwood | Member | Darwin South West | X | X | X |
| Mark Tunmuck-Smith | Member | Port Keats North | Absent | Absent | Absent |
| Matthew Shields | Member | Daly River North | X | X | X |
| John Sullivan | Member | Daly River West | Apology | X | X |
| John Wilson | Member | Peppimenarti | X | X | X |
| Tobias Nganbe | Member | Port Keats | X | Absent | Absent |
| Adrian Ariuu | Member | Palumpa | Absent | Apology | Apology |
| Sharon Daly | Member | Daly River | Apology | Apology | Apology |
| James Sing | Member | Darwin West | X | X | X |
| | | | | | |
| VRD | | | | | |
| Raymond Hector | Executive | Pigeon Hole | X | X | X |
| George Campbell | Member | Yarralin | Apology | Apology | Apology |
| Shadrack Retchford | Member | Bulla | X | X | X |

| REGION / NAME | POSITION | WARD | 116TH FCM | 117TH FCM | COMBINED FCM |
|-----------------------|-----------|---------------------|-----------|-----------|--------------|
| Larry Johns | Member | Timber Creek | Apology | X | X |
| Kenivan Anthony | Member | Amanbidji | Apology | Absent | Absent |
| Elaine Watts | Co-Opted | Timber Creek | X | X | X |
| Doris Roberts | Co-opted | Timber Creek | X | X | X |
| Jocelyn Victor | Co-opted | Pigeon Hole | Apology | X | X |
| | | | | | |
| KATHERINE | | | | | |
| Samuel Bush-Blanas | Chairman | Beswick | X | X | X |
| Helen Lee | Executive | Barunga | Apology | X | X |
| Linda Fletcher | Member | Katherine | X | Absent | Absent |
| Lisa Mumbin | Member | Katherine | X | X | X |
| Samantha Lindsay | Member | Bulman | Absent | Absent | Absent |
| Jocelyn James | Member | Mataranka / Djimbra | X | X | X |
| John Dalywater | Member | Weemol | X | Apology | Apology |
| | | | | | |
| EAST ARNHEM | | | | | |
| Bobby Wunungmurra | Executive | Gapuwiyak | X | X | X |
| David Djalangi | Member | Galiwinku | X | Apology | Apology |
| Yananyumul Mununggurr | Member | Yirrkala | X | X | X |
| Dhuwarrwarr Marika | Member | Yirrkala | Apology | Apology | Apology |
| George Milaypuma | Member | Milingimbi | X | X | X |
| Jabani Lalara | Member | Blue Mud Bay | X | X | X |
| Jonathon Nungumajbarr | Member | Blue Mud Bay | X | X | X |
| Jonny Barrawanga | Member | Galiwinku | X | Absent | Absent |
| Jason Guyula | Member | Galiwinku | X | X | X |
| Kenny Djekurr Guyula | Member | Galiwinku | X | X | X |

| REGION / NAME | POSITION | WARD | 116TH FCM | 117TH FCM | COMBINED FCM |
|--|--------------|------------------------|-----------|-----------|--------------|
| Wesley Bandi Bandi | Member | Gapuwiyak | X | X | X |
| Michael Ali | Member | Milingimbi | Apology | X | X |
| David Warraya | Member | Ramingining | X | X | X |
| David Rumba Rumba | Member | Ramingining | X | X | X |
| Djawa Yunupingu | Member | Ski Beach | X | X | X |
| Caroline Dhamarrandji | Member | Yirrkala | X | X | X |
| | | | | | |
| WEST ARNHEM | | | | | |
| John Christophersen | Deputy Chair | Kakadu | X | X | X |
| Ronald Lami Lami | Executive | Coburg | X | X | X |
| Bunug Galaminda | Member | Waruwi | X | X | X |
| Jenny Inmulugulu | Member | Waruwi | X | X | X |
| Gabby Gumurdul | Member | Gunbalanya | Apology | Apology | Apology |
| Christopher Galaminda proxy for Gabby Gumurdul | Member | Gunbalanya | X | X | X |
| Wayne Wauchope | Member | Gunbalanya | X | X | X |
| Matthew Ryan | Member | Maningrida Outstations | X | X | X |
| Victor Rostron | Member | Maningrida Outstations | Absent | Absent | Absent |
| Otto Dan | Member | Gunbalanya | X | X | X |
| Vacant – Maningrida | Member | Maningrida | N/A | N/A | N/A |
| Shane Namanurki proxy Maningrida | Member | Maningrida | N/A | X | X |
| Julius (Clint) Kernan | Member | Maningrida | X | X | X |
| Matthew Nagarlbini (Cooper) | Member | Minjilang | X | X | X |
| June Fejo | Co-opted | Minjilang | Apology | X | X |
| Noni Eather | Co-opted | Maningrida | Absent | Apology | Apology |

Commonwealth Compliance Index

PUBLIC GOVERNANCE, PERFORMANCE AND ACCOUNTABILITY RULE 2014

| REQUIREMENT | PGPA RULE 2014 | PAGE |
|--|-------------------|------------------|
| Approval of Annual Report by Accountable Authority | s.17BB | vi |
| Enabling legislation | s.17BE(a) | 156 |
| Summary of objects and functions of the NLC | s17BE(b)(i) | 19-20 |
| Purposes of the NLC included in the corporate plan | s17BE(b)(ii) | 156-157; 182-187 |
| Responsible Minister | s.17BE(c) | 156 |
| Ministerial directions | s.17BE(d) | 156 |
| General Policy Orders | s.17BE(e) | 4 |
| Non-compliance with a direction or order referred to in sections 17BE(d) and (e) | s.17BE(f) | NIL |
| Annual performance statement | s.17BE(g) | 182-187 |
| Statement of significance compliance with finance law | s.17BE(h) and (i) | 4 |
| Information about Accountability Authority | s.17BE(j) | 3 |
| Organisational Structure | s.17BE(k) | 28 |
| NLC locations | s.17BE (l) | |
| Board Committees and their main responsibilities | s.17BE(m) | 161 |
| Corporate governance practices | s.17BE(m) | |
| Related Entity Transaction | s.17BE(n) and (o) | 159 |
| Key changes to the Authority's state of affairs or principal activities | s.17BE9p) | NIL |
| Amendments to Authority's enabling legislation | s.17BE(p) | NIL |
| Significant judicial or administrative tribunal decisions | s.17BE(q) | 61-62; 65-67 |
| Reports made about the Authority | s.17BE(r) | NIL |
| Obtaining information from subsidiaries | s.17BE(s) | NIL |
| Indemnities and insurance premiums | s17BE(t) | 158 |
| Operational and financial results | s.46PGPA Act 2013 | 6-8; 190- |

OTHER REPORTING OBLIGATIONS

| | |
|--|---------|
| Work Health and Safety | 161,179 |
| Ecologically sustainable development and environmental performance | 161 |
| Advertising and Market Research | 164 |

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976

| REQUIREMENT | REFERENCE | PAGE NO. |
|---|------------------|----------|
| FEES Specify the total fees received for services provided by the NLC: <ul style="list-style-type: none"> under Part IV (Mining); and under 33A for services prescribed by the regulations that it provides in performing any of its functions, whether in the reporting year or the previous year. Specify total fees received under s33B (other fees charged to the Commonwealth). | s37(2) 18 | 4 |
| SECTION 35 DETERMINATIONS Include details of payments by the NLC under Sec. 35 (2) or (3) and any determinations made by the Minister under Sec. 35 (6) made during the reporting year. Details of payments made by determination or otherwise under 35(2), 35(6), 35(4), 35(4B), 35(11), and 67B (6) must be provided and include, the recipient of the amount; the subsection under which the amount was paid; and the total of the amount paid. | s37(3) s37(4) | |
| DETAILS OF AMOUNTS HELD IN TRUST Include details of payments by the NLC under Sec. 35 (2) or (3) and any determinations made by the Minister under Sec. 35 (6) made during the reporting year. Details of payments made by determination or otherwise under 35(2), 35(6), 35(4), 35(4B), 35(11), and 67B (6) must be provided and include, the recipient of the amount; the subsection under which the amount was paid; and the total of the amount paid. | s37(5) | 165 |
| COMMITTEES If a committee has been appointed under s29A to assist the NLC in relation to the performance of any of its functions or the exercise of any of its powers, detailed information of its activities must be included. | s37(7) | 161 |
| CONSULTANTS Specify consultants engaged by the NLC during the year and the amount paid to each consultant. | s37(8) | 159-160 |

Glossary Of Terms

Agreements

Land Use Agreements are generally leases or licences for the use of or to carry out activities on Aboriginal land issued in accordance with section 19 of the Aboriginal Land Rights (Northern Territory) Act 1976.

Indigenous Land Use Agreements are native title agreements about the management and use of lands and waters between native title claimants/ holders and other parties. Agreements reached through the native title negotiations process either before or after a native title determination is made.

Part IV Mining Agreements Exploration and mining agreements are entered into in accordance with the Part of the Aboriginal Land Rights (Northern Territory) Act 1976.

Acronyms and Definitions

| | |
|-----------------|--|
| AASB | Australian Accounting Standards Board |
| ABA | Aboriginals Benefit Account |
| ADF | Australian Defence Force |
| Aboriginal Land | Land held by a Land Trust for an estate in fee simple; or land the subject of a deed of grant held in escrow by a Land Council. Aboriginal Land Trusts are established under the Aboriginal Land Rights (Northern Territory) Act 1976. Section 5 sets out the functions of Land Trusts. Section 7 deals with membership of Land Trusts |
| AHRI | Australian Human Resources Institute |
| ALC | Aboriginal Land Commissioner, a statutory officer of the Commonwealth appointed to perform functions outlined in section 50 of the Aboriginal Land Rights (Northern Territory) Act 1976. |
| ALFA | Arnhem Land Fire Abatement |

| | |
|--------|--|
| ALRA | Aboriginal Land Rights (Northern Territory) Act 1976 |
| ALT | Aboriginal Land Trust |
| APO NT | Aboriginal Peak Organisations Northern Territory, an alliance among the Northern Land Council (NLC), Central Land Council (CLC), and Aboriginal Medical Services Alliance of the NT (AMSANT). The North Australian Aboriginal Justice Agency (NAAJA), which had taken over over the Central Australian Aboriginal Legal Aid Service (CAALAS), withdrew its membership during the reporting year. |
| ANAO | Australian National Audit Office |
| ATSI | Aboriginal and Torres Strait Islander |
| BFTA | Bradshaw Field Training Area |
| CDP | Community Development Program |
| CFI | Carbon Farming Initiative |
| CLA | Community Living Area |
| CLC | Central Land Council, established under the Aboriginal Land Rights (Northern Territory) Act 1976 |
| CP&D | Community Planning and Development |
| CSIRO | Commonwealth Scientific and Industrial Research Organisation |
| DAWR | (Australian) Department of Agriculture and Water Resources |
| DENR | (NT) Department of Environment and Natural Resources |
| DPMC | Department of the Prime Minister and Cabinet |

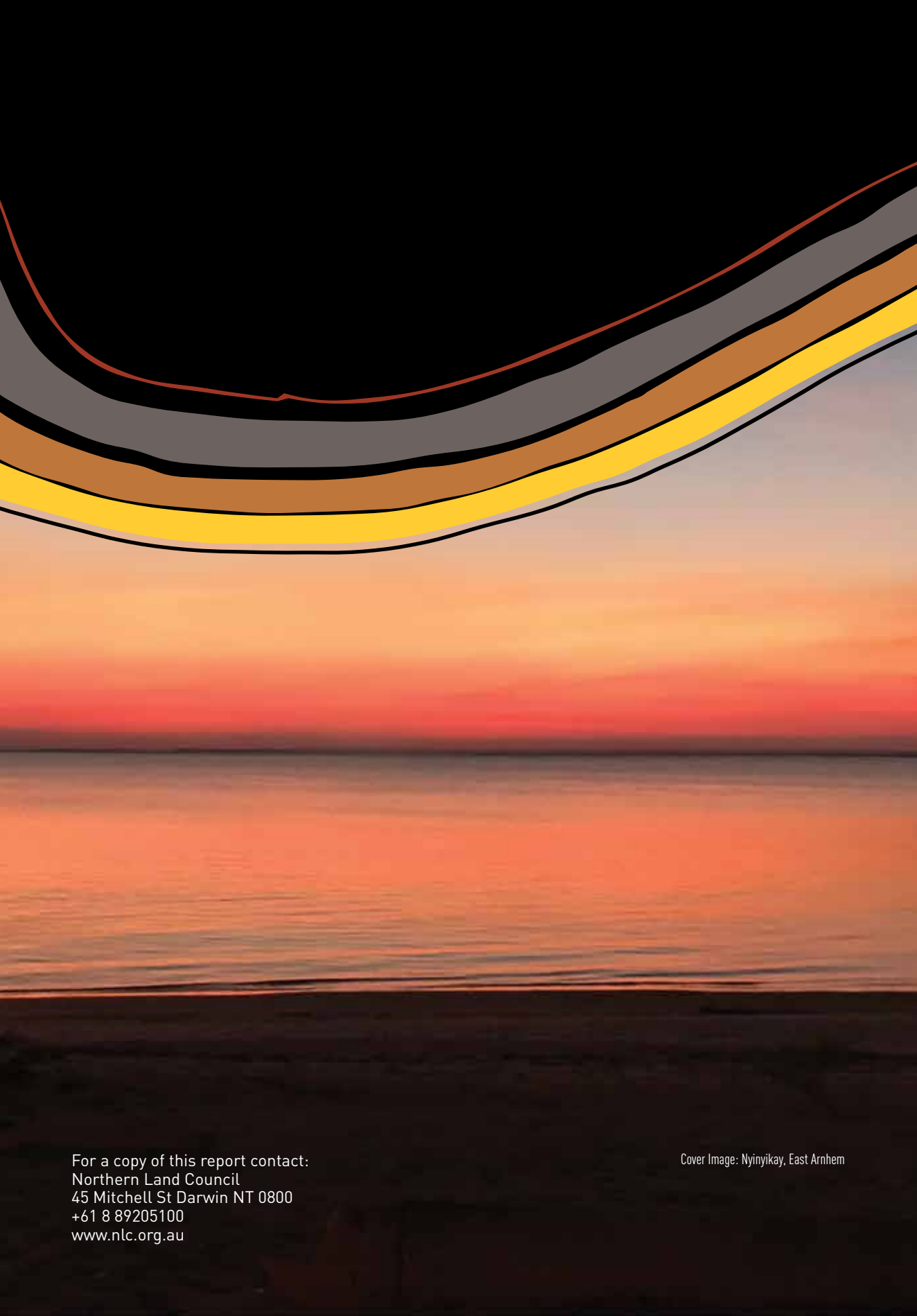
| | |
|---------|--|
| EL | Exploration Licence |
| ELA | Exploration Licence Application |
| EP | Exploration Permit |
| FEP | Flexible Employment Program |
| FPIC | Free, Prior and Informed Consent |
| FTE | Full Time Equivalent |
| GIS | Geographic Information System |
| IBA | Indigenous Business Australia |
| ICT | Information and Communication Technology |
| ILC | Indigenous Land Corporation |
| ILUA | Indigenous Land Use Agreement |
| IPA | Indigenous Protected Area |
| IPP | Indigenous Pastoral Program |
| LES | Landowner Engagement Strategy |
| LIMS | The NLC's Land Information Management System |
| LIR | Land Interest Reference |
| LUMAR | Land Use Management and Royalties (Review) |
| MRM | McArthur River Mine |
| NAA | National Archives of Australia |
| NAIDOC | National Aborigines and Islanders Day Observance Committee |
| NAILSMA | North Australian Indigenous Land and Sea Management Alliance Ltd |
| NESP | Northern Environmental Science Program |

| | |
|--------------------------------------|---|
| NLC | Northern Land Council established under the Aboriginal Land Rights (Northern Territory) Act 1976 |
| NTA | Native Title Act 1993 (Cth) |
| NTG | Northern Territory Government |
| NTRB | Native Title Representative Body |
| OCR | Optical Character Recognition |
| PBC | Prescribed Body Corporate, a corporation that holds or manages native title for a native title-holding group |
| PGPA | Public Governance, Performance and Accountability Act 2013 |
| P&W | Parks and Wildlife Service |
| PLO | Principal Legal Officer |
| RPO | Royalty Processing Officer |
| RTN | Right to Negotiate |
| SCWG | Sea Country working Group |
| TNRM | Territory Natural Resource Management – an independent, not-for-profit organisation that works with landholders, industry and government to ensure sustainable management of our water, land, soils, plants and animals |
| Traditional Aboriginal Owners (TAOs) | A local descent group of Aboriginal people who have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land, and are entitled by Aboriginal tradition to forage as of right over that land |
| USMC | United States Marine Corps |
| WoC | Working on Country funding initiative of the Department of the Prime Minister and Cabinet |
| WoNS | Weeds of National Significance |

C76A0761 : Gouldian Finch
(*Erythrura gouldiae*) having
their early morning drink in
Menngen community.







For a copy of this report contact:
Northern Land Council
45 Mitchell St Darwin NT 0800
+61 8 89205100
www.nlc.org.au

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