

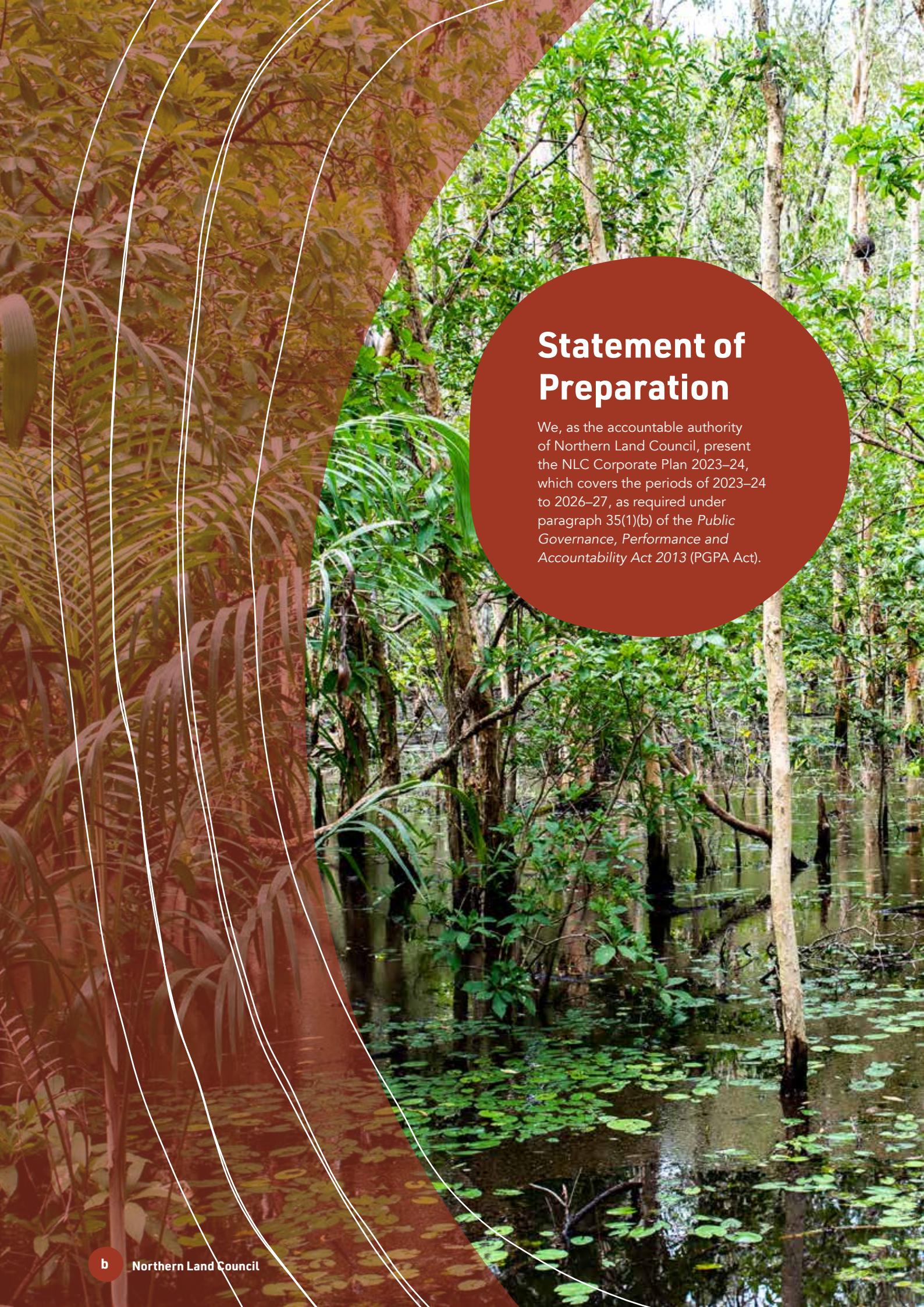


NORTHERN  
LAND COUNCIL

Our Land, Our Sea, Our Life

## Corporate Plan 2023-24





# Statement of Preparation

We, as the accountable authority of Northern Land Council, present the NLC Corporate Plan 2023–24, which covers the periods of 2023–24 to 2026–27, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

# Accountable Authority (Chair & CEO) Message

As the Accountable Authority of the Northern Land Council (NLC), under the *Public Governance, Performance and Accountability Act 2013*, we are pleased to present the NLC Corporate Plan 2023–24.

A new Full Council began its term in December 2022 and at its first meeting endorsed a [strategic plan](#) to guide the NLC to 2027. The goals and priorities articulated in the strategic plan will be put into action through the activities outlined in this corporate plan.

This year the NLC celebrates a momentous anniversary: 50 years of fighting for the rights of Aboriginal people in our region. During the past year, Council members and NLC's senior leadership team have turned their minds to considering what the next 50 years may look like.

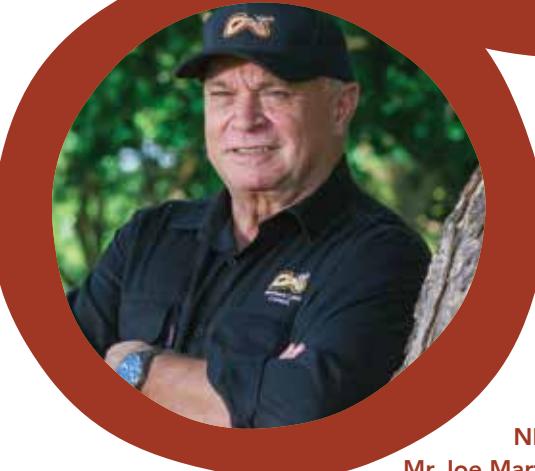
Over the next decade, almost all land claims under the *Aboriginal Land Rights (Northern Territory) Act 1976* and native title claims under the *Native Title Act 1993* will be finalised. The NLC must be ready to meet the opportunities of the post-land claims era.

We have been considering how to best position our organisation as we make the transition from an era where the focus has been on land claims and acquiring land for Traditional Owners (TOs) to one focused increasingly on 'activating' rights and interests in land and sea country.

This phrase, 'activating land rights' was first used by the great Yolngu leader Yunupingu, who was Chair of the NLC for almost half of its 50 years, and whose remarkable legacy continues to guide the NLC's work.



NLC Chair  
Dr Samuel Bush-Blanasi



NLC CEO  
Mr Joe Martin-Jard

Activating land and sea rights means realising our vision 'for Aboriginal people to benefit economically, socially and culturally from the secure possession of their lands, seas, waters and intellectual property'.

Traditional Owners (including native title holders) will remain at the centre of everything we do. We will continue to advocate and to maximise benefits from land and sea management in accordance with the aspirations of TOs.

This corporate plan sets out the strategies and activities the NLC will implement in 2023–24 to manage and protect traditional lands and water; create real opportunities for Aboriginal people; strengthen our organisation; and advocate for Aboriginal people.

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# ABOUT US

# Purpose

**The NLC is responsible for assisting Aboriginal people in our region to acquire and manage their lands, waters and seas in accordance with our statutory powers, functions and responsibilities under the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Native Title Act 1993*.**

The NLC is the peak representative body for TOs of seven regions: Darwin/Daily/Wagait; West Arnhem; East Arnhem; Katherine; Victoria River District; South East Arnhem; and Borroloola/Barkly, each represented by a regional council.

The NLC is a Commonwealth corporate entity created to carry out the functions specified by the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (Land Rights Act) and commenced operation in 1973. The NLC is also a Native Title Representative Body (NTRB) under the *Native Title Act 1993* (Cth) (Native Title Act). In addition to those functions, the NLC performs functions prescribed by Commonwealth and Northern Territory legislation, including the *Aboriginal Land Act 1978* (NT).

The NLC, under section 23(1) of the Land Rights Act, undertakes:

- management of the land to protect TO interests
- protection of sacred sites
- consultation regarding proposals relating to lands and seas of the seven regions the NLC represents
- provision of assistance to TOs to engage in commercial activities and economic development
- supervision and administration of Land Trusts
- control of visits by all non-Aboriginal people through monitoring and permits
- protection and preservation of culture, including intellectual property and copyright, and the reproduction of cultural products and safeguard against illegal or improper use of research, digital images, designs, stories, bio-cultural information, artefacts and art.

The NLC's main functions under the Native Title Act are to:

- facilitate the research and preparation of applications by individuals or groups for determinations of native title or for compensation for acts affecting native title
- assist in the resolution of disagreements among individuals or groups about the making of such applications
- assist individuals or groups by representing them, if requested to do so, in negotiations and proceedings relating to:
  - the doing of acts affecting native title
  - the provision of compensation in relation to such acts
  - Aboriginal land use agreements or other agreements in relation to native title rights of access conferred under the act or other acts
  - any other matter relevant to the operation of the act.
- certify in writing applications for determinations of native title and applications for registration of Aboriginal land use agreements relating to areas of land wholly or partly within the region of the representative body
- become a party to Aboriginal land use agreements after consultation with the native title holders of the land or waters, subject to the agreement.

A separate budget appropriation from the Australian Government funds functions under the Native Title Act. The NLC ceased to control the Northern Aboriginal Investment Corporation Pty Ltd (NAIC) and its controlled entities on 1 July 2022 through a mutually agreed divestment process with the Aboriginal Investment Group. The NLC does not have any subsidiaries.

# Mission, vision, values

## Our vision

The NLC's vision is for the rights and responsibilities of every Traditional Owner in the NLC region to be recognised and respected and for Aboriginal people to benefit economically, socially and culturally from the secure possession of their lands, seas, waters and intellectual property.

## Our mission

To ensure Aboriginal people in the seven regions of the NLC acquire and manage their traditional lands, seas and waters through strong leadership, advocacy and management.

## Our approach

With cultural integrity upheld, we assist Aboriginal people in obtaining and securing their interests in land and sea country. In doing this, we consult, advocate and represent the views of Aboriginal people within our region to deliver effective land administration and management.

Aboriginal people increasingly seek equity partnerships and participation in proposed development activities. The NLC is responsible for ensuring that social, economic and cultural benefits flow to Aboriginal people from these developments.

## Our values

Our values guide the way that the NLC staff and members conduct themselves. Therefore, these core values must be present in everything we do and our interactions with the community.

### Consult

- With Traditional Owners
- Present and explain options to Traditional Owners to enable them to make decisions and choices with free, prior and informed consent
- Engage in two-way communication to actively listen and explain meaning.

### Respect

- Aboriginal law, culture and tradition
- Our stakeholders and those who we work with
- Act with integrity, honesty and fairness
- Act in a manner that is appropriate and sensitive to cultural differences.

### Be responsive

- To Aboriginal people's needs and effectively advocate for their rights and interests
- Provide effective services to the people we represent and other stakeholders
- Complete actions and tasks promptly, and be accountable to the people we represent.

### Social justice

- Promote the rights and participation of Aboriginal people to achieve equity, fairness and opportunities
- Demonstrate strong leadership and advocacy on behalf of Traditional Owners.

# Governance

The NLC Full Council provides leadership and cultural integrity, comprising 78 elected and five co-opted women members.

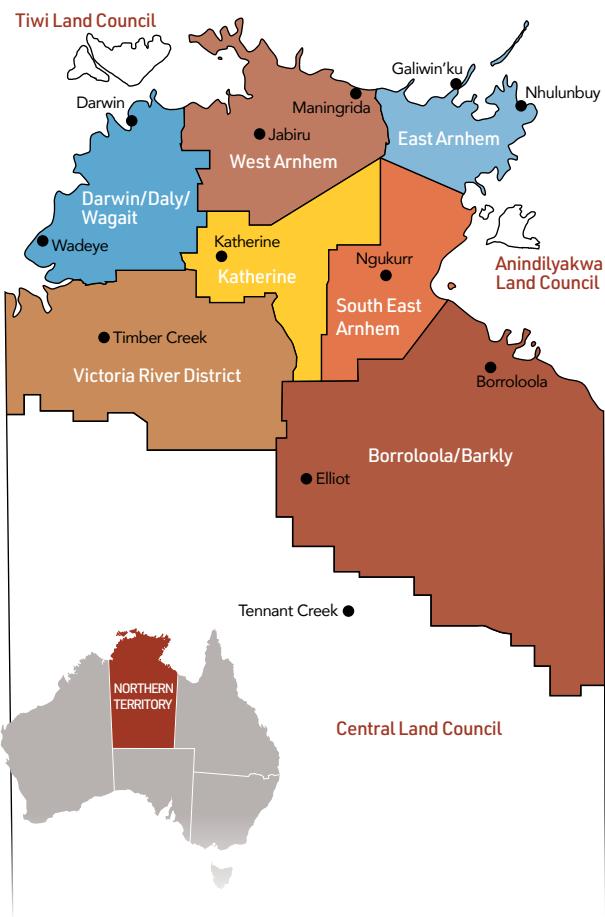
Membership of the Full Council is determined by a nomination process called the method of choice, which occurs every three years. The method of choice is developed by the Full Council and approved by the Commonwealth Minister for Indigenous Australians. At the first meeting of a new full council the NLC Chair and Deputy Chair are elected along with two members from each region are to sit on the NLC's Executive Council (total of 14 members).

At the second Full Council meeting following elections, the Chair appoints five co-opted women on advice from the Executive and Regional Council members to improve female representation.

The Full Council is responsible for setting the strategic direction of the NLC with advice from the Chief Executive Officer (CEO) and senior staff. The Full Council can delegate some powers to the Executive and Regional Councils and staff. The CEO and senior management team is responsible for the NLC's day-to-day operations, implementing Full Council decisions, and reporting to the Full, Executive and Regional Councils.

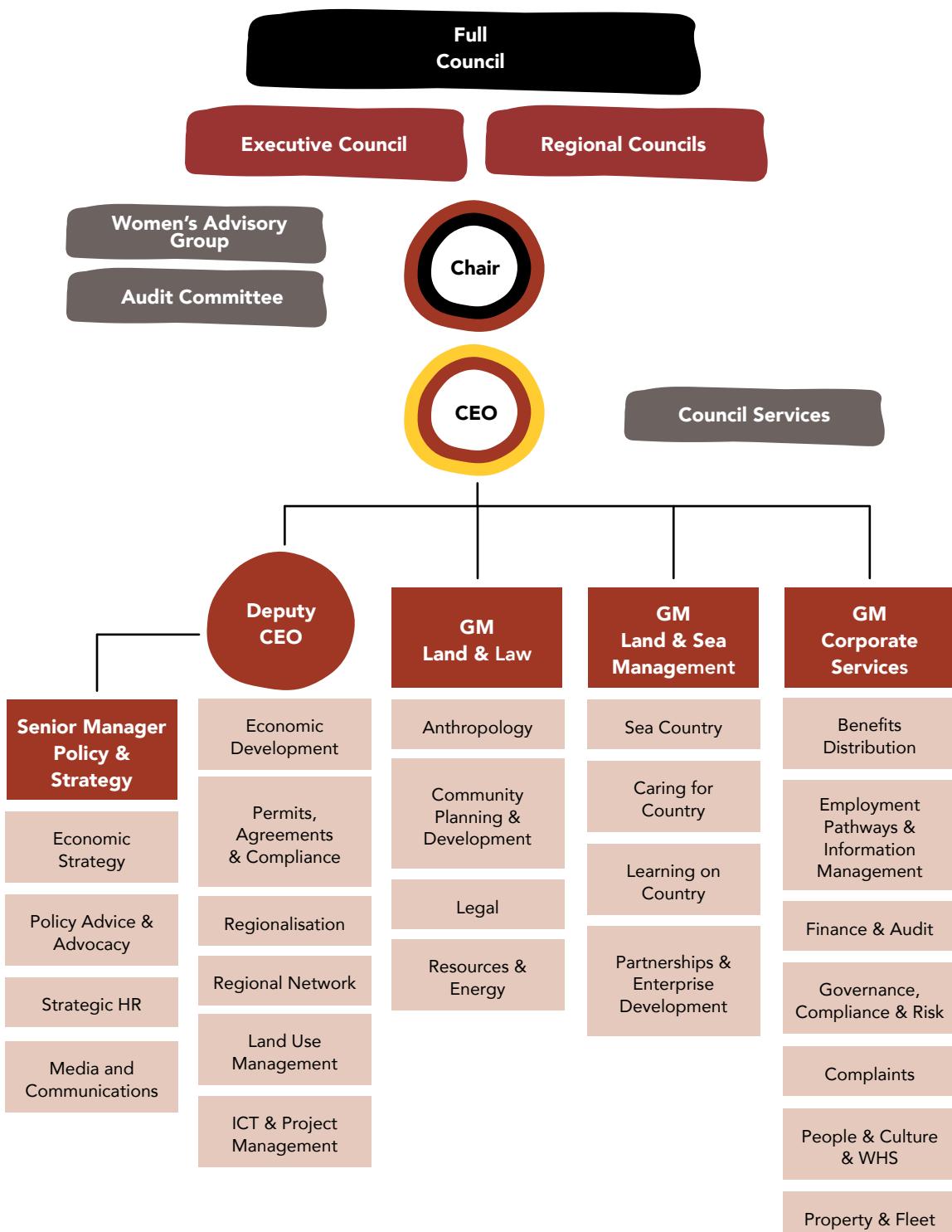
The NLC's Chair and CEO jointly act as the NLC's Accountable Authority within the PGPA Act requirements.

## NLC regions and regional offices



## The NLC Corporate Structure July 2023

The NLC corporate structure is designed to ensure that services are delivered efficiently, ethically and transparently.



## Chief Executive Officer

The NLC Executive Council appoints the Chief Executive Officer (CEO), who is responsible for implementing the NLC strategic and corporate plans effectively and efficiently.

## Committees

Committees established under the Land Rights Act include:

- Executive Council
- Regional Council

Committees established under the PGPA:

- NLC Audit Committee

## Other

- Women's Advisory Group
  - The Women's Advisory Group is made up of the female members of the Full Council. The group meets prior to Full Council meetings to discuss women's business and other matters affecting women in the NLC region.
- The Full Council of the Northern Land Council makes appointments to the boards of the below entities (they are not committees of the NLC):
  - Northern Territory Aboriginal Investment Corporation (two positions)
  - Northern Territory Aboriginal Investment Corporation Grants Committee (two positions)
  - Aboriginal Sea Company (three positions)



## **STRATEGIC GOALS AND KEY ACTIVITIES**

The NLC Strategic Plan was set by the Full Council at their Katherine Meeting in December 2022. It identifies the strategic goals and priorities necessary in order to achieve and fulfil its purpose over the next five years.

# Strategic goals and priorities of the NLC

## Strategic Goals

## Strategic Priorities

### STRATEGIC GOAL 1: Proactively manage country

Acquire, manage and protect traditional lands and waters in accordance with statutory functions.

1. Give strong support to Traditional Owners by maximising resources and benefits from land and sea management, ensuring strict compliance with agreements and developing long-term plans with Traditional Owners' free, prior informed consent.
2. Enforce and advocate for better protection of heritage areas, sacred sites and permits for access to Aboriginal Land, water and sea country.

### STRATEGIC GOAL 2: Opportunity and Empower

Create real opportunities for Aboriginal people and Traditional Owners.

3. Activate land rights by harnessing pride and strength in Aboriginal culture, innovation, creativity, skills, employment, intellectual property, economic development and entrepreneurship.
4. Create opportunities for self-determination through Traditional Owner decision-making, community consultations, ranger programs, Learning on Country, Aboriginal-led township leasing, planning and development.

### STRATEGIC GOAL 3: A strong NLC

Be a culturally rich and trusted organisation that gets things done and our community can be proud of.

5. Create stronger NLC regions with more NLC staff and more support for Aboriginal people by implementing our Regionalisation Strategy 'Building the Bush'.
6. Build on improvements already made in NLC governance, leadership, communications and support systems for Council Members and staff.

### STRATEGIC GOAL 4: Advocate

Be a voice for Aboriginal people.

7. Raise issues and influence policy in critical areas of interest including agriculture, pastoral, mining, tourism, carbon economy, homelands and essential services, water rights and security, remote housing and infrastructure like roads, bridges and communications.
8. Be a strong voice for the next generation, tomorrow's leaders, constitutional recognition and the Voice to Parliament, implementation of the Uluru Statement of the Heart in Full and the Northern Territory Treaty process.



# Key activities to achieve our strategic goals

NLC key activities are tasks that identify how we deliver core business, implement statutory functions and fulfil our strategic goals.

## STRATEGIC GOAL 1: **Proactively manage country**

Acquire, manage and protect traditional lands and waters in accordance with statutory functions.

### Key Activities

- 1.01 Effectively manage access on Aboriginal land, seas and water
- 1.02 Assess expression of interest/applications for land use agreements including section 19, Part 4 and native title in a timely manner
- 1.03 Present land use agreements supported by Traditional Owners to Executive Council for decision
- 1.04 Provide anthropological advice to the NLC
- 1.05 Develop a policy for the repatriation of artefacts and management of archaeological heritage protection
- 1.06 Provide coordination and support in partnership with the Northern Territory Government and Kakadu joint management

## STRATEGIC GOAL 2: Opportunity and Empower

Create real opportunities for Aboriginal people and Traditional Owners.

### Key Activities

- |      |  |      |   |
|------|--|------|---|
| 2.01 | Empower Traditional Owners and Aboriginal constituents to exercise informed and participatory decision-making about managing land use agreements   | 2.06 | Advance skills and development opportunities in a culturally safe and inclusive environment for Aboriginal people, particularly youths by implementing the NLC Aboriginal Employment Pathways |
| 2.02 | Ensure that NLC-facilitated meetings empower Aboriginal participants through the opportunity to learn, listen, express one's views and be heard  | 2.07 | Income generated under all NLC Land and Sea Use agreements to be collected in full  |
| 2.03 | To increase the number of Aboriginal groups planning and delivering sustainable projects using their own resources, and realising their future aspirations and deliver against the Community Planning and Development Program Strategic Plan 2020–25 | 2.08 | Distribute income in accordance with s35 of the Land Rights Act, and fulfil native title payments.  |
| 2.04 | Assess land availability, secure funding for tender-ready documents and project management to drive the Regionalisation Strategy   | 2.09 | Support Traditional Owners to assert and benefit from their land/water rights and interests   |
| 2.05 | Implement effective project management to progress the NLC Regionalisation Strategy  | 2.10 | Engage with remote communities to develop pathways through Learning on Country (LOC) programs as per the LOC Strategic Plan 2022–27   |
|      |  | 2.11 | Deliver against the five key pillars in the Caring for Country Strategic Plan (2023–28) as per the agreed timeframes in the plan  |

### **STRATEGIC GOAL 3: A strong NLC**

Be a culturally rich and trusted organisation that gets things done and our community can be proud of.

#### **Key Activities**

- |  |  |
|--|--|
| 3.01 Ensure financial management services are delivered in a compliant and timely manner                 | 3.10 Deliver culturally rich and trusted communications  |
| 3.02 Enhance the governance induction training of all Council members and staff                          | 3.11 Celebrate NLC history, incorporating a local, regional and national approach                                |
| 3.03 Streamline HR processes   | 3.12 Provide responsive customer service to NLC constituents and the general public across the NLC regions       |
| 3.04 Delivery of a suite of training to support competency and capacity building across the organisation | 3.13 Embed good governance practices through policy, monitoring, reporting and compliance management             |
| 3.05 Delivery legislated and regulatory training required for work health and safety                     | 3.14 Manage the funeral and ceremonial fund  |
| 3.06 Maintain efficient ICT support, software and hardware   | 3.15 With consent, assist Aboriginal groups to work through conflict, disagreements and different points of view |
| 3.07 Design and deliver a centralised information land use agreements and royalties system               |  |
| 3.08 Implement a sound fleet, vehicle, property and assets system  |  |
| 3.09 Maintain an effective records management system   |  |

#### STRATEGIC GOAL 4: **Advocate**

Be a voice for Aboriginal people.

#### **Key Activities**

- 4.01 Monitor the implementation and reporting of the National Partnership Agreement on Remote Housing and advocate for changes in relation to community aspirations and housing management
- 4.02 Monitor the implementation of the National Partnership Agreement on Closing the Gap, in partnership with Aboriginal Peak Organisations NT (APO NT)
- 4.03 Advocate for legislative and policy reform to ensure improved outcomes and equity for the NLC constituents
- 4.04 Participate and support Treaty negotiations and the Voice referendum campaigns
- 4.05 Facilitate and enable full participation by Council members



\*The aforementioned primary activities do not fully represent the work that the NLC does to fulfil its mission because it engages in numerous other activities as well.





## PERFORMANCE

This section identifies how the NLC will measure our performance delivering each of our Strategic Goal key activities. It is made up on metric and non-metric performance indicators.

# Metric performance

## STRATEGIC GOAL 1: Proactively manage country

Acquire, manage and protect traditional lands and waters in accordance with statutory functions.

Key activity reference	Measures	Target			
		2023–24	2024–25	2025–26	2026–27
1.01	Process permit applications within 10 days			100%	
1.01	Permit delegate response received within seven days – finalised			90%	
1.02	Applications quality checked and progressed to consider (including expressions of interest and future acts) within 14 days	60%	70%	80%	90%
1.03	Land use agreements presented to the delegate within three months of Traditional Owner consent			80%	
1.04	Percentage of Land Interest Reference requests completed each year	60%	70%	80%	90%

## STRATEGIC GOAL 2: Opportunity and Empower

Create real opportunities for Aboriginal people and Traditional Owners.

Key activity reference	Measures	Target			
		2023–24	2024–25	2025–26	2026–27
2.01	Total percentage of land use agreements with all obligations met (section 19, Part IV and Native Title)	80%	80%	80%	80%
	Future acts notifications issued within three months	100%	100%	100%	100%
	Total number of consultations completed				
2.03	Achieve eight initiatives listed in the Community Planning Development Strategic Plan	75%	100%	○	○
2.04	Increase staff living and based in regions		5%		
	Increase staff housing stock		5%		
2.05	Complete office upgrades in nine locations	25%	40%	75%	85%
2.06	Four trainees employed and completing further education			100%	
2.07	Income generated from all NLC Land and Sea Use agreements received			95%	
2.08	Distribute income in accordance with s35 of the Land Rights Act within six months			100%	
	Increase percentage of disbursements (non-mining) made pursuant to standing instructions			20%	
2.10	Progress towards achieving the 12 Learning on Country priorities	25%	75%	90%	

○ Activity will not occur during these years.

### STRATEGIC GOAL 3: A strong NLC

Be a culturally rich and trusted organisation that gets things done and our community can be proud of.

Key activity reference	Measures	Target			
		2023–24	2024–25	2025–26	2026–27
3.02	All council members complete governance training			100%	
	All staff complete governance training	50%	90%		
3.04	All staff participating in workforce development activities			95%	
	All staff complete and up to date with mandatory training			95%	
3.05	All staff in compliance with WHS training			95%	
3.06	Determine hardware replacement count	80%			
	Determine annual software upgrade	80%			
	Complete helpdesk tickets within defined service delivery times			95%	
3.08	Ensure fleet (owned and leased) are compliant and available for NLC use			95%	
	Ensure assets (leased and owned) are compliant and available for NLC use			95%	
3.10	Grow audience size across social media platforms			10%	
	Publish quarterly edition of <i>Land Rights News</i>	4	4	4	4
	Increase inclusion of Aboriginal language in communication material per year			15%	
3.12	Assess and close complaints within 30 days	70%	80%	95%	95%
3.14	Total number Funeral and ceremony applications approved			N/A	
	Funeral applications processed within five working days			95%	
3.15	Number of requests for assistance to complete a mediation process			N/A	
	Percentage of identified staff who completed appropriate conflict management training			90%	

N/A It is not appropriate to set a target for this measure. The outcome will be reported in the annual report.

## STRATEGIC GOAL 4: Advocate

Be a voice for Aboriginal people.

Key activity reference	Measures	Target			
		2023–24	2024–25	2025–26	2026–27
4.01	Progress reports reviewed by Regional Council	14	14	14	14
	Deliver community engagement sessions	12	12	12	12
	Assist organisations to fulfil housing aspirations	1	1	1	1
	Assist organisations to transition into Aboriginal Community Housing Organisation	1	1	1	1
4.03	Develop NLC policy positions on priority areas identified by Regional and Full Council	2	2	2	2
	Respond to key government policy and legislative consultation processes	3	3	3	3
	Respond to licence and permit applications under the Water Act and <i>Pastoral Land Act</i>	2	2	2	2
4.04	Participation on the Treaty working group	100%	100%	100%	100%
4.05	Attendance of all Council members at Full, Regional and Executive Council.	90%			
	Submit agenda paper seven days prior to Council meetings	100%			

# Non-metric program performance measures

## STRATEGIC GOAL 1: Proactively manage country

Acquire, manage and protect traditional lands and waters in accordance with statutory functions.

Key activity reference	Measures	Target			
		2023–24	2024–25	2025–26	2026–27
1.01	Establish baseline and set target to respond to applications	●	○	○	○
1.04	Digitise historical Land Interest Reference	●	●	○	○
1.05	Develop policy for the repatriation of artefacts and management of archaeological heritage protection	●	○	○	○
	Implement and review biannually	○	●	●	●
1.06	Develop the joint fire carbon project with Northern Territory Government and Kakadu joint management	●	●	○	○
	Attend committee meetings	●	●	●	●

● Activity will occur during these years ○ Activity will not occur during these years.

## STRATEGIC GOAL 2: Opportunity and Empower

Create real opportunities for Aboriginal people and Traditional Owners.

Key activity reference	Measures	Target			
		2023–24	2024–25	2025–26	2026–27
2.02	Implement meeting facilitation training	●	●	○	○
	Review and update facilitation guidelines	○	○	○	●
	Develop audit criteria for meetings against facilitation policy and guide	●	●	●	○
2.04	Evaluate Regionalisation Strategy	●	●	○	○
2.05	Identify and secure land and housing developments in locations identified in the Regionalisation Strategy	●	●	●	●
2.06	Establish a baseline of number of school visits	●	○	○	○
2.08	Develop NLC Native Title Payments Policy	○	●	○	○
2.09	Four submissions provided to key government committee/inquiry	●	●	●	●
	One cultural water project per year	●	●	●	●
	Support provided to two advisory committee members	●	●	●	●
2.11	Progress towards achieving five key priorities in the Caring for Country Strategic Plan	●	●	●	●

● Activity will occur during these years ○ Activity will not occur during these years.

### STRATEGIC GOAL 3: A strong NLC

Be a culturally rich and trusted organisation that gets things done and our community can be proud of.

Key activity reference	Measures	Target			
		2023–24	2024–25	2025–26	2026–27
3.01	No new adverse financial audit findings	●	●	●	●
	Complete a review of financial reporting systems	○	●	○	○
3.02	Introduce suite of governance training for staff	●	●	○	○
3.03	Develop baseline metrics to determine improvements tenure, promotion, engagement classification	●	●	○	○
	Implement fully system-integrated approach to performance review, talent and performance management	○	●	●	●
	Monitor and evaluate	○	○	●	●
3.07	Enhance the CRM system to fit for purpose	●	○	○	○
	Establishment of enterprise architecture capabilities and toolset	●	○	○	○
3.08	Establish baseline target for fleet and assets compliant for NLC use	●	○	○	○
3.09	Review and complete all records management policies	●	●	○	○
3.11	Plan and deliver three key events commemorating 50 years of Land Council History	●	●	○	○
	Develop NLC history book	●	●	●	○
3.13	Finalise Councillors Handbook	●	○	○	○
	Implement the Risk Management, Internal Audit, Compliance and Governance Frameworks, Fraud Frameworks, Public Interest Disclosure Policy	●	●	○	○
	Monitor the NLC risk and compliance frameworks	○	●	●	●
	Biennially review the NLC Risk and Compliance Framework	○	○	●	○
3.15	Update conflict management policy and template mediation plan	●	●	○	○
	Implement conflict management and mediation policy	○	●	●	●

● Activity will occur during these years ○ Activity will not occur during these years.

## **STRATEGIC GOAL 4: Advocate**

Be a voice for Aboriginal people.

Key activity reference	Measure	Target			
		2023–24	2024–25	2025–26	2026–27
4.01	Monitor implementation of the National Partnership Agreement on Remote Housing	●	●	●	●
4.02	Monitor implementation of the National Partnership Agreement on Closing the Gap	●	●	●	●

● Activity will occur during these years ○ Activity will not occur during these years.





## OPERATING CONTEXT

# The environment the NLC operates in

The NLC has a proud history fighting for land rights, being a strong advocate for Aboriginal people and remaining fiercely independent. The NLC will build on this solid foundation, developed over the past 50 years, as it makes the transition from an era focused on the fight for land rights to one focused on activating those hard-won rights and interests in land, freshwater and sea country.

The NLC continues to implement its Regionalisation Strategy. The regional service hubs (Katherine, Nhulunbuy and Jabiru), Regional offices (Wadeye, Maningrida, Galiwin'ku, Ngukurr, Borroloola, Elliot, Timber Creek and Tennant Creek) and the Darwin head office provides services to more than 51,000 Aboriginal people living across the NLC regions, the majority of whom live in remote communities or on traditional homelands throughout the Northern Territory.

The NLC represents and implements the principles and values of social justice through the maintenance and development of appropriate land-related policies and procedures. The NLC filters through a diverse linguistic, cultural, legal, political and economic spectrum.

## Geography

- The NLC operates across an area of approximately 600,000 km<sup>2</sup>, (including for Native Title Representative Body purposes the surrounding seas, the Tiwi Islands and Groote Eylandt).
- This area takes in a variety of landscapes from desert country to vast wetland systems, tropical savannah and coastal regions.
- Substantial parts of the region are poorly served in terms of roads and communications infrastructure.
- The area of operation is within the wet-dry tropics of Australia and, about 93% of the region's annual rainfall occurs in the wet season (from November to April), when many remote communities are accessible only by charter flights.
- Constituents live in about 200 communities ranging in size from small family groups up to 3,000 people.

The physical environment has a substantial impact on the work of the NLC, affecting travel and communications, and the costs of providing core services remotely can be disproportionate to servicing urban settings.

The remote geography and cultural diversity of the NLC's region provides a challenging area within which to work, particularly concerning resource allocation for:

- travel and accommodation
- communications, including telephone and internet services
- housing and accommodation for regional and visiting staff
- meetings and consultation with TOs in remote places with scattered populations
- delivering culturally appropriate information
- the variety and number of meetings to ensure integrity of informed decision-making processes
- capital and recurring motor vehicle expenses, and wear and tear on these vehicles.

## Regulatory environment

As a Corporate Commonwealth Entity, changes to the regulatory environment in which we operate is largely determined by legislative or policy changes enacted by the government of the day.

Any changes to the Land Rights Act or Native Title Act could have significant impacts on the NLC. The NLC is advocating for stronger rights for native title holders through legislative reform and other means. The NLC has statutory functions and powers under both the Land Rights Act and Native Title Acts which it carries out on a daily basis. Since the passage of the Land Rights Act, 91.5% of the coastline and 37.5% of the land in the Northern Land Council region has been granted to Aboriginal people as freehold lands. Over 30.6% of the area is under native title in the NLC region.

The PGPA is another key source of regulatory obligations that the NLC must follow. It establishes a system of governance and accountability that applies across Commonwealth entities.

The NLC also has some functions relevant to Northern Territory legislation, for example the Aboriginal Land Act (Northern Territory), which includes the power to issue and revoke permits for persons entering and remaining on Aboriginal land and close seas.

Policy changes by the government can have a significant impact on NLC. As part of the government's response to the COVID-19 pandemic, movement restrictions were imposed to keep people safe. This resulted in a period where the NLC was unable to conduct consultations while still receiving new applications. This has contributed to the significant backlog of applications awaiting consultation.

## Social environment

Traditional land owners recognise the importance of keeping culture strong. The NLC is proud of its Learning on Country program which is a joint initiative between Aboriginal ranger groups and 17 schools across the NLC region. The program has a strong focus of intergenerational transfer of culture and traditional knowledge while building capacity of future leaders to walk strong in two worlds.

## Economic environment

The NLC regions, while having much in common, can also be distinctly different regarding opportunities for economic development. Through the lens of activating land and sea rights, the NLC will work with Aboriginal corporations to take advantage of opportunities for economic development and wealth creation.

As proponents seek to increase activity on Aboriginal land, TOs have recognised the opportunity to invest in community planning and development projects that will benefit their entire community. Providing options for TOs to participate in community planning and development remains a strong focus for the NLC.

## Administration and support services

The regional offices spread out among the NLC's areas are closely coordinated by the NLC's main office in Darwin. As a result, the NLC is able to promptly address any demands or problems that may occur locally.

NLC regional offices provide a range of services to TOs and other stakeholders across the seven regions.

# Capability

## Workforce

A skilled and engaged workforce is essential for progressing the NLC's performance and ability to respond strategically to today's frequently changing environment. With a strong outlook towards its anticipated skills and training requirements, the NLC has equipped itself to progress towards an adaptable and agile workforce throughout this plan by:

- continuing to deliver the Learning and Development Framework
- implementing the Aboriginal Employment Pathway Strategy
- installing risk-management processes and procedures to ensure critical workforce gaps are met, promoting and improving good health and wellbeing practices, and fostering and improving innovative work productivity.

## Infrastructure

The NLC manages a range of assets which are deployed across each of its seven regions. The types of assets managed by the NLC include offices, staff housing, motor vehicles, boats, trailers and generators. Asset management plans are being developed to ensure maintenance, compliance and the effective use of assets. The NLC uses the straight-line approach to depreciate the principal asset category.

## ICT requirements

Information and Communications Technologies (ICT) are critical to the successful delivery of NLC services. The NLC ICT Strategy seeks to deliver secure, flexible, reliable and integrated systems and solutions to the staff and customers through an ICT environment that is highly responsive to the NLC's objectives.

The Key ICT goals 2023–27:

1. Exceptional customer experience.
2. Reliable ICT enterprise systems.
3. Continuous business-ICT alignment.
4. Sustainable ICT delivery.
5. Flexible and innovative system.

The NLC ICT strategic priorities 2023–27:

1. Adopt new ways of working.
2. Build a flexible, scalable and efficient ecosystem.
3. Provide secure, resilient, reliable and reusable digital assets.
4. Develop confident digital capabilities and knowledge management.

# Risk oversight and management framework

## Enterprise risk management framework

The NLC is committed to having robust risk-management practices in place to enable risks to be proactively managed in order to optimise success of, and minimise threats to, meeting its strategic goals.

The NLC's enterprise risk management system has been developed to enable workers to identify risks, outline mitigation plans and provide management with a tool to effectively manage risk. The enterprise risk management framework outlines the NLC's risk management approach and principles, risk appetite and tolerances, risk profile, risk culture, risk and control reviews, risk assurance, shared risks, emerging risks, training, reporting and responsibilities. The enterprise risk register outlines the specific mitigation measures for each risk, and the acceptable risk tolerance for that risk. The system can relate items to other risk areas such as financial, work health and safety, and fraud.

The NLC is currently redrafting its risk management framework. The revised framework will further enhance existing controls and improve accountability, and includes additional mechanisms to continuously improve and monitor the risk mitigation plans and the risk culture of the NLC. The framework will also have interconnection with the NLC's Public Interest Disclosure Policy (PID Policy), confidential fraud reporting channels, and the work health and safety management system.

## Risk management oversight

Quality assurance checks and risk reporting drive continuous improvements with a focus on reviewing and updating risk-mitigation activities. These checks also drive continuous improvement of the NLC's approach to risk management. The reports are presented to the Audit Committee (an advisory committee) and management. The Audit Committee provides independent assurance that the NLC's risk-management processes are aligned with the Commonwealth Risk Management Policy and the Standard for Risk Management – Guidelines AS ISO 31000:2018, as well as Department of Finance Resource Management Guides and Australian Government Guidelines.

The Audit Committee also oversees internal and external audit functions, and the Australian National Audit Office (ANAO) has a standing invitation to attend all meetings. Each year the Audit Committee reports to the Accountable Authorities on the appropriateness of the NLC's systems of controls.

## Key risk identification methodology

The identification of key risks is a combination of analysis, collaboration and continuous improvement. The table below reflects the key risks that have been identified for 2023–24 and the mitigation measures in place to reduce these risks. The key risks have been selected based on the following:

1. Validation with risk owner
2. Quality assurance review
3. Residual risk (likelihood and impact)
4. Engagement with management and subject matter experts
5. Alignment with strategic plan
6. Consideration of emerging risks during the period

# NLC key and emerging risks

Work Health and Safety (WHS)	
Risks	Mitigation plan
NLC workers, building and assets can be affected by natural disaster including cyclone, flood and earthquake	<ul style="list-style-type: none"> <li>NLC will review the NLC emergency plan and cyclone plan every two years</li> <li>NLC will identify offices or work areas that are prone to natural disaster</li> <li>NLC will regularly conduct emergency mitigation meeting with staff</li> <li>NLC will monitor Northern Territory Emergency Service (NTES) and Bureau of Meteorology (BOM) website for natural disaster information</li> <li>NLC will maintain accurate employee contact details and their next of kin</li> <li>NLC will maintain and distribute emergency service contact details to each NLC regional office and ranger stations.</li> </ul>
Poor compliance level with WHS Act and regulations	<ul style="list-style-type: none"> <li>NLC will review internal WHS policy and procedures every two years</li> <li>NLC will promote implementation of WHS policy and procedure to workers</li> <li>NLC will monitor workers understanding and implementation of WHS policy and procedures</li> <li>NLC will conduct risk assessment and equipment checks</li> <li>NLC will report incidents as required and maintain the incident register</li> <li>NLC will conduct compliance checks on journey management plans and mandatory check-in/check-out protocol</li> <li>NLC will design a monitoring and evaluation framework that integrates WHS obligations in ranger group workflows through daily toolbox meetings. Data entries will be automatically uploaded and work activity can only start once WHS checks have been conducted.</li> </ul>

Compliance	
Risks	Mitigation plan
Failure to monitor and enforce contractual obligations in land use agreements entered pursuant to section 19 of Land Rights Act	<ul style="list-style-type: none"> <li>NLC will ensure that contractual obligations from agreements are exercised efficiently and effectively</li> <li>NLC will record compliance activities on Aboriginal land using Customer Relationship Management (CRM) application</li> <li>NLC will employ a dedicated subject matter expert to enhance CRM functionality</li> <li>NLC will apply another compliance record application to support CRM functionality.</li> </ul>
Failure to enforce contractual obligations in resources and energy agreements	<ul style="list-style-type: none"> <li>NLC will monitor the contractual obligations of all parties to resources and energy agreements</li> <li>NLC will perform regular audits of all agreements to ensure compliance.</li> </ul>

Failure to distribute land use agreement payments within six months of payment in accordance with section 35(4) of the Land Rights Act	<ul style="list-style-type: none"> <li>NLC will ask Traditional Owners to give standing instructions for the distribution of all known future land use agreement payments to ensure payment within six months of receipt</li> <li>NLC will ask Traditional Owners to sign agreements with TOs who are unable to reach agreement on distribution and want the NLC to hold their monies in accordance with section 35(9) of the Land Rights Act</li> <li>NLC will create and maintain a separate account for all section 35(9) funds</li> <li>NLC will obtain royalty distribution instructions at all land use agreement decision-making meeting to ensure land use payments can be distributed within six months</li> <li>NLC will map all land under agreements as to estate boundaries, so group land shares of future revenue can be calculated.</li> </ul>
Failure to meet PGPA Act requirements	<ul style="list-style-type: none"> <li>NLC will ensure all staff complete and regularly update their conflict of interest declarations</li> <li>NLC will ensure staff receive training on their duties as officials under the PGPA Act</li> <li>NLC will appropriately resource the Audit Committee</li> <li>NLC will prepare its corporate plan and annual report in a timely manner</li> <li>NLC will maintain a suit of policies and procedures and develop new ones as required</li> <li>NLC will liaise with Australian National Audit Office (ANAO) as required.</li> </ul>
NLC's old or current property, assets and fleet does not meet compliance requirements	<ul style="list-style-type: none"> <li>NLC will ensure any new building, assets and fleet are compliant and supported with relevant documentation</li> <li>NLC will record compliance gaps on existing buildings used for NLC business</li> <li>NLC will acquire building plans for buildings that do not meet the compliance requirements.</li> </ul>

Strategic	
Risks	Mitigation plan
Failure to meet complaint management obligations	<ul style="list-style-type: none"> <li>NLC will review and maintain policy and procedures to ensure complaint handling and issue resolution are manage properly</li> <li>NLC will provide and maintain a channel for the public to register their complaints on the NLC website</li> <li>NLC will record the complaints and recommended actions</li> <li>NLC will report on complaints to Council members, Audit and Risk Committee and in the annual report</li> <li>NLC will include key performance measures around complaints management in its corporate plan.</li> </ul>
Failure to develop positions on number of critical themes (including joint management, carbon markets, corporate offsets, fee-for-service income)	<ul style="list-style-type: none"> <li>NLC will develop and maintain a policy position on a number of critical themes</li> <li>NLC will address organisational needs across thematic areas as determined by NLC executives.</li> </ul>

<b>Failure to manage risk</b>	<ul style="list-style-type: none"> <li>• NLC will develop and implement risk management framework align with the Commonwealth Risk Management Policy</li> <li>• NLC will develop a risk management strategy</li> <li>• NLC will further enhance risk reporting process to Audit Committee and management</li> <li>• NLC will deliver risk management training across workers and Council members</li> <li>• NLC will identify and manage risks across all NLC projects and activities.</li> </ul>
<b>Failure to pursue recognition of Aboriginal peoples' constitutional rights</b>	<ul style="list-style-type: none"> <li>• NLC will seek clear instructions and guidance through consultation with NLC Full Council and Executive members</li> <li>• NLC will lobby governments and raise public awareness of following issues:           <ol style="list-style-type: none"> <li>1. Treaty model</li> <li>2. First Nations Voice to Parliament</li> <li>3. Makarrata commission.</li> </ol> </li> </ul>
<b>Unable to engage and maintain relationship with all levels of government and key stakeholders</b>	<ul style="list-style-type: none"> <li>• NLC will review communications with government and other land councils on regular basis</li> <li>• NLC will promote public and community awareness of NLC's functions under relevant legislation (Land Rights Act, Native Title Act, PGPA Act)</li> <li>• NLC will produce draft submissions documents to assist development of government policies and programs that impacting on and benefiting Aboriginal people and their interests.</li> </ul>
<b>Unable to provide leadership in the co-design of national partnership agreements</b>	<ul style="list-style-type: none"> <li>• NLC will contribute in the design of the national partnership agreement priority reform areas and target objectives</li> <li>• NLC will work with Northern Territory Government and Aboriginal Peak Organisations Northern Territory (APO NT) to develop the Northern Territory Closing the Gap Implementation Plan</li> <li>• NLC will participate on the National Partnership Agreement on Remote Housing Joint Steering Committee and monitor the service delivery and advocate for community control housing model, including homelands</li> <li>• NLC will ensure that governance arrangements, objective and scope are outlined in the terms of reference</li> <li>• NLC will review and monitor progress of the agreements.</li> </ul>
<b>Failure to facilitate full participation by Council members</b>	<ul style="list-style-type: none"> <li>• NLC will provide induction and governance training for all Full Council members</li> <li>• NLC will provide company directors training to all incoming Executives Council members</li> <li>• NLC will conduct annual governance workshops will all councillors</li> <li>• NLC will review and update the Council Member Handbook</li> <li>• NLC will facilitate the attendance of councillors at all Council and committee meetings</li> <li>• NLC will review standing agenda items on each Council meetings.</li> </ul>
<b>Failure to support and resource Traditional Owners to participate in the joint management of Territory and Commonwealth national parks across the Top End</b>	<ul style="list-style-type: none"> <li>• NLC will engage additional staff to ensure that joint management committees across the NLC region are supported to attend and participate in joint management meetings</li> <li>• NLC will conduct annual joint management forums with constituents to guide its approach to joint management</li> <li>• NLC will monitor the contractual obligations of all parties to joint management agreements.</li> </ul>

IT and records	
Risks	Mitigation plan
Failure to keep good records management	<ul style="list-style-type: none"> <li>NLC will maintain an appropriate level of qualified and trained staff</li> <li>NLC will maintain adequate policies and process in regard to records management</li> <li>NLC will promote record-keeping obligations to staff and report on compliance with these obligations to management</li> <li>NLC will follow due process of National Archives of Australia (NAA) Information Management Standards and ensure appropriate retention and destruction of records.</li> </ul>
Possibility of repeated security incidents or cyber-attack on the NLC networks, servers, systems and an outbreak of malware into server environment	<ul style="list-style-type: none"> <li>NLC will ensure antivirus and endpoint protections are up to date and maintained</li> <li>NLC IT staff will deliver core service in line with policy and procedure</li> <li>NLC will ensure all hardware are installed with the latest patch and updates.</li> </ul>
Project specific	
Risks	Mitigation plan
Failure to realise native title and land claims and failure to assist Traditional Owners to exercise their rights	<ul style="list-style-type: none"> <li>NLC will prepare and file native title applications as required</li> <li>NLC will finalise all outstanding land claims and work with Traditional Owners and detriment interest holders to have land recommended for grant scheduled as Aboriginal land</li> <li>NLC will notify, facilitate and assist negotiations and seek free, prior and informed consent from Traditional Owners for all exploration and mining applications and non-mining land use and development proposals (including non-pastoral use permits, land clearing permits and water extractions licences)</li> <li>NLC will consult with native title holders about the application of the expedited procedure to exploration licence applications that pose a particularly high risk to sacred site and lodge prosecute objections if instructed</li> <li>NLC will seek expert advice on contractual terms as required</li> <li>NLC will take all relevant steps to protect Traditional Owners' interests, protect sacred sites and secure benefits on their behalf.</li> </ul>
Unable to provide consults with Aboriginal people on proposed or current resource and energy projects	<ul style="list-style-type: none"> <li>NLC will implement NLC 116 Mining Policy</li> <li>NLC will ensure relevant NLC staff trained in cross-cultural communication</li> <li>NLC will implement cross-cultural training for relevant staff</li> <li>NLC will engage interpreters to develop audio-visual material in the main language groups where required.</li> </ul>
Unable to maintain regional office network for remote regional Aboriginal people	<ul style="list-style-type: none"> <li>NLC has purchased some land and seeking partnerships with local Aboriginal corporations to build or lease houses from</li> <li>NLC will buy land and build its own staff housing.</li> </ul>

<b>Financial</b>	
<b>Risks</b>	<b>Mitigation plan</b>
Funds to be returned to agency due to non-compliance both financially and performance related, particularly allocations that are not accepted by some agencies	<ul style="list-style-type: none"> <li>NLC will frequently review financial progress and performance</li> <li>NLC will monitor and assess revenue grants and project plans accordingly.</li> </ul>

## Cooperation

Successful delivery of this corporate plan relies on having a good understanding of the operating context, and establishing and maintaining strong relationships with NLC stakeholders.

Stakeholders with varying levels of interest and impact affect how the NLC operates. The NLC continues to establish new and improve existing relationships with key stakeholders to maximise the outcomes for TOs and community members. This is achieved by working collaboratively with TOs, affected people, Aboriginal organisations, and government and non-government partners.

<b>Level</b>	<b>Stakeholders</b>
Australian Government	Minister for Indigenous Australians National Indigenous Australians Agency (NIAA) Department of Finance (DoF) Indigenous Land and Sea Corporation (ILSC) Northern Territory Aboriginal Investment Corporation (NTAIC) Central Land Council Anindilyakwa Land Council Tiwi Land Council
Territory	Northern Territory Government
Regional	Municipal and regional councils
Other	Aboriginal people Aboriginal corporations Community organisations Proponents



## NORTHERN LAND COUNCIL

Our Land, Our Sea, Our Life

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