



NORTHERN  
LAND COUNCIL

Our Land, Our Sea, Our Life



Australian Government

ANNUAL REPORT  
2016/17

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## 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.

## OUR VALUES...

are informed by the values of Aboriginal people of our region and are consistent with Commonwealth standards.

## 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.



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# About this report

The Northern Land Council's Annual Report 2016/17 provides a comprehensive account of the Council's performance from 1 July 2016 to 30 June 2017 in accordance with its responsibilities and obligations under the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Native Title Act 1993* (referred to throughout this document as the *ALRA* and the *NTA* respectively).

The Council's activities are guided by the leadership of the Full Council, with members elected in November 2016 for a three-year term, and by the organisation's planning processes.

The Annual Report 2016/17 is divided into four parts:

1. About Us – Our Land, Our Sea Our Life: Our history, our clients and our organisational structure.
2. Our Approach: Shaping our Future: Our strategic approach and aspirations in terms of our goals, objectives and performance measurements.
3. The Year in Review 2016/17: The major issues and achievements for the reporting year across seven key performance areas that align with our seven goals.
4. 2016/17 Financial Reports: Details on income and expenses for both the NLC as a Commonwealth entity and as a native title representative body.

During the reporting year the NLC continued an ambitious program of activities aligned to key strategic directions: enhanced social, political and economic participation and equity for Aboriginal people in the NLC's jurisdiction through the promotion, protection and advancement of their land, water rights and human rights.

The Annual Report highlights achievements and identifies future directions, and attempts to foresee challenges to minimise risks in achieving outcomes throughout the year.

As a Commonwealth body corporate, the NLC submits this report to the Minister for Indigenous Affairs for tabling in the Australian Parliament.

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# NORTHERN LAND COUNCIL

*Our Land, Our Sea, Our Life*

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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 2016/17 Annual Report for the Northern Land Council.

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



## 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 NORTHERN LAND COUNCIL

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 proactive on issues facing his community and for the rights and interests of Aboriginal people broadly. 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 NORTHERN LAND COUNCIL

Mr Morrison was born and raised in Katherine and has Dagoman and Torres Strait Islander heritage. 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.

## 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 auditor is the Australian National Audit Office.

Financial statements have been prepared in accordance with the Finance Minister's

FIGURE 01: FINANCIAL PERFORMANCE - FIVE-YEAR OVERVIEW

|                                                            | 2012/2013<br>\$'000 | 2013/2014<br>\$'000 | 2014/2015<br>\$'000 | 2015/2016<br>\$'000 | 2016/2017<br>\$'000 |
|------------------------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Revenue                                                    | 35,419              | 36,869              | 41,203              | 39,596              | 41,660              |
| Expenses                                                   | 48,780              | 43,660              | 35,101              | 39,645              | 40,864              |
| "Operating Surplus/(Deficit)<br>before Capital investment" | (13,361)            | (6,791)             | 6,102               | (49)                | 796                 |
| Assets                                                     | 15,629              | 11,294              | 15,011              | 15,948              | 25,967              |
| Liabilities                                                | 7,492               | 8,019               | 5,634               | 6,620               | 14,796              |
| Asset Revaluation Reserve                                  | 44                  | 1,973               | 1,973               | 1,973               | 3,028               |
| Cash Held                                                  | 4,577               | 2,545               | 6,588               | 7,354               | 16,549              |
| Net Increase/decrease<br>in cash held                      | (13,361)            | (2,032)             | 4,043               | 766                 | 9195                |

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 at the end of this report, from page 179.

### 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)

A short summary of the NLC's overall financial performance for 2016/17 is shown above.

### 2016/17 Financial Overview

The NLC's operating surplus/deficit is dependent on external factors such as grant cycles and capital investment in infrastructure in particular

financial years. Operating surplus is by definition an accounting term and does not refer to unexpended funds.

### Commonwealth Compliance Summary

As a Commonwealth Authority, the NLC is subject to annual reporting orders issued by 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 (refer page 194).

### Report of Auditor General

The Auditor General prepared a Performance Audit, "Effectiveness of the Governance of the Northern Land Council", which was presented to the Commonwealth Parliament on 20 June 2017 (17BE (r) of the PGPA Rule 2014).

## FROM OUR CHAIRMAN

# Samuel Bush-Blanasi



I wish to begin by thanking NLC members who re-elected me as Chairman at the first meeting of the new Full Council at Timber Creek in November 2016.

After the elections last year for the Full Council, we welcomed 22 new members, eight of whom are women. There are now 17 women on the 78-member Full Council (three positions are currently vacant); another five women have been co-opted to redress gender imbalances in those regions which returned a preponderance of male members.

Elections by the Full Council at Timber Creek for the Chair and Deputy Chair positions were supervised by the Australian Electoral Commission. John Christophersen, who has a long record of service with the NLC, was elected Deputy Chair, and I thank him for his support over the past eight months. I also thank Wayne Wauchope, the outgoing Deputy Chair, for his hard work on the previous Full Council.

I also acknowledge the good work of CEO Joe Morrison towards the extensive reforms which he has brought to the NLC's administration. The NLC is much more efficient and accountable as a result of his direction and oversight of the improvements taking place across all aspects of the NLC's operations.

All that good work has been recognised by the ANAO, which this reporting year conducted a performance review of the "Effectiveness of the Governance of the Northern Land Council". The ANAO's report was tabled in the Commonwealth Parliament on 20 June 2017, the culmination of several months of exhaustive inquiry by a team from the ANAO into all aspects of the NLC's operations.

While the ANAO said that considerable work remains to be done, it noted that the NLC is some two years into a wide-ranging reform agenda. "Throughout the conduct of this audit, there was

Officers from the Australian Electoral Commission (Suzie Berger, left, and Chris Roper) check the membership list prior to ballots for the positions of Chairman and Deputy Chairman at the Full Council meeting in Timber Creek, November 2016.



a notable energy and commitment from staff and managers to achieve the aims of the reforms over the longer term”, the review reported.

In accepting the ANAO’s report, I wrote back that we were pleased that the Office had acknowledged the extensive reforms being implemented across the whole organisation: “The development and implementation of the reforms are still a work in progress, but the NLC feels proud that it is already a much more efficient and accountable organisation, and much better placed to serve its Aboriginal membership and constituents”.

I said the audit had been a worthwhile exercise – it had, in fact, “proved to have been an aid to the NLC’s reform process”.

The report also noted the worth of biannual strategic forums which began last year and involved representatives from the Australian and Northern

Territory governments and the four Northern Territory Land Councils. With the CEO and senior staff I attended the forum hosted by the Central Land Council in Alice Springs in May 2017. I can say the meetings have proven to be a good platform for a frank exchange of ideas and future planning.

I’m keen to establish better relations and co-operation with the other three Northern Territory Land Councils – the Central Land Council, Anindilyakwa Land Council and Tiwi Land Council, whose Chairmen attended our last Full Council meeting at Katherine in May.

In August 2016, the Northern and Central Land Councils held a joint meeting at Kalkarindji, on the eve of the celebration to mark the 50th anniversary of the Wave Hill walk-off. It was a great opportunity to remember the courage of those men who, with their families, walked off Wave Hill Station in 1966 – a

protest that grew from a fight about wages and conditions to the start of the modern land rights movement.

It's good to reflect on that history, and what has been achieved. Only 10 years after the walk-off we got the Land Rights Act. December last year was the 40th anniversary of the passing of the Act by the Commonwealth Parliament; it commenced on Australia Day 1977. The Act has enabled the return of half the land mass of the Northern Territory to Aboriginal ownership.

Aboriginal people are still having to assert their rights, and the National Constitutional Convention at Uluru in May, which produced the "Uluru Statement from the Heart" was a good opportunity to further that agenda. I attended the Convention with other NLC members and the CEO, and the NLC hosted the

northern Dialogue which preceded the Convention, one of 12 regional Dialogues held around the country.

With the other three Northern Territory Land Councils, the NLC is also keen to advance discussions with the new Northern Territory Labor Government on the subject of a Treaty. I welcomed the announcement by the Chief Minister, Mr Michael Gunner MLA, in September last year, that he would establish a sub-committee to progress public discussion about a Treaty with Indigenous Territorians.

Mr Gunner also announced that the same sub-committee is meant to be focusing on ensuring land and sea ownership delivers on Aboriginal economic and social aspirations. That commitment is particularly relevant to the ongoing consultations and discussions to arrive at a comprehensive settlement of matters



Central Land Council chairman Francis Kelly addresses the Full Council meeting in Katherine, May 2017. At left is NLC deputy Chairman John Christophersen; at right is Tiwi Land Council Chairman Gibson Farmer (Ilortaminni).





Deputy Chairman John Christophersen, left, leads discussion on sea country matters at the Full Council meeting in Katherine, May 2017. Also at the top table are (from right) Northern Territory Seafood Council CEO Katherine Winchester, Council Chairman Daniel Kimberley, and Amateur Fishermen's Association of the Northern Territory (AFANT) President Warren de With.

pertaining to the High Court's Blue Mud Bay decision nearly a decade ago.

On that subject, I wish to thank the Federal Minister for Indigenous Affairs, Senator the Hon Nigel Scullion, for his grant of \$7.5 million to the NLC to help Traditional Owners in the NLC region finalise Aboriginal land claims over sea country.

Our relationship with Senator Scullion had previously been sometimes adversarial, but I am pleased to report that we have satisfactorily resolved our differences over the past year. When he announced the \$7.5 million grant at the meeting of the Full Council at Katherine in May, Senator Scullion said the NLC was doing "a remarkable job".

I wish to thank all the NLC staff, both in the Head Office in Darwin and across our extensive network of regional offices

for their hard work over the past year.

Finally, I record the sadness of all of us at the passing this year of three serving and former NLC Councillors: Mr King of Yingawunari, Mr Wilson of Peppimenarti and Mr Jones of Timber Creek.

A handwritten signature in black ink, appearing to read 'S Bush-Blanasi'.

Samuel Bush-Blanasi  
CHAIRMAN

FROM OUR CHIEF  
EXECUTIVE OFFICER

# Joe Morrison



The NLC has had another big year as we continued to improve our services by upgrading our systems and strengthening our governance, reporting and accountability.

As the Chairman has noted on previous pages, the continuing work to reform the NLC has been recognised in a performance audit by the Australian National Audit Office which was tabled in the Commonwealth Parliament in June.

The ANAO report records that a year before I began as CEO in February 2014, an external review of the NLC identified a “fundamental breakdown” in the governance framework of the administration.

The task of turning around an organisation as complex as the NLC has been momentous, and I am pleased that the ANAO has acknowledged the “wide-ranging reform agenda covering almost all aspects of the

governance and administration of the council” that I began to implement with support of the Full Council.

The audit said: “...progress (has been) achieved in corporate planning and reporting, financial reporting and in internal governance through the operations of an Audit Committee. Other reforms, including in human resource and records management, are well underway with an overhaul of the council’s information and communications technology systems in the early stages”.

The audit also noted: “...the NLC is implementing numerous reforms aimed at improving the delivery of services. Some reforms are weighted towards improving the efficiency and raising the standard of services provided to stakeholders, particularly improvements in the administration of royalty payments, while others reflect specific goals set out in the NLC’s Strategic Plan 2016-20”.

While I have taken comfort from the ANAO's endorsement of the reforms, the program to improve and expand our performance, systems and service delivery is far from complete, and we will continue to monitor and review our operations on a regular basis.

As CEO, I am determined to expand our regional services, so that we can be more relevant to constituents beyond our Head Office in Darwin. During this reporting year the Regional Development Branch opened an office in Maningrida, and in 2017/18, is planning to establish a permanent presence in Galiwin'ku. Other branches (Legal and Anthropology) are also attuned to the need to move staff positions to regional offices. Our regionalisation strategy has the ultimate objective of bringing all aspects of the NLC closer to our constituents.

The newly-established Community Planning and Development (CP&D) Unit is another example of my drive to better

service our constituents in the bush. The Full Council, meeting in November 2016, endorsed a framework to guide the program, and the new unit has already attracted much interest from remote communities. The aim is to support Aboriginal groups to use income from royalties and land use agreements for their own development projects.

I am pleased to report that the working of the Full Council continues to improve, especially since its decision to delegate decisions about most s19 agreements to the Executive Council. That has freed up time for the Full Council to focus more on policy issues. Governance training sessions have also been useful. The new Full Council, elected last year, met for the first time at Timber Creek in November and the first day was set aside for governance training. Special training for the new nine-member executive has also been provided during this past year by an external agency. There will be continual refreshers throughout the term of the Council.

Internally, I have restructured the former Secretariat Branch to improve services to the Full Council. The ANAO report recorded that the restructure "aims to streamline and improve ... support for the operation of the council, with a branch plan and performance indicators recently developed".

After an intensive two-day workshop managed by an external facilitator, the Leadership Group endorsed a recommendation to change the name of the Secretariat Branch to Executive Branch, so as to better reflect the scope of its work and my drive to provide high level executive support to the Chairman, Full Council and Administration.

CEO Joe Morrison confers with the Minister for Indigenous Affairs, Senator the Hon Nigel Scullion, at Parliament House, Canberra, June 2017.



The Leadership Group comprises the NLC's senior management and during the past year I have continued the practice of biannual retreats for the Group, away from Head Office, where work programs are reviewed and priorities are set. I am pleased that the ANAO's report recorded that throughout the conduct of its audit (which took several months to complete), "there was a notable energy and commitment from staff and managers to achieve the aims of the reforms over the longer term".

Externally, the NLC has engaged closely with the push for reform of the Australian Constitution. We hosted the three-day Top End Regional Dialogue in February that preceded the National Constitutional Convention at Uluru in late May. The Executive Council, meeting at Katherine in July, supported and welcomed the Uluru "Statement from the Heart", but added in a resolution: "The call for substantive constitutional reform must include consideration

of the recommendations in 2012 of the Expert Panel on Constitutional Recognition of Indigenous Australians".

Also, we held a workshop in April with the Central Land Council to advance the proposal by the Northern Territory Chief Minister, the Hon Michael Gunner MLA, to promote the idea of a Treaty with the Indigenous people of the Northern Territory. Other jurisdictions – the states of Victoria and South Australia – have started the journey towards a Treaty with their Indigenous peoples, and the NLC, with other Land Councils, wants to be well-prepared for future engagement with the Northern Territory. To that end, the NLC and CLC have already engaged expert consultants to advise on practical and constitutional matters, especially taking into account the place of the *Aboriginal Land Rights (Northern Territory) Act 1976* in any proposed Treaty.

Hydraulic fracturing ("fracking") continues to exercise the minds of our remote constituents, and the



Joe Morrison appears on ABC News24 program, "The Drum", 21 June 2017 – the 10th anniversary of the Northern Territory Emergency Response (the "Intervention").





Joe Morrison addresses NAIDOC gathering in Raintree Park, Darwin, 8 July 2016.

NLC has worked closely with the NT Government's Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs. The NLC's submission to the Inquiry ran to 51 pages (available on the Inquiry's website) and flagged a host of concerns about fracking processes, particularly as they affect Aboriginal people and communities in the Northern Territory. The Inquiry's chair, the Hon Justice Rachel Pepper, addressed the Full Council meeting at Katherine in May and answered questions from Councillors.

Another major submission by the NLC in the past reporting year was in response to the draft Environment Impact Statement (EIS) of McArthur River Mine (MRM), which operates a controversial zinc/lead mine south-west of Borroloola. Since MRM diverted the McArthur River to enable open cut mining, the operation has been the focus of vigorous protests by Aboriginal Traditional Owners. MRM wants to enlarge a huge overburden dump as part of its plan to extend the

commercial life of the mine until 2047. The 33-page submission from the NLC concluded that the company's EIS was "clearly deficient" and the project could not be allowed to proceed.

Finally, I wish to acknowledge the hard work of all NLC staff during the past year. All branches have been stretched beyond their limits, and the coming year offers no relief. As an Aboriginal Territorian, I know the expectations of our constituents and the broader community on the NLC are heavy, and it is my intention to ensure that the NLC is well placed to offer the best level of leadership it possibly can into the future.

Joe Morrison  
CHIEF EXECUTIVE OFFICER



# PART 1

Djeltk Indigenous Protected area, Maningrida

# About Us

Our Land, Our Sea, Our Life

## History

There is nothing more fundamental to the Aboriginal understanding of self and society than our relationship with the land and the sea. In 1973, the Australian Parliament appointed Justice Edward Woodward to conduct a Commission of Inquiry into the appropriate way to recognise Aboriginal land rights in the Northern Territory. The parliament was responding to lobbying from Aboriginal people, especially in the Northern Territory, for the recognition of their land rights.

In 1963, the Yolngu people of east Arnhem Land presented the Commonwealth Parliament with a bark petition, protesting about plans to use a great swathe of their land for bauxite mining. The petition remains on display at Parliament House, Canberra.

Calls for the recognition of land rights were rising across the Top End during the 1960s. 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. This led to an historic national referendum in 1967, where 91% of the people of Australia voted to give the Australian Parliament the power to make laws with respect to Aboriginal people.

The NLC 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. Following the enactment of the *Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*, the NLC became an independent statutory authority responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage traditional lands and seas.

The establishment and ongoing support of the four Land Councils in the Northern Territory – Tiwi, Anindilyakwa, Central and Northern – are important manifestations of Parliament's commitment to reconciliation with the Aboriginal people of the Northern Territory.

Nearly 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 our 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, our lands and waters are resource rich, and the NLC is a major contributor to the economy of the Northern Territory.

*The ALRA continues to be a strong foundation on which to build social, cultural and economic growth for Traditional Owners*

## NLC's responsibilities

The role and purpose of the NLC is driven by its enabling legislation – the ALRA and the *Native Title Act 1993* – 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 2017-2020.

See NLC's website: [www.nlc.org.au](http://www.nlc.org.au)

## Whom we serve

Our values are informed by the values of the Aboriginal people of our region. We act in accordance with these values at all times.

With those values in mind, the diversity of skills and experience of 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, approximately 50% of land in the Northern Territory has become legally Aboriginal owned, including 85% of the Territory's coastline. A large proportion of the remaining land mass is subject to native title.

About 36,000 Aboriginal people live in the region, and 80 percent 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.

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 for the NLC in terms of acting on behalf of Traditional Owners. 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 our cultural integrity.

## Regions

The NLC is divided into seven regions (see figure 08, p67), Darwin/Daly/Wagait, West Arnhem, East Arnhem, Katherine, VRD, Ngukurr and Borroloola/Barkly. Each region is represented by a regional council, from which an Executive Member is elected to sit on the NLC's Executive Council.

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





## The NLC's newly-elected Full Council

L-R back row: David Warraya (Ramininging EA), John Daly (Daly River South DDW), Shadrack Retchford (Bulla VRD), Larry Johns (Timber Creek VRD), Phillip Goodman (Darwin South DDW), David Rumba Rumba (Ramininging EA), George Milaypuma (Milingimbi EA), John Wilson (Peppimenarti DDW), Wesley Bandi Bandi (Gapuwiyak EA), Graham Kenyon (Darwin East DDW), George King (Yingawunari VRD), Matthew Shields (Daly River North DDW), Raymond Hector (Pigeon Hole VRD), Jason Guyula (Galiwin'ku EA), Paul Henwood (Darwin South West DDW), Brian Limerick (Alexandria BB), John Finlay (Wombaya BB), Jason Bill (Muckaty BB), Chris Neade (Elliot BB), Timothy Lansen (Nicholson BB) Linda Fletcher (Katherine Kath), Helen Lee (Barunga Kath)Lisa Mumbin (Katherine Kath)Samantha Lindsay (Bulman Kath).

L-R 2nd row seated on stairs: Otto Dann ( Gunbalanya WA), Bunug Galaminda (Warruwi WA), Jenny Inmulugulu (Warruwi WA), kneeling (Manningrida WA), Johnny Burrawanga, seated back (Galiwin'ku EA), Faye Manggurra (Numbulwar Ngukurr) Shannon Dixon, kneeling (Murrarji BB), Jabani Lalara, standing (Blue Mud Bay EA), Gordon Noonan, kneeling (Rockhampton Downs BB), Jonathon Nunggumajbarr, standing (Blue Mud Bay EA), Samuel Bush-Blanas, seated front (Beswick Kath), Kenny Djekurr Guyula, seated back (Galiwin'ku EA) Clint Julius Kernan, kneeling (Maningrida WA), Michael Ali, standing (Milingimbi EA), Bobby Wunungmurra (Gapuwiyak EA)George Campbell, seated front (Yarralin VRD), Elizabeth Sullivan, standing (Pine Creek DDW), Djawa Yunupingu, standing (Ski Beach EA), John Christophersen, seated front (Kakadu WA), Ronald Lami Lami, standing (Cobourg WA), (list continues next page)





## Timber Creek meeting, mid-November 2016

Gabby Gumurdul, standing (Gunbalanya WA), Peter Lansen, standing behind (Nutwood/Cox River Ngukurr), David Djalangi, standing front (Galiwin'ku EA), Keith Farrell (Hodgson Downs Ngukurr), Audrey Tilmouth (Darwin DDW), John Sullivan (Daly River West DDW), Virginia Nundhirribala, seated front (Numbulwar Ngukurr), Jody Evans, standing (Borroloola BB), Maxine Wallace, seated back (Brunette Downs BB), Jason Mullholland, standing (Borroloola BB), Wayne Wauchope, standing front (Gunbalanya WA), Tobias Nganbe, seated on steps (Port Keats DDW), Martin (observer), seated on steps (Port Keats North DDW), Walter Rogers, seated on steps (Ngukurr)

Absent from photo:

Keith Rory (Borroloola BB), Joy Priest (North Barkly BB), Richard Dixon (Robinson River BB), Kevin Quall (Darwin DDW), James Sing (Darwin West DDW), Mark Tunmuck Smith (Port Keats North DDW), Adrian Ariuu (Palumpa DDW), Sharon Daly (Daly River DDW), Dhuwarwarr Marika (Yirrkala EA), Caroline Dhamarrandji (Yirrkala EA), Jocelyn James (Mataranka/ Djimbra Kath), John Dalywater (Weemol Kath), Grace Daniels (Ngukurr), Gregory Daniels (Ngukurr), Timothy Wurramara (Numbulwar Ngukurr), Clifford Duncan (Urapunga Ngukurr), Kenovan Anthony (Amanbidji VRD), Matthew Ryan (Maningrida WA), Victor Rostron (Maningrida WA), Helen Williams (Maningrida WA), Matthew Ngarlbin (Croker WA)

Regions: BB - Borroloola Barkley; DDW - Darwin Daly Wagait; EA - East Arnhem; Kath - Katherine; Ngukurr; VRD - Victoria River District; WA - West Arnhem

## 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 *Aboriginal Land Rights (Northern Territory) Act 1976 (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. The Chairman and Deputy Chairman were elected at a Full Council meeting in Timber Creek in November 2016. Samuel Bush-Blanasi was re-elected Chairman; John Christophersen was elected Deputy Chairman.

Along with one member nominated from each of the 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 Full Council shapes the policy and strategic direction of the NLC. The Full Council, which meets twice a year, has delegated most powers for approving exploration and petroleum licence applications, and section 19 land use agreements under the ALRA to the Executive and Regional Councils.

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 reports are delivered by branch managers and when various experts are invited to make special presentations.

# Membership by regions

FIGURE 02: FULL COUNCIL MEMBERSHIP

| DARWIN/DALY/<br>WAGAIT - DDW            | WARD               |
|-----------------------------------------|--------------------|
| Kevin (Tibby) Quall                     | Darwin             |
| John Daly                               | Darwin River South |
| Phillip Goodman                         | Darwin South       |
| Graham Keynon                           | Darwin East        |
| Audrey Tilmouth                         | Darwin             |
| Paul Henwood                            | Darwin South West  |
| Mark Tunmuck-Smith                      | Port Keats North   |
| Matthew Shields                         | Daly River North   |
| John Sullivan                           | Daly River West    |
| Elizabeth (Lizzie) Sullivan (Executive) | Pine Creek         |
| John Wilson                             | Peppimenarti       |
| Tobias Nganbe                           | Port Keats         |
| Adrian Ariuu                            | Palumpa            |
| Sharon Daly                             | Darwin River       |
| James Sing*                             | Darwin West        |
| MEMBERS 2013-16                         |                    |
| Bill Risk (Executive)                   | Darwin             |
| Bill Danks                              | Darwin             |
| David Kenyon                            | Darwin East        |
| Les Waters                              | Darwin South       |
| Margaret Daiyi                          | Darwin South West  |
| Donna Sullivan                          | Daly River         |
| Wally Minjin                            | Palumpa            |
| Leslie Smiler                           | Port Keats         |
| Cyril Ninnal                            | Port Keats North   |

| BORROLOOLA/<br>BARKLY - BB     | WARD              |
|--------------------------------|-------------------|
| Timothy Lansen                 | Nicholson River   |
| Richard Dixon (Executive)      | Robinson River    |
| Keith Rory                     | Borrooloola       |
| Brian Limerick                 | Alexandria        |
| Shannon Dixon                  | Murrarji          |
| Gordon Noonan                  | Rockhampton Downs |
| John Finlay*                   | Wombaya           |
| Jason Bill                     | Muckaty           |
| Chris Neade                    | Elliott           |
| Maxine Wallace                 | Brunette Downs    |
| Jody Evans                     | Borrooloola       |
| Jason Mulholland               | Borrooloola       |
| Joy Priest (Co-opted Position) | North Barkly      |
| MEMBERS 2013-16                |                   |
| Leonard Norman                 | Borrooloola       |
| Hazel Shadforth                | Co-opted          |
| Timothy Lansen                 | Nicholson River   |
| Jack Green                     | Borrooloola       |
| David Harvey                   | North Barkly      |
| Jason Green                    | Borrooloola       |
| Elaine Sandy                   | Elliott           |

\*ABA Member

FIGURE 02: FIGURE 02: FULL COUNCIL MEMBERSHIP (CONT.)

| NGUKURR                     | WARD                  |
|-----------------------------|-----------------------|
| Virginia Nundhirribala*     | Numbulwar             |
| Timothy Wurramara           | Numbulwar             |
| Faye Mangurra               | Numbulwar             |
| Peter Lansen<br>(Executive) | Nutwood/<br>Cox River |
| Keith Farrell               | Hodgson Downs         |
| Grace Daniels               | Urapunga              |
| Walter Rogers               | Ngukurr               |
| Gregory Daniels             | Ngukurr               |
| Clifford Duncun             | Ngukurr               |
| MEMBER 2013-16              |                       |
| Gordon Nawundalpi           | Ngukurr               |

| VICTORIA RIVER<br>DISTRICT    | WARD                          |
|-------------------------------|-------------------------------|
| Raymond Hector<br>(Executive) | Pidgeon Hole                  |
| George King<br>(Deceased)     | Yingawunarri                  |
| George Campbell               | Yarralin                      |
| Shadrack Retchford*           | Amanbidji                     |
| Larry Johns                   | Timber Creek                  |
| Kenovan Anthony               | Amanbidji                     |
| Elaine Watts                  | Women's Co-<br>opted Position |
| Doris Roberts                 | Women's Co-<br>opted Position |
| Jocelyn Victor                | Women's Co-<br>opted Position |
| MEMBER 2013-16                |                               |
| Jack Little                   | Bulla                         |

| KATHERINE                | WARD              |
|--------------------------|-------------------|
| Samuel Bush-Blanas       | Beswick           |
| Helen Lee<br>(Executive) | Barunga           |
| Lisa Mumbin*             | Katherine         |
| Linda Fletcher           | Katherine         |
| Samantha Lindsay         | Bulman            |
| Jocelyn James            | Mataranka/Djimbra |
| John Dalywater           | Weemol            |
| MEMBERS 2013-16          |                   |
| Bill Harney              | Katherine         |
| Desmond Lindsay          | Weemol            |
| Lloyd Murray             | Bulman            |
| Clive Roberts            | Mataranka/Djimba  |

\*ABA Member

| WEST ARNHEM                     | WARD       |
|---------------------------------|------------|
| John Christophersen             | Kakadu     |
| Bunug Galaminda*                | Warruwi    |
| Jenny Inmulugulu                | Warruwi    |
| Gabby Gumurdal                  | Kakadu     |
| Ronald Lami Lami<br>(Executive) | Gunbalanya |
| Wayne Wauchope                  | Gunbalanya |
| Matthew Ryan                    | Maningrida |
| Victor Rostron                  | Maningrida |
| Otto Dan                        | Maningrida |
| Helen Williams                  | Maningrida |
| Julius (Clint) Kernan           | Maningrida |
| Matthew Ngarlbin<br>(Cooper)    | Minjilang  |
| MEMBERS 2013-16                 |            |
| Jonathan Nadji                  | Kakadu     |
| Dean Yibarbuk                   | Gunbalanya |



# Full council meetings

FIGURE 03: FULL COUNCIL MEETING ATTENDANCE RECORD 2016/17

| NGUKURR                | WARD               | ROLES             | 114TH FCM ATTENDANCE | 115TH FCM ATTENDANCE    |
|------------------------|--------------------|-------------------|----------------------|-------------------------|
| Virginia Nundhirribala | Numbulwar          |                   | X                    | X                       |
| Timothy Wurramara      | Numbulwar          |                   | Absent               | Proxy Timothy Wurramara |
| Faye Mangurra          | Numbulwar          |                   | X                    | X                       |
| Peter Lansen           | Nutwood/ Cox River | Executive         | X                    | X                       |
| Keith Farrell          | Hodgson Downs      |                   | X                    | X                       |
| Grace Daniels          | Urapunga           |                   | Apology              | X                       |
| Walter Rogers          | Ngukurr            |                   | X                    | X                       |
| Gregory Daniels        | Ngukurr            |                   | Apology (Absent)     | X                       |
| Clifford Duncan        | Ngukurr            | 115th Member only | Apology              | X                       |

\*\*Retired

| BORROLOOLA<br>BARKLY - BB          | WARD                 | ROLES                  | 114TH FCM<br>ATTENDANCE | 115TH FCM<br>ATTENDANCE |
|------------------------------------|----------------------|------------------------|-------------------------|-------------------------|
| Timothy Lansen                     | Nicholsan River      |                        | X                       | X                       |
| Richard Dixon                      | Robinson River       | Executive<br>for 115th | X                       | X                       |
| Keith Rory                         | Borroloola           | Executive<br>for 114th | Absent                  | X                       |
| Brian Limerick                     | Alexandria           |                        | X                       | X                       |
| Shannon Dixon                      | Murrarji             |                        | X                       | X                       |
| Gordon Noonan                      | Rockhampton<br>Downs |                        | X                       | X                       |
| John Finlay                        | Wombaya              |                        | X                       | X                       |
| Jason Bill                         | Muckaty              |                        | X                       | X                       |
| Chris Neade                        | Elliot               |                        | X                       | X                       |
| Maxine Wallace                     | Brunette Downs       |                        | X                       | Absent                  |
| Jody Evans                         | Borroloola           |                        | X                       | X                       |
| Jason Mulholland                   | Borroloola           |                        | X                       | X                       |
| Joy Priest (Co-<br>opted Position) | North Barkly         |                        | Absent                  | Absent                  |

114th FCM Date: Monday 14th - Thursday 17th November 2016, Timber Creek

115th FCM Date: Monday 29th May 2017 - Thursday 1st June 2017, Katherine

\*\*Retired



FIGURE 03: FULL COUNCIL MEETING DATES AND ATTENDANCE RECORD 2016/17 (CONT.)

| DARWIN DALY<br>WAGAIT - DDW    | WARD                  | ROLES     | 114TH FCM<br>ATTENDANCE | 115TH FCM<br>ATTENDANCE |
|--------------------------------|-----------------------|-----------|-------------------------|-------------------------|
| Kevin (Tibby)<br>Quall         | Darwin                |           | X                       | X                       |
| John Daly                      | Darwin River<br>South |           | X                       | Absent                  |
| Phillip Goodman                | Darwin South          |           | X                       | X                       |
| Graham Keynon                  | Darwin East           |           | X                       | Absent                  |
| Audrey Tilmouth                | Darwin                |           | X                       | Proxy Bill<br>Danks     |
| Paul Henwood                   | Darwin South<br>West  |           | X                       | X                       |
| Mark Tunmuck-<br>Smith         | Port Keats North      |           | Absent                  | Absent                  |
| Matthew Shields                | Daly River North      |           | X                       | X                       |
| John Sullivan                  | Daly River West       |           | X                       | X                       |
| Elizabeth (Lizzie)<br>Sullivan | Pine Creek            | Executive | X                       | X                       |
| Mr Wilson<br>(deceased)        | Peppimenarti          |           | X                       | X                       |
| Tobias Nganbe                  | Port Keats            |           | X                       | Absent                  |
| Adrian Ariuu                   | Palumpa               |           | Absent                  | Absent                  |
| Sharon Daly                    | Darwin River          |           | Apology                 | Absent                  |
| James Sing                     | Darwin West           |           | X                       | X                       |

\*\*Retired

FIGURE 03: FULL COUNCIL MEETING DATES AND ATTENDANCE RECORD 2016/17 (CONT.)

| VICTORIA RIVER DISTRICT - VRD | WARD                      | ROLES                   | 114TH FCM ATTENDANCE | 115TH FCM ATTENDANCE |
|-------------------------------|---------------------------|-------------------------|----------------------|----------------------|
| Raymond Hector (Executive)    | Pidgeon Hole              | Executive               | X                    | X                    |
| Mr King (deceased)            | Yingawunarri              |                         | X                    | X                    |
| George Campbell               | Yarralin                  |                         | X                    | X                    |
| Shadrack Retchford            | Amanbidji                 |                         | X                    | X                    |
| Larry Johns                   | Timber Creek              |                         | X                    | X                    |
| Kenovan Anthony               | Amanbidji                 |                         | X                    | X                    |
| Elaine Watts                  | Women's Co-opted Position | Co-opt for 115th        | -                    | X                    |
| Doris Roberts                 | Women's Co-opted Position | New position from 115th | -                    | X                    |
| Jocelyn Victor                | Women's Co-opted Position | New position from 115th | -                    | X                    |

FIGURE 03: FULL COUNCIL MEETING DATES AND ATTENDANCE RECORD 2016/17 (CONT.)

| KATHERINE          | WARD              | ROLES       | 114TH FCM ATTENDANCE | 115TH FCM ATTENDANCE |
|--------------------|-------------------|-------------|----------------------|----------------------|
| Samuel Bush-Blansi | Beswick           | Chairperson | X                    | X                    |
| Helen Lee          | Barunga           | Executive   | X                    | X                    |
| Lisa Mumbin        | Katherine         |             | X                    | X                    |
| Linda Fletcher     | Katherine         |             | X                    | X                    |
| Samantha Lindsay   | Bulman            |             | X                    | X                    |
| Jocelyn James      | Mataranka/Djimbra |             | Absent               | Absent               |
| John Dalywater     | Weemol            |             | Absent               | Absent               |

\*\*Retired

FIGURE 03: FULL COUNCIL MEETING DATES AND ATTENDANCE RECORD 2016/17 (CONT.)

| EAST ARNHEM                  | WARD                      | ROLE      | 114TH FCM ATTENDANCE | 115TH FCM ATTENDANCE |
|------------------------------|---------------------------|-----------|----------------------|----------------------|
| David Djalangi               | Galiwin'ku                |           | X                    | X                    |
| Bobby Wunungmurra            | Gapuwiyak                 | Executive | X                    | X                    |
| Yananymul Mununggurr         | Yirrkala                  |           | X                    | X                    |
| Dhuwarrwarr Marika           | Yirrkala                  |           | Apology              | X                    |
| Jabani Lalara                | Blue Mud Bay              |           | X                    | X                    |
| Jonathon Nungumajbarr        | Blue Mud Bay              |           | X                    | Absent               |
| Jonny Gurumgurrum Barrawanga | Galiwin'ku                |           | X                    | X                    |
| Jason Guyula                 | Galiwin'ku                |           | X                    | X                    |
| Kenny Djekurr Guyula         | Galiwin'ku                |           | X                    | X                    |
| George Milaypuma             | Milingimbi                |           | X                    | X                    |
| Wesley Bandi Bandi           | Gapuwiyak                 |           | X                    | X                    |
| Michael Ali                  | Milingimbi                |           | X                    | X                    |
| David Warraya                | Ramingining               |           | X                    | Absent               |
| David Rumba Rumba            | Ramingining               |           | X                    | X                    |
| Djava Yunipingu              | Ski Beach                 |           | X                    | X                    |
| Caroline Dhamarrandji        | Women's Co-opted Position |           | Absent               | X                    |

\*\*Retired

FIGURE 03: FULL COUNCIL MEETING DATES AND ATTENDANCE RECORD 2016/17 (CONT.)

| WEST ARNHEM (WA)          | WARD       | ROLE         | 114TH FCM ATTENDANCE | 115TH FCM ATTENDANCE |
|---------------------------|------------|--------------|----------------------|----------------------|
| John Christophersen       | Kakadu     | Deputy Chair | X                    | X                    |
| Bunug Galaminda           | Warruwi    |              | X                    | X                    |
| Jenny Inmulugulu          | Warruwi    |              | X                    | X                    |
| Gabby Gumurdal            | Kakadu     |              | X                    | X                    |
| Ronald Lami Lami          | Gunbalanya | Executive    | X                    | X                    |
| Wayne Wauchope            | Gunbalanya |              | X                    | X                    |
| Matthew Ryan              | Maningrida |              | Absent               | X                    |
| Victor Rostron            | Maningrida |              | Absent               | Absent               |
| Otto Dan                  | Maningrida |              | X                    | X                    |
| Helen Williams            | Maningrida |              | X                    | X                    |
| Julius (Clint) Kernan     | Maningrida |              | X                    | X                    |
| Matthew Ngarlbin (Cooper) | Minjilang  |              | X                    | X                    |

\*\*Retired

# 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 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 his 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.



### 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.





DARWIN/DALY/WAGAIT REGION

*Elizabeth Sullivan*

EXECUTIVE MEMBER

Elizabeth Sullivan is A Wagiman 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."



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.



# Executive Council

## MEMBERS

### EAST ARNHEM REGION

## Bobby Wunungmurra

### EXECUTIVE MEMBER

Bobby Wungunmurra, 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.



## Executive council meetings

| MEETING | DATE                         | LOCATION                                     | ATTENDEES                                                                                                                                                | APOLOGIES                            |
|---------|------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 179th   | 15th August 2016             | Kalkaringi                                   | Samuel Bush-Blanasi, Wayne Wauchope, Virginia Nundhirribala, Bill Risk, Helen Lee, David Djalangi, Raymond Hector                                        | Leonard Norman & John Christophersen |
| 180th   | 23rd September 2016          | Teleconference, NLC Office, Darwin           | Samuel Bush-Blanasi, Wayne Wauchope, Virginia Nundhirribala, Leonard Norman, Bill Risk, Helen Lee                                                        | David Djalangi & Raymond Hector      |
| 181th   | 20th-21st October 2016       | Club Tropical Resort, Lee Point Road, Darwin | Samuel Bush-Blanasi, Wayne Wauchope, Virginia Nundhirribala, Leonard Norman, Bill Risk, Helen Lee, David Djalangi, Raymond Hector & John Christophersen  |                                      |
| 182nd   | 13th-14th December 2016      | Novotel Darwin, Airport Resort, Darwin       | Samuel Bush-Blanasi, John Christophersen, Peter Lansen, Richard Dixon, Elizabeth Sullivan, Helen Lee, Bobby Wungumurra, Raymond Hector, Ronald Lami Lami |                                      |
| 183rd   | 20th-21st February 2017      | NLC Office Darwin & Deloitte Office Darwin   | Samuel Bush-Blanasi, John Christophersen, Peter Lansen, Richard Dixon, Elizabeth Sullivan, Helen Lee, Bobby Wungumurra, Raymond Hector, Ronald Lami Lami |                                      |
| 184th   | 19th April - 20th April 2017 | NLC Office Darwin & Deloitte Office Darwin   | Samuel Bush-Blanasi, John Christophersen, Peter Lansen, Richard Dixon, Elizabeth Sullivan, Helen Lee, Bobby Wungumurra, Raymond Hector, Ronald Lami Lami |                                      |
| 185th   | 13th-14th July 2017          | NLC Regional Office, Katherine               | Samuel Bush-Blanasi, John Christophersen, Peter Lansen, Richard Dixon, Elizabeth Sullivan, Helen Lee, Bobby Wunungmurra, Raymond Hector                  | Ronald Lami Lami                     |

FIGURE 04

## Regional council meetings

| REGION                  | DATE                      | LOCATION                                                 |
|-------------------------|---------------------------|----------------------------------------------------------|
| Borroloola Barkly       | 20th-21st September 2016  | NLC Regional Office, Tennant Creek                       |
|                         | 28th-30th March 2017***** | Karguru Centre, Tennant Creek                            |
| Ngukurr                 | 6th-8th September 2016**  | The Knowledge Centre, Gulkula                            |
|                         | 28th-30th March 2017***** | Karguru Centre, Tennant Creek                            |
| East Arnhem             | 6th-8th September 2016**  | The Knowledge Centre, Gulkula                            |
|                         | 4th-5th April 2017        | The Walkabout Lodge, Nhulunbuy                           |
| Katherine               | 26th-28th July 2016*      | NLC Regional Office, Jabiru                              |
|                         | 7th-9th March 2017****    | Godinmayin Yijard River Arts & Culture Centre, Katherine |
| West Arnhem             | 26th-28th July 2016*      | NLC Regional Office, Jabiru                              |
|                         | 7th-9th March 2017****    | Godinmayin Yijard River Arts & Culture Centre, Katherine |
| Darwin Daly             | 9th-11th August 2016***   | Club Tropical Resort, Darwin                             |
|                         | 14th-16th March 2017***** | Litchfield Hotel, Batchelor                              |
| Victoria River District | 9th-11th August 2016***   | Club Tropical Resort, Darwin                             |
|                         | 14th-16th March 2017***** | Litchfield Hotel, Batchelor                              |

FIGURE 05

\* Combined West Arnhem & Katherine RCM 26th-28th July 2016

\*\* Combined Ngukurr & East Arnhem RCM 6th-8th September 2016

\*\*\* Combined Darwin Daly Wagait & Victoria River District RCM 9th-11th August 2016

\*\*\*\* Combined West Arnhem & Katherine RCM 7th-9th March 2017

\*\*\*\*\* Combined Darwin Daly Wagait & Victoria River District RCM 14th-16th March 2017

\*\*\*\*\* Combined Ngukurr & Borroloola Barkly RCM 28th-30th March 2017



# Our people

## Administration

The NLC's Full Council, the supreme governing body, comprises 83 members – 78 are elected every three years from across the NLC's seven regions, and five women are co-opted. The present Full Council elected the Chairman and Deputy Chairman at its first meeting in November 2016.

Below the Full Council is a nine-member Executive Council which comprises the Chairman and Deputy Chairman, plus a member elected by each of the seven regions.

The Full Council represents the rights and priorities of the 36,000-plus Aboriginal people within the NLC region. It shapes policy and strategic directions and considers most agreements regarding the use of Aboriginal land on behalf of Traditional Owners.

The Full Council has delegated some decision-making powers to the Executive Council and to the seven Regional Councils.

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.

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 rests 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 nine 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.
- Minerals & 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.

The CEO 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.

## Structure

The diagram below illustrates the NLC’s structure. Some of the NLC’s key stakeholders include:

- Commonwealth Government
- Northern Territory Government
- Local Government Shires
- Aboriginal Peak Organisations Northern Territory (APONT)
- Industries: Mining, Pastoral, Tourism and Fishing
- Businesses
- Non-Government Organisations
- Aboriginal Organisations
- Other Land Councils

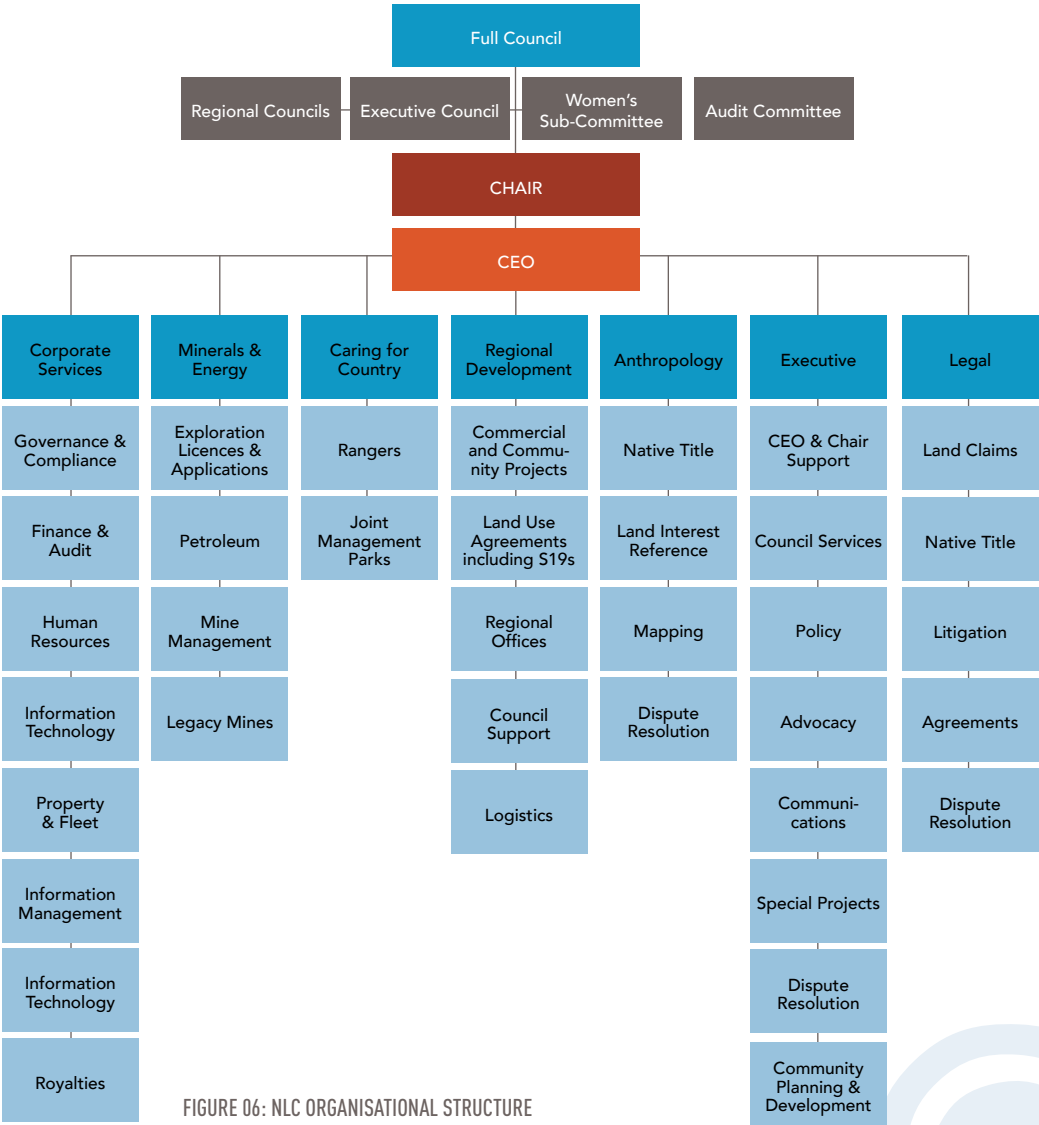


FIGURE 06: NLC ORGANISATIONAL STRUCTURE

## Branch Overview

### ANTHROPOLOGY

#### Dr Stephen Johnson

##### BRANCH MANAGER

Dr Stephen Johnson was appointed manager of the Anthropology Branch in August 2015. He has extensive experience of 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 17 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.



# Branch Overview

## 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.



## 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.





## MINERALS AND ENERGY BRANCH

### *Rhonda Yates*

#### BRANCH MANAGER

Ms 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 matter relating to grant tenements.



## REGIONAL DEVELOPMENT BRANCH

### *Rick Fletcher*

#### MANAGER SOUTH

Mr 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.



## 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.



# PART 2

Adelaide River floodplain

# Our Approach

## Shaping our future

### 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 key 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 and Values (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 key 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.

*Our goals and objectives are translated into actions across internal operational areas within the NLC...*

## 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.

Full Council meeting, Timber Creek, November 2016.





# PART 3

Cox Peninsula



# The year in review

## Community Planning and Development

The NLC Full Council recognises the importance of supporting Aboriginal people to drive their own development and secure benefits from their land, waters and seas. To facilitate this, a key strategy in the NLC Strategic Plan 2016 – 2020 is to implement a Community Development Unit.

This new Community Planning and Development Unit, modelled on the CLC's successful Community Development Program that has operated since 2005, is supporting the application of community development principles and processes across the NLC's region. It has a specific focus on supporting Aboriginal groups to use royalty and rent monies from land use agreements for broad and lasting community benefit.

### Our Goal, Objectives and Approach

In November 2016 the NLC Full Council endorsed a Community Planning and Development (CP&D) Framework to guide the development work of the organisation generally, as well as the delivery of its new CP&D Program. The framework approaches community development as a set of principles and a process that builds

Aboriginal capacity, ownership and control and makes 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. But they're not expected to do it on their own and often groups need help. Community development workers help bring people together to do solid planning, make informed decisions about those plans, make sure they happen and then review if the plans were successful and what lessons have been learnt.

The NLC Full Council has set the following goal and objectives for the program.

## Goal

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

## Objectives

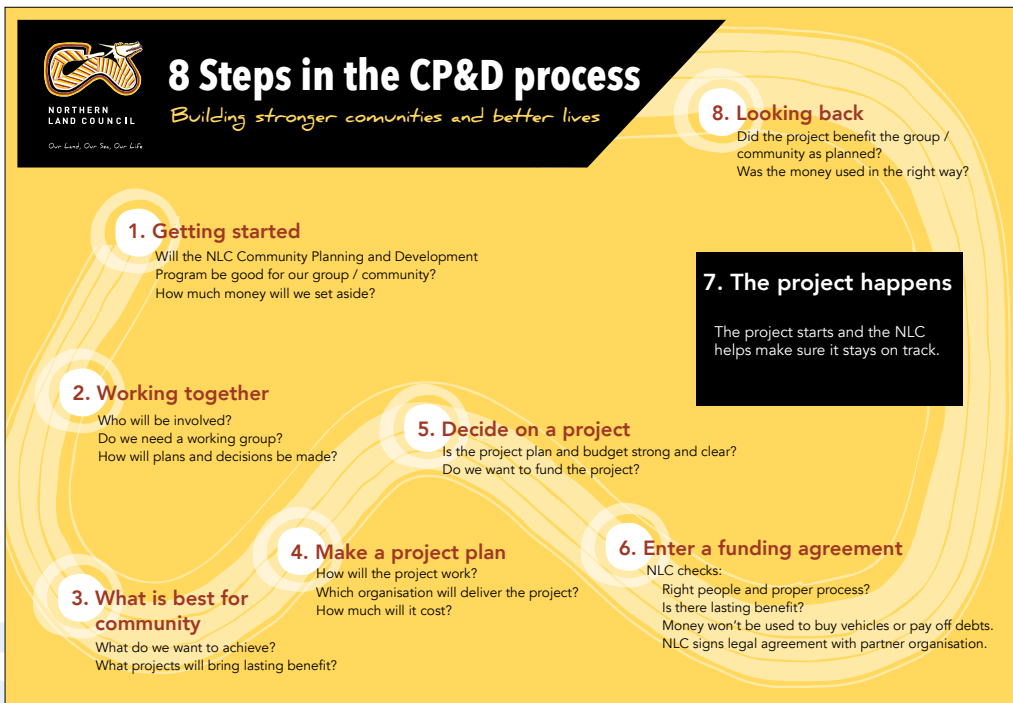
- 1 Strengthen Aboriginal capacity, control and group cohesion, particularly through the management of resources that belong to them.
- 2 Generate social, cultural, environmental and economic outcomes prioritised and valued by Aboriginal people and which benefit them.
- 3 Monitor and evaluate to strengthen the Program and show that the NLC's Community Planning and Development approach works.

- 4 Share lessons with government and non-government agencies so they support Aboriginal-led planning and development.

An 8-step CP&D process has also been approved by the Full Council which the NLC will work through with each Aboriginal group that decides to use land use payments for lasting community benefit.

## Achievements

The NLC has made substantial progress in the establishment and operation of its CP&D Program in this reporting period. A team of three experienced staff has been recruited to develop internal systems and processes, secure resources, raise constituent awareness of the Program and design and implement pilot CP&D projects in two locations.





Clancy Guthjipuy talks about the joint venture idea at Gapuwiyak.

There has been significant demand for the program from Aboriginal Traditional Owner groups wanting to direct their income from land use agreements to lasting community benefit. In response to this demand, the NLC has initiated five pilot projects and begun working with each group through the 8-step CP&D process.

- 1 Malak Malak Traditional owners on the Daly River made decisions in 2015 and 2016 to set aside some of their income from their intertidal fishing zone agreement with the Northern Territory Government for community development purposes. In June 2017 Traditional owners approved their first project which involves partnering with the NLC's Malak Malak Ranger group to hold two culture camps on country.

- 2 Gupapuyngu-Liyalanmirri (Marrkula clan) Traditional owners in Gapuwiyak, North East Arnhem Land receive income from township leases. After deciding to put aside almost half a million dollars for community development in April 2017, Traditional Owners approved their first community project in June 2017 to set up and effectively manage a benevolent trust structure with assistance from partner Arnhem Land Progress Association. This will enable them to engage in business opportunities, with the aim of providing training and jobs for local young people.



Malak Malak Traditional Owners meet at Wooliana to discuss ideas for community projects, 21 March 2017

- 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 decided to direct just over \$1 million to youth diversion and rehabilitation initiatives, and legal mediation services.
- 4 Milwarapara-Yutpundji Traditional owners receive income from township leases in Ngukurr. In late 2016 they decided to set some of their income aside for community development. At the second meeting with NLC staff, Traditional owners identified three priority ideas for community projects relating to education/

scholarships, community facilities and outstation services. A smaller working group has been set up to undertake more detailed planning over the coming months.

- 5 Traditional owners associated with the South East Arnhem Land Indigenous Protected Area receive income from the provision of fire abatement services. They are interested in directing just over \$500,000 to community projects, and further planning is underway.

Several other groups throughout the NLC region are considering the option of directing income via the Program, including those in Boorooloola and the Legune area in the far north west of the NT.



A successful study trip was organised which saw NLC Executive and other Council members travel to Mutitjulu in Central Australia to meet with Aboriginal Traditional Owners involved in the CLC's Community Development Program. This provided an excellent opportunity for NLC delegates to hear first-hand from Aboriginal people who have experienced the CD process and seen the benefits of working with their Land Council support to plan and implement their own development projects.

*Traditional owners approved their first community project in June 2017 to set up and effectively manage a benevolent trust structure*

## Looking forward

There is already strong Council and Traditional owner interest in the CP&D program, and it is anticipated that demand for the program will continue to grow as groups come to understand the process and see the results it can deliver. It will be a challenge for the NLC to respond to this interest within current resourcing levels.

In the next 12 months the NLC will develop a participatory monitoring and evaluation framework for the program. This will help monitor progress and start to collect data 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.

Ngukurr Traditional owners vote on their top three ideas for a community development project





NLC lawyer Rebecca Hughes and Project Coordinator Jeffery Yoelu lead a briefing in Katherine about township leasing proposals at Yarralin, 1 March 2017.

## 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) (ALRA) and as a representative Aboriginal body pursuant to the *Native Title Act 1993* (Cth) (NTA).

This includes 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 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 ALRA and service delivery, which touches a broad range of Commonwealth and Northern Territory legislation.

This legislation includes the *Aboriginal Land Act* (NT), *Cobourg Peninsula 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 *ALRA* 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 *ALRA* that cover a broad range of areas such as residential housing, commercial, mining, petroleum, greenhouse 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, the Legal Branch solicitors 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 associated 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. The insufficient allocation of financial and human resources for native title claim and future act work is a significant constraint on the NLC's capacity to fulfil its native title representative body functions.

The latter was a factor in the Court-initiated dismissal of a number of polygon native title claims lodged for the purpose of native title holders obtaining the right to negotiate during the reporting period. See judgement in *Bulabul* on behalf of the Kewulyi,

*Gunduburun and Barnubarnu Groups v Northern Territory of Australia* [2017] FCA 461 on 5 May 2017.

## Legal Branch Structure

The Principal Legal Officer conducted a review of operations during 2015 and 2016 and recommended a new management structure. This was implemented during the reporting period. The branch is led by the Principal Legal Officer (PLO).

Three new positions have been created that report to the PLO. These positions are a Legal Practice Manager – Land Rights, Legal Practice Manager – Native Title and an Executive Assistant (EA) to the PLO and Practice Managers. A legal secretary position was reclassified to establish the EA position. This restructure was carried out without an increase in permanent positions or funding.

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). One lawyer specialises in exploration, petroleum and mining and two lawyers are currently specialising in land rights claims in an attempt to finalise all claims by mid-2019. Four legal officers specialise in the native title claims practice. All legal officers 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 budgets. There are currently 11 permanent legal officer positions and two legal secretary positions. There are three temporary



CEO Joe Morrison (left) and Principal Legal Officer Michael O'Donnell at Borrooloola, August 2016.

(12 month) positions being two legal officers and the EA position.

Six permanent legal officer 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 dealing with the backlog of Land Rights claims, many of which date back to the 1990s.

The native title budget funds four permanent legal officer positions and two 12 month contracted positions being one legal officer and the executive assistant position to the PLO and two Practice Managers. Two of the permanent positions are currently part time.

The branch has been able to employ additional staff on short-term contracts through better management practices and the improved provision of financial information and by accessing new areas of funding outside government sources. During the reporting period, three

para-legals were employed on three month contracts and an experienced commercial and mining legal practitioner was seconded from a leading commercial firm. 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 who make an invaluable contribution to the branch.

### Native Title Applications

There are 91 native title applications active in the NLC's region during the reporting period. Six are non-claimant applications filed by the NTG and one was filed separately by the Kamu people (NTD 8/2007). NLC lawyers have instructions to act in the balance of these native title claims. A major native title sea claim is also being prepared.

There have been 72 determinations of native title in the NLC region recognising native title and two determinations that native title does not exist. All of those claims were facilitated by the NLC and represented by the lawyers of the branch.

The Top End Default PBC/CLA Aboriginal Corporation RNTBC is administered by the legal branch and is the agent PBC for some 68 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. There is one remaining determination of native title in the NLC area for which there has been no nomination of a PBC to date.

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

- 1 Working towards consent determinations over:
  - a The towns of Larrimah, Pine Creek, Adelaide River 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 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, Avon Downs, Rocklands, Dalmore Downs, Austral Downs, Burrumurra, West Ranken, Soudan, Adder and East Ranken;
  - 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.

## Land Rights Claims

Due to amendments to the ALRA 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 unresolved since then.

There are currently 22 beds and banks of rivers and inter-tidal zone claims still to be finalised. Two claims at Legune and Gregory National Park/Victoria River are currently being heard by the Commissioner and eight 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 ALRA.

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.

A supplementary ABA bid was submitted to the Minister on 8 November 2016 seeking additional funding to employ a senior anthropologist, a junior lawyer and operational costs to progress the finalisation of all land rights claims in an endeavour to meet this time frame. This bid was partially successful in that the two new positions have been approved (not the operational costs).

The finalisation of land claims

will depend on the nature of any settlement proposals put forward by the Northern Territory and the ability of the NLC to meet the schedule.

*A total of 99 new agreements were approved by the Council during the reporting period*

### Leases and Licences (section 19) - ALRA

The Legal Branch in conjunction with the Regional Development Branch negotiates agreements (leases/licences) on Aboriginal land under the ALRA 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; and 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 was a large number of agreements awaiting assessment, consultation and negotiation. A total of 99 new agreements were approved by the Council during the reporting period and 153 new expressions of interest for s19 agreements were received. As of the end of the reporting period

there were 273 expressions of interest awaiting assessment and probable consultation and negotiation.

### Debt Collection and Companies in Administration

The Legal Branch is required from time to time to undertake debt collection and negotiations with respect to companies in administration in the circumstances where traditional Aboriginal owners, native title holders or the NLC are owed monies. Two examples are provided.

During the reporting period an oil and gas exploration company owed the NLC more than \$1 million dollars in connection with consultation and sacred site survey costs in relation to a number of exploration permit applications in the East Arnhem region. A repayment agreement was negotiated and the company has now paid more than \$750,000 of its debt.

Sherwin Iron (NT) Pty Ltd (Sherwin Iron) held mineral tenements to explore for, and mine, iron ore from land in the Roper Valley and surrounding region. Sherwin Iron went into administration and receivers and managers were also appointed. Northern Territory Iron Ore Pty Ltd (NTIO) bought all the mineral tenements held by Sherwin Iron and agreed to assume all of Sherwin Iron's obligations under the various agreements between Sherwin Iron and the NLC. The NLC negotiated with NTIO the terms and conditions of NTIO's assumption of these obligations.



## 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 of the branch. These proceedings include:

**1 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 Rio Tinto Alcan (RTA) Gove Traditional Owners Mining Agreement pursuant to section 35(4) of the ALRA. It is currently the subject of a special leave application before the High Court of Australia brought by the applicants in the original proceedings before the Federal Court of Australia.

**2 Shrimp & Shrimp v Mungarrayi Aboriginal Land Trust.  
[NT Supreme Court]**

The Shrimps commenced court proceedings in 2014 in the Supreme Court against the Mungarrayi Aboriginal Land Trust (Elsey) for damages of some \$2.4 million. The claim was settled during the reporting period and the plaintiffs discontinued their action against the Land Trust.

**3 Bright & Ors v Northern Land Council & Ors Federal Court (NTD33/2016)**

The application seeks to challenge the certification of an ILUA by the NLC. It was heard by the Federal Court at Darwin on 9 March 2017 and the Court has not yet published judgment.

**4 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

On the eve of his retirement from the Federal Court, Justice John Mansfield sits at Borroloola on 11 August 2016 to hand down his determination of native title at Borroloola township – the first case in the NT where commercial rights have been recognised. NLC lawyer Charlotte Deans is sitting at far right.





Native title claimants outside the Supreme Court at Darwin, where the Federal Court sat to hear expert evidence about compensation for extinguishment of native title in the township of Timber Creek.

as an application for an interim injunction in an attempt to stop the grant of the Gnyangara township lease that was approved by the NLC Full Council at its meeting in Timber Creek in November 2016.

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 Gnyangara township lease in accordance with the ALRA.

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.

The hearing of the case is listed for 4 October 2017 in the Federal Court in Darwin.

##### **5. Evonne Gumurdul v NLC & ORS (VID 626/2017)**

###### **Gunbalanya Sports and Social Club Inc v NLC & ORS**

Two separate Federal Court proceedings were commenced in May 2017 in respect of the grant of section 19 leases over Lots 633 (the Gunbalanya Sports and Social Club premises), 557 and 575 in Gunbalanya by the Arnhem Land Aboriginal Land Trust to Kunbalarnja Bininj Kunbolk Pty Ltd (KBK). KBK is a wholly owned subsidiary of Adjumarllarl Aboriginal Corporation.

The matters have been listed for trial in Darwin not before February 2018.



## 6. Bulabul on behalf of the Kewulyi, Gunduburun and Barnubarnu Groups v Northern Territory of Australia [2017] FCA 461

In these native title proceedings, the Court initiated and set down for hearing the issue of whether 14 native title determination applications for the determination of native title should be dismissed. These claims are all 'polygon' claims over which mining tenures are proposed to be granted by the Northern Territory Government pursuant to the *Mining Act 1980* (NT) or the *Petroleum Act 1984* (NT). The NLC argued that dismissing the applications would prejudice the applicants by removing their right to negotiate in relation to current future act proposals on their traditional lands.

On the Court's "own initiative" – that is to say, without application from any of the parties – His Honour exercised the Court's discretionary power to dismiss 11 of the 14 applications on the grounds that they were not being prosecuted with "reasonable diligence". His Honour further found that the applicants are unlikely to be prejudiced by having their claims dismissed because the relevant future act proposals are either stalled by the Northern Territory Government moratorium or unlikely to proceed.

These proceedings are subject to appeal.

## 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:

- Native Title Amendment (Indigenous Land Use Agreements) Bill 2017;
- Framework for further legislative amendments to the *Native Title Act 1993*
- Environmental Regulatory Reform Discussion Paper (NT) May 2017;
- Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory;
- Project Sea Dragon Stage 1 Legume Grow-out Facility (EIS);
- Draft Environmental Impact Statement for McArthur River Mine Overburden Management Project;
- Jemena Northern Gas Pipeline EIS

*Marika and Ors have brought an amended claim against the NLC claiming that the Rirratjingu clan are Traditional Owners of part of the area...*

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

- Timber Creek Native Title Compensation Case (*NTG v Griffiths* NTD 51 of 2016; *Commonwealth v Griffiths* NTD 52 of 2016)

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 the 28 April 2016. His Honour gave judgement on 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% 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.

The appeal was heard over five days by the Full Federal Court in Darwin from 20–24 February 2017 by Justices North, Barker and Mortimer. A decision has not yet been handed down.

- **Rumburriya Borrooloola Claim Group v Northern Territory of Australia [2016] FCA 776**

In this case the Federal Court determined that the native title holders of the township of Borrooloola had 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.

The Court also determined that exclusive possession native title was recognised in some parts of the town area, a right also contested by the respective governments.

This was the first case in the NT where commercial native title rights have been recognised to exist in a native title determination.

- **Jemena pipeline – the North East Gas Pipeline Interconnector**

During the course of the reporting year the NLC in conjunction with the Central Land Council successfully negotiated and finalised an ILUA and associated agreements concerning this major infrastructure project in the Northern Territory.

The pipeline is being constructed from Tennant Creek to Mt Isa.

- **Gunyangarra Township Lease**

This is the first township lease approved by the NLC pursuant to s19A of the ALRA. This was a highlight of this reporting period as it followed a significant change in Commonwealth policy when the Minister agreed that a community or traditional owner entity could hold a 99-year township lease. This change addressed Land Council and traditional owner concerns with Commonwealth policy that required townships to be effectively handed over (leased) to the Commonwealth to be managed by the Executive Director of Township Leasing.

Native title holders on the bank of the McArthur River at Borroloola with NLC lawyers Tamara Cole (second left) and Charlotte Deans (third right) on 11 August 2016 when the Federal Court handed down a determination of native title over the township of Borroloola.







NLC anthropologist Chris Brown consults with Yarralin residents about a proposal for a lease over the township, 2 March 2017.

## Anthropology Branch

As noted in the 2014/15 Annual Report, the Anthropology Branch confronts a number of challenges over coming years. These stem primarily from capacity constraints coupled with a rapidly increasing workload. In addition, a number of specific and longstanding issues have been identified. These require resolution, and in the interests of improving branch efficiencies considerable progress towards that end has been made. In summary, the issues remain mostly as previously reported, and cover:

- 1 **Dispute Conciliation:** Under Part III, Section 25 (2) of the *Aboriginal Land Rights (Northern Territory) Act 1976*, (ALRA) the NLC facilitates conciliation and resolution (if possible) where territorial or other disputes occur.
- 2 **Royalty Reform:** The branch is overwhelmed with issues to do with the disbursement of royalties to the point where it often proves difficult to undertake anthropological

enquiries necessary to produce meaningful ethnographic data.

The branch has built on a number of efficiency gains made over the 2015/16 reporting period and is introducing a number of reforms to cement these improvements.

- 3 **Branch Review and Restructure:** the Anthropology Branch is chronically under-resourced and this situation is not likely to change in the near future. In the interim, various changes have been introduced to make the most of available resources.

### Dispute Conciliation

The NLC provides representation and services to more than 36,000 Aboriginal constituents across the Top End of the Northern Territory. In some areas, ownership of certain tracts of land is subject to contest, often where European settlement has been concentrated and accompanied by widespread dispossession and dislocation. In some

cases, existing tensions have been exacerbated by the “Intervention” and the imposition of compulsory acquisition five-year leases and other impositions.

The passing of older generations of Traditional Aboriginal Owners (TAOs) has sometimes given rise to competing claims over land and what constitutes traditional ownership itself. The issues are complex and the NLC has a moral obligation, as well as a statutory function, to facilitate conciliation towards resolution.

As previously reported, the NLC has adopted strategies more akin with Aboriginal perceptions of relatedness (between people and place) to understand and effectively mediate concerns of Traditional Owners. These strategies demand moving away from a view of landscape as bounded and discrete. Against this backdrop, a number of experienced consultants have been employed to review the substantial research already held by the NLC and to consult with Traditional Owners on country where necessary. The advice and endorsement of Council members has been sought and provided along the way. With some minor delays, this additional work has meant that timelines committed to over the previous year will be met, with two conciliation meetings planned for August 2017. For reasons of confidentiality, the location and nature of these disputes cannot be disclosed.

Issues around disparate cross-generational aspirations, particularly around what constitutes traditional ownership, continue to arise. Ongoing discussion with Council Members and Traditional Owners provides some insight into these contested spaces but

solutions will prove difficult in the context of definitions within the respective Acts. Meeting those challenges remains a priority for management and staff and one that will demand the proactive engagement of Traditional Owners.

## Royalty Reform

Royalty Reform remains the single most pressing challenge for the Anthropology Branch. The diversion from core anthropological business oftentimes threatens the primary function of the branch, which is to provide accurate, timely and up to date information on TAO land interests. To meet this challenge various measures have been proposed over the past two years and mostly implemented. They are worth revisiting before outlining more recent reforms:

- the employment of two dedicated royalty officers;
- the introduction and upgrade of a royalty “hotline”;
- the systematic and ongoing updating of banking and other personal details;
- closer cooperation between finance and anthropology concerning disbursements;
- the prioritisation of staff attendance at disbursement planning meetings;
- establishing clarity around the role of council members regarding disbursements;
- establishing clarity concerning conflict of interest and appropriate governance;
- Executive Council endorsement of above;

- Executive Council endorsement for three-year standing instructions;
  - seeking endorsement for self-administered emergency payment accounts;
  - discouraging payments by the NLC to third parties; and
  - the drafting of a comprehensive communication strategy.
- explicit instructions for emergency payments;
  - finalising a communication strategy to include the above;
  - establishing a royalty working group to include Community Planning and Development team members; and
  - the employment of a Royalties Processing Officer.

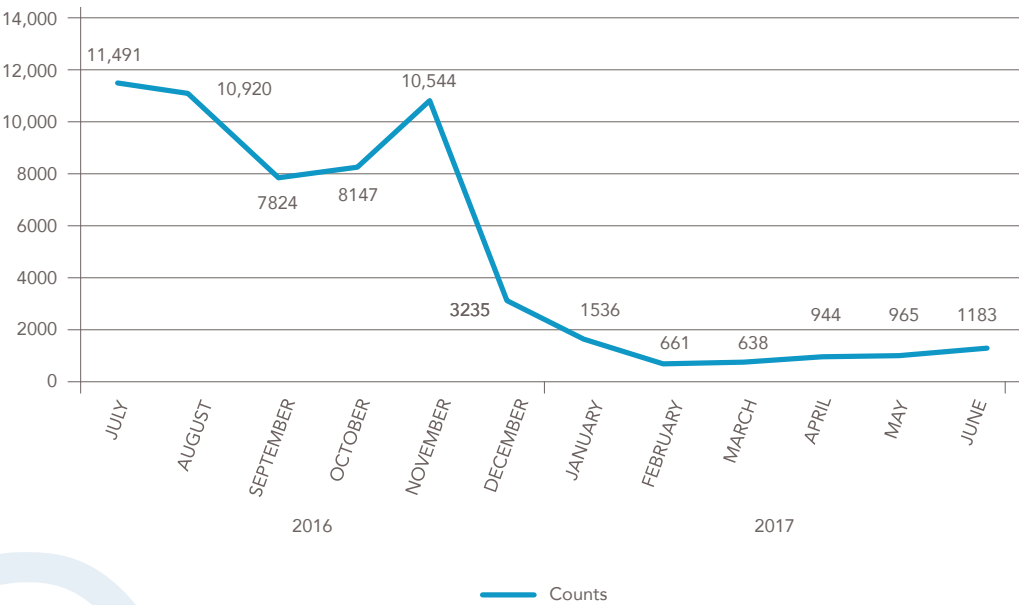
These incremental reforms have been enhanced through greater consultation and cooperation across the organisation.

In more recent developments, several process and systems gaps have been identified with remedial measures enacted. These include:

- drafting “form” letters containing detailed instructions and identifying required signatories;
- drafting form letters containing

Many of these measures have already been implemented or will be in the near future. For example, the RPO will commence employment on 19 July 2017 and the communication strategy will be finalised and sent to regional offices by end of September 2017. These and other proposals will all contribute towards the final objective, to establish a dedicated Royalty Unit to operate in cooperation with, but independently of the Anthropology branch.

FIGURE 07: ROYALTY CALLS





In order to fully appreciate the royalties workload see Figure 1 [Royalty Calls] below. In total, 58,088 royalty-related calls were received during this reporting period, fielded by two royalty hotline officers. The amount of preparatory work by management and other staff in the lead up to these calls is difficult to quantify but amounts to hundreds of hours per annum. As noted above, that makes it increasingly challenging for the branch to exercise its primary functions.

### Branch Review, Restructure and Staffing

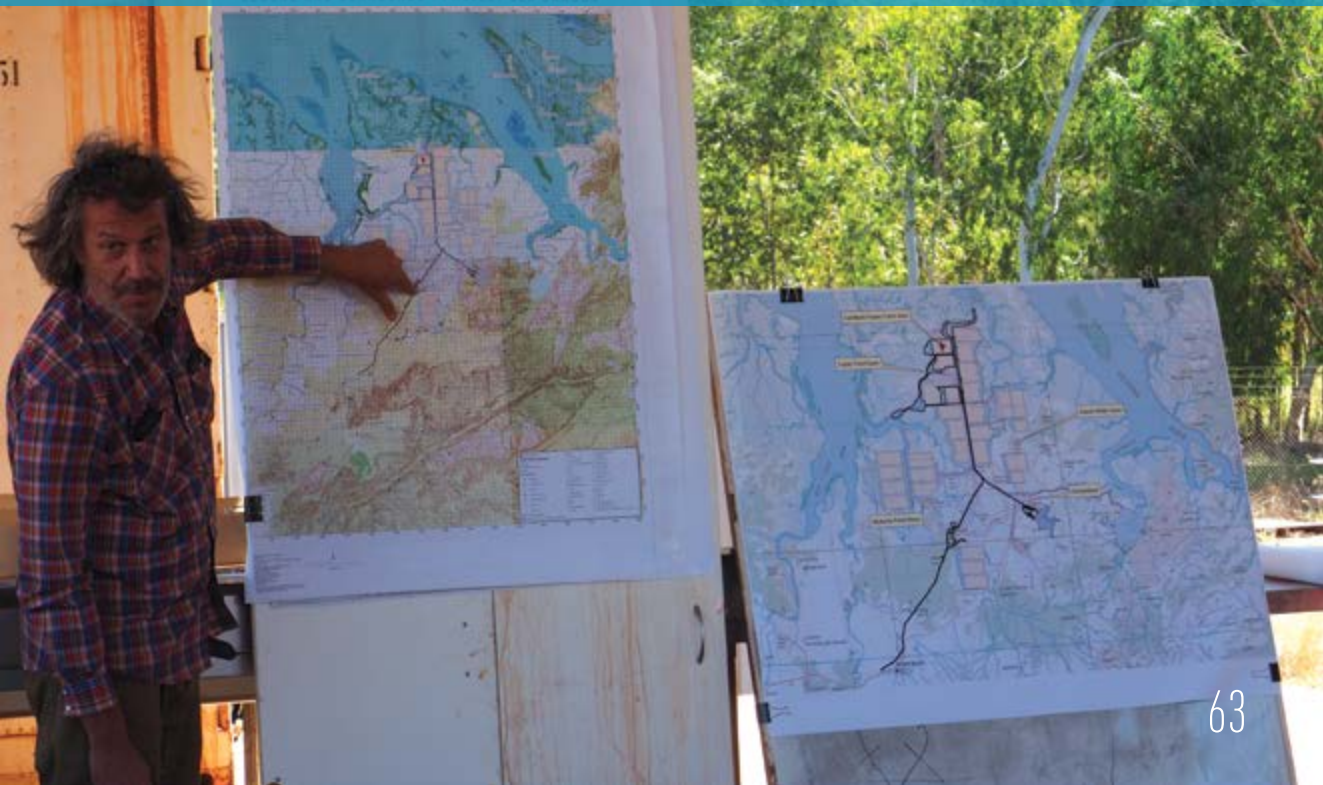
Over past years the Anthropology Branch Manager has been charged with direct responsibility for upwards of 26 staff. This situation has proved untenable, with 8 staff per team leader or middle manager considered the optimum maximum. Consequently, various reforms have been introduced, including the delegation of

administrative tasks to an Office Manager and the appointment of team leaders to head up various units (such as the Native Title Unit) within the branch.

Unfortunately, improvements in branch effectiveness as a result of these reforms have been overshadowed by staff losses, which have impacted on other branch staff and constituents and affected positive working relationships and resulted in a loss of corporate memory.

Interviews to fill vacant positions were held in April 2017. Three of the successful applicants have commenced work and will focus on the Darwin/Daly/Wagait, Central and West Arnhem regions. A further two will start in mid to late August 2017 to look after the Borroloola/Barkly region and Victoria River District. These new employees will mean a full complement of staff for the branch.

NLC anthropologist John Laurence explains the proposal for a huge prawn farm at Legune Station to Traditional Owners gathered at Wadeye on 14 July 2016.





NLC Anthropology Branch manager Steve Johnson and sea country policy officer Lorrae McArthur lead consultations at Maningrida on 12 April 2017 about access to and management of the intertidal zone.

The efficient use of available funding has seen two native title officers able to attend native title and other relevant conferences, and has resulted in two position upgrades, which more adequately reward duties performed. In addition, branch retreats (for planning and team building) will now be held annually; the first took place at Mary River Wilderness Retreat, 30 November to 1 December 2016. In terms of staff morale, retention and overall organizational efficiency, these events prove invaluable.

## Land Claims

In addition to providing a pathway for the grant of secure estates or interests in Aboriginal land, a central purpose of the ALRA is to provide for the granting of land for the benefit of Traditional Owners. The Act provides that Aboriginal people may make a claim to unalienated Crown land outside of gazetted town

areas, and land in which all estates and interests are owned by, or on behalf of Aboriginal people, such as Aboriginal-owned pastoral leases. One of the NLC's key functions is to assist Aboriginal people who have a traditional claim to an area of land to pursue a claim.

The ALRA established the office of the Aboriginal Land Commissioner (ALC) whose functions include consideration of claims to land by Aboriginal groups. Research and logistics for land claims are the primary responsibility of the NLC's Legal and Anthropology branches.

*One of the NLC's key functions is to assist Aboriginal people who have a traditional claim to an area of land to pursue a claim.*



Recently, the Minister for Indigenous Affairs asked the ALC to resolve all outstanding land claims by June 2019. On 20 October 2016, NLC and Northern Territory Government representatives met with the ALC to plan towards this end. The parties agreed in principle that it would be possible for all outstanding claims to be submitted to the Minister for resolution by agreement, or alternatively to be adequately reported on by the ALC, within that timeframe.

Subsequently, the branch was successful with a submission to the Aboriginals Benefit Account (ABA) for the employment of a junior lawyer and senior anthropologist. Recent advertising attracted a number of quality

applicants and both positions have been filled; the junior lawyer began employment in June 2017 and the senior anthropologist will start in August 2017. Both will work exclusively towards the resolution of all outstanding land claims. In addition, three consultants will be temporarily employed to complete claim books for Peron Islands, Woolner/ Mary River and Finnis River Region.

The majority of the outstanding claims, many of which are long-standing, are to smaller areas including the beds and banks of rivers. Over this period research into two such claims – Legune/Victoria River and Fitzmaurice – has been completed and claim books have been finalised.

Yantjarrwu rangers collect marine debris at Cape Scott, part of biosecurity survey work for the Commonwealth Government





Gumurr Marthakal rangers teach spear-making.

## Regional profiles

There are seven identified regions within the NLC's jurisdiction (see Figure 08). Within the Anthropology Branch these are further broken down to reflect respective workloads in particular areas (see Figure 09). In view of the shifting focus of NLC work across the regions, these areas are currently being reviewed, again to accurately reflect existing and future workloads. This shift away from hard and fast boundaries will more accurately reflect Aboriginal conceptualisations of landscape and will eventually be adopted

right across the NLC's area to foster greater collegiality and cooperation between staff and constituents.

An overview of work being undertaken in five of the existing regions follows. These summaries by no means take into account all of the activities in each, but do give an indication of the diverse and complex environments in which Traditional Owners and many NLC staff live and work.

FIGURE 08: NLC REGIONS.

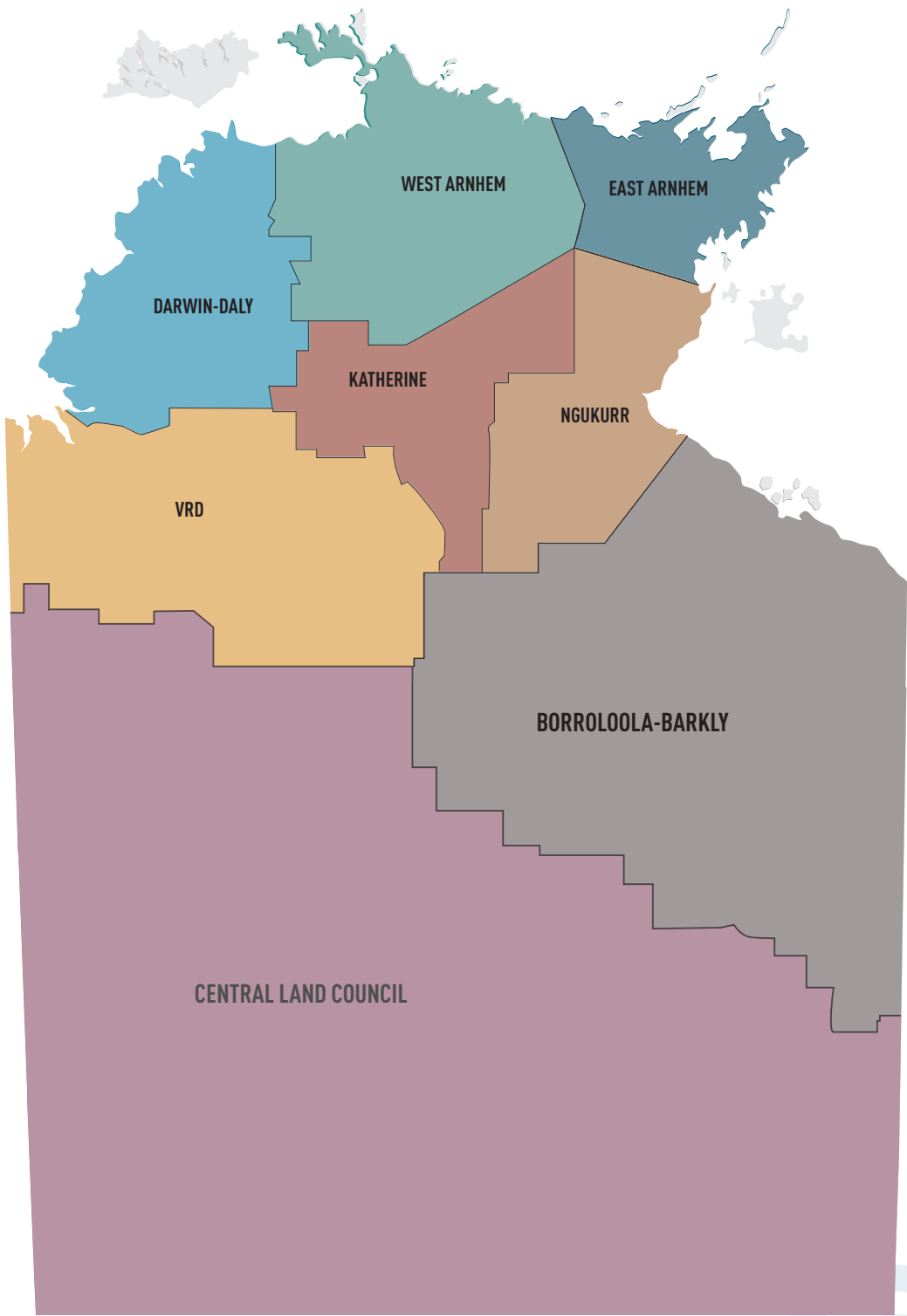




FIGURE 09: NLC ANTHROPOLOGY REGIONS.

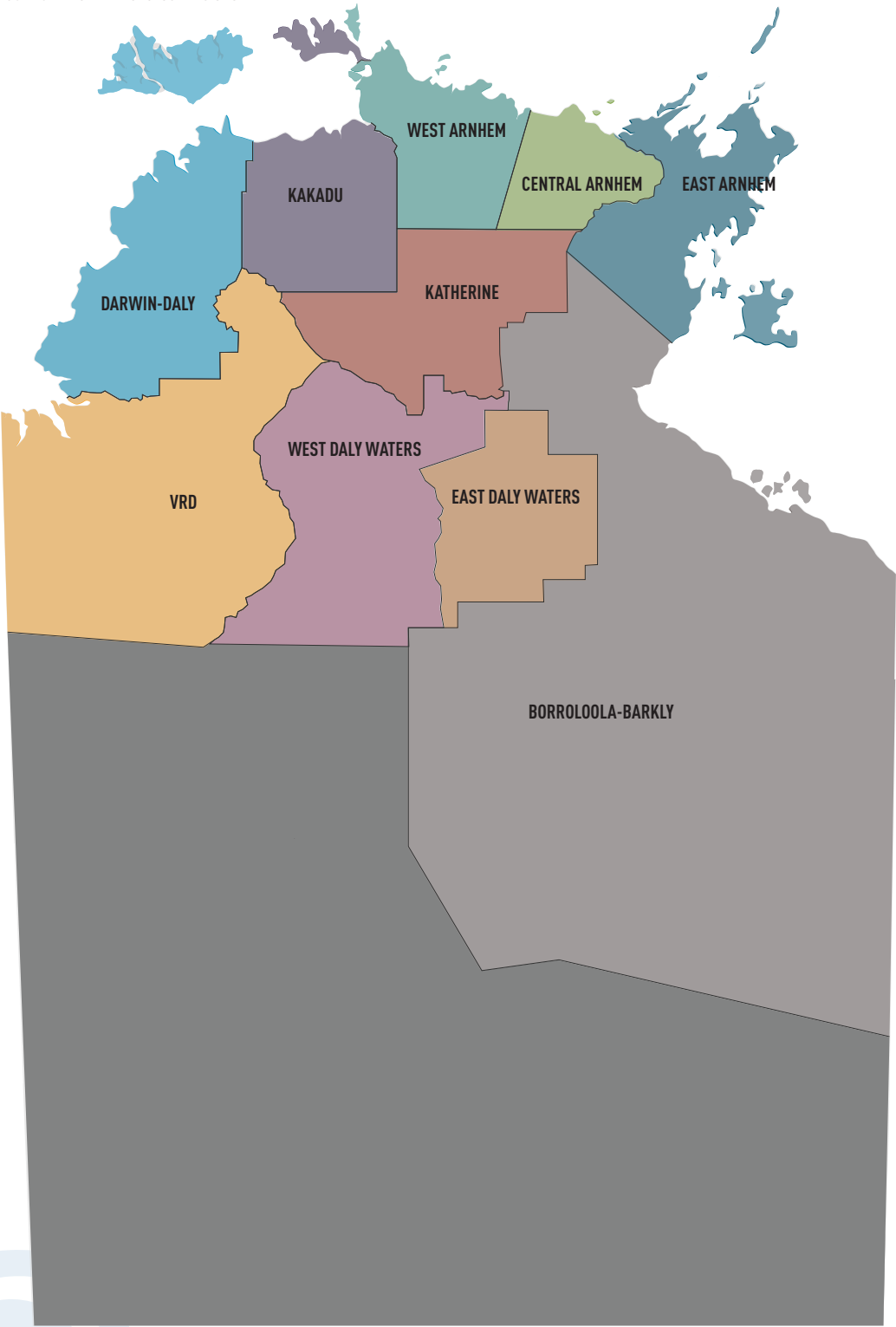
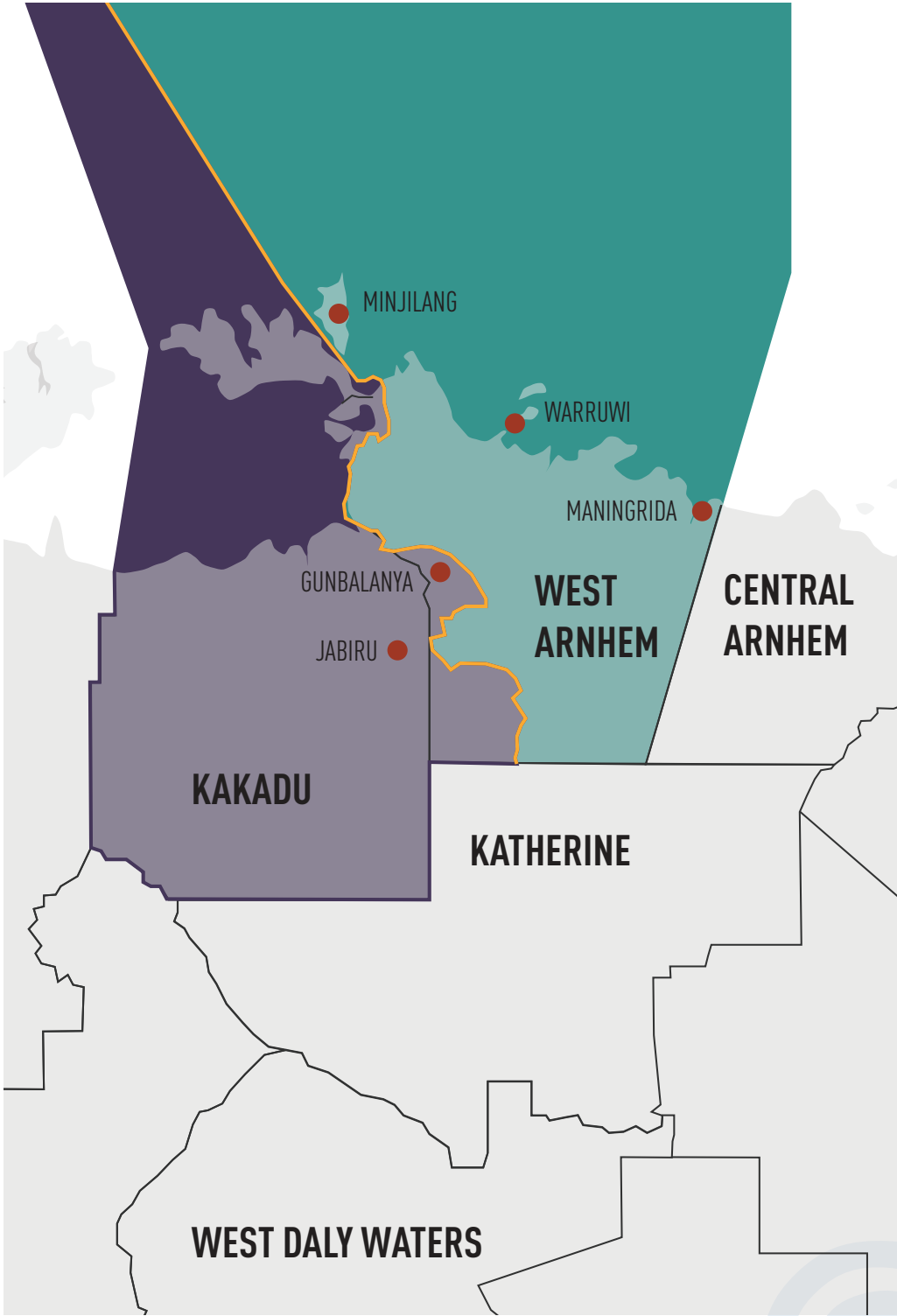


FIGURE 10: KAKADU-COBOURG/WEST ARNHEM REALIGNMENT.



## Darwin/Daly/Wagait (Wadeye) Region

The land tenure of this anthropology region has now increased with the Kenbi Aboriginal Land Trust added as of June 2016 to existing Land Trusts:

- Kenbi
- Daly River Port Keats
- Malak Malak
- Upper Daly
- Wagiman No.1 & No.2
- Finnis River
- Delissaville, Wagait Larrakia
- Gurudju Aboriginal

This region has a diverse range of s19 leasing interests in three major communities in the region: Wadeye, Palumpa and Peppimenarti. Consultation will soon begin for a high voltage

powerline construction from Wadeye to Peppimenarti. Pastoral and native title land interests are increasing in the region, along with a number of annual crocodile egg collections by various proponents on several Land Trusts, as well as Blue Mud Bay negotiations with areas that are not currently part of any agreement.

The following event is worthy of note. When senior Wagiman traditional owner George Jabulgari Huddleston said farewell to his respected wife at a funeral ceremony at Kybrook, a number of Traditional Owners travelled from the VRD, Kakadu and Darwin to attend. One of her countrymen proudly recalled a story of what a skilled stockperson and horse rider she was as a young woman working for Charlie Schultz on Humbert Station.

Jabul and Ivy Huddleston (photograph used with permission of George Jabulgari Huddleston).





Biddy Lindsay, Dean Dempsey and Rita Miljat.

## West Arnhem Land Region

The West Arnhem Land anthropology region covers the Mary River, Kakadu and Garig Gunak Barlu National Parks, as well as the western part of the Arnhem Land Aboriginal Land Trust as far as east of the Liverpool and Mann Rivers, and including the islands of Croker, South and North Goulburn. Its major communities are Gunbalanya, Maningrida, Minjilang and Waruwi, and there are many family outstations across the region, mainly located along the rivers or parts of the coast.

There are more than 100 traditional owner groups within the region speaking a variety of 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.

## Exploration licences and site surveys

A big part of consultation work in the region concerns mining exploration activity: there are several granted exploration licenses (ELs) and the NLC facilitates consultations with Traditional Owners and affected people each year so that 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 identify and map sacred sites within the tenements before a final meeting can be held.

Such cultural site surveys are an important part of anthropological work in the region. Not only do they enable Traditional Owners to identify exact areas to be protected and excluded from



exploration licences, but also they enable cultural knowledge to be preserved and passed on to younger generations. In this past year, one site survey was conducted by a consultant and the NLC regional anthropologist with Traditional Owners of the Mikinj and Kudjumarndi estate and subsequently led to a refusal of the ELA.

## Communities

Consultations for leases over infrastructure lots in the communities have continued over the last financial year and led to many new ALRA section 19 Land Use Agreements (LUAs) being given to government agencies, private entities and Aboriginal corporations.

One executed agreement of recent note concerns the Gunbalanya shop which Traditional Owners decided to lease to the Adjumarllarl Aboriginal Corporation. The corporation has undertaken major renovations of the old infrastructure, offering a wide range of products and promoting local employment.

In the Minjilang community Traditional Owners have given consent for a section 19 licence to the West Arnhem Council to establish a cemetery.

*Four safari hunting operations around Coopers Creek, Murganella Plains and Mann River have expired and consultations for renewals will be held in July and August.*

## Commercial development and tourism

Commercial development and tourism are important projects that involve the NLC. These activities include the harvesting of crocodile eggs by four different companies, as well as culture tours from Kakadu National Park. These include the Injalak Art Centre in Gunbalanya, rock art tours to Injalak Hill and visits to Mikinj Valley.

The NLC has granted a new lease for a fishing camp on Endyalgout Island, and there are ongoing agreements for recreational fishing in Mountnorris and Malay Bays, as well as Outback Spirit's tourism operation along the coastline and rivers of Junction Bay, Rolling Bay, Liverpool and Tomkinson Rivers.

Four safari hunting operations around Coopers Creek, Murganella Plains and Mann River have expired and consultations for renewals will be held in July and August.

The NLC has also recently completed consultations with Traditional Owners and affected people of the Kuwindjul and Waminari estates for section 19 LUAs which will be held by an Aboriginal Corporation. These LUAs will promote cultural and natural resource management involving rock art conservation collaborating with the Griffith University, land management programs such as feral animal control, weed and fire management, and a Knowledge and Cultural Academy which will conduct cross-cultural camps working with schools and families. It will also be an opportunity for local Aboriginal employment.



## Blue Mud Bay – Access to tidal waters

Traditional Owners of the intertidal waters of the Van Diemen Gulf coastline and rivers between the Kakadu and Garik Gunak Barlu National Parks (excluding Mini Mini River) have extended a section 19 agreement with the Northern Territory Government for access by recreational fishers and commercial operators for a further year until 30 June 2018.

The agreement includes, apart from royalty payments, the provision of Marine Ranger training, enhancement of Ranger powers, and collaboration with the Iwaidja Amurdak Management Committee representing the Traditional Owners to develop a fisheries management plan and a code of conduct.

Regarding the other areas of tidal waters where a waiver allowing access has been put in place until the end of 2017, the NLC will continue consultations with regards to future access management.

## Road Upgrades

The NT Government has provided funds for road upgrades of the Oenpelli, Maningrida and Ramingining roads and the NLC continues to consult with Traditional Owners where upgrades of road and river crossings are most required. The NLC has also consulted with Traditional Owners along those roads for the use of gravel pits and has undertaken sacred site surveys.

NLC Anthropologist Eva Molnar and Traditional Owners at an exploration licence work program meeting in Gunbalanya, June 2017



## Land Claims

With two land claims (Cobourgh Land Claim no 6 and the Kakadu Repeat Land Claim) in the final stage of completion, work is continuing to manage disputes and implement effective decision-making processes. It is anticipated the handback of lands in both parks will follow.

## North East Arnhem Land Region

The North East Arnhem Land anthropology region includes most of the East Arnhem NLC region and the northern most parts of the Ngukurr NLC 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.

Over the past year the region has generated the largest proportion of

section 19 LUAs and leasing proposals of all the NLC regions. The North East Arnhem anthropologist plays a key role in supporting the consultation processes through identifying Traditional Owners and affected groups, and providing advice on traditional decision making. Facilitating land owner meetings regarding use of leasing income is also a key task.

Increased leasing activity and income from traditional lands, particularly in larger communities, since the Northern Territory Emergency Response (the "Intervention") has provided new economic and social opportunities for Traditional Owners in the region. The regional anthropologist has been working closely with the NLC's new Community Planning and Development Unit on a number of pilot projects where Traditional Owners are able to utilise their income streams on projects of their design to benefit their own communities. There has been

NLC staff hold consultations with Traditional Owners about a pastoral lease at Amanbidji.



significant planning, consultation and dispute conciliation carried out by the North East Arnhem anthropologist to support these pilot projects.

### Katherine Region

The Katherine anthropology region encompasses Katherine and Mataranka townships, and extends east to include Mangarrayi, Beswick, Manyallaluk, Jawoyn and the southwest area of the Arnhem Land Aboriginal Land Trust. The region includes pastoral properties such as Mainoru, Conways and Mountain Valley that are subject to native title claims and research.

Native Title: Limestone, Sinkholes and River – The town of Katherine: The Katherine Township claim was lodged in 1999 and is now a priority for the NLC to progress. The NLC has engaged Professor Francesca Merlan as an independent expert witness with a duty to the Federal Court to report her findings as to who are the native title holders are for the township. Professor Merlan has a long history in the region – her previous work includes the neighbouring Jawoyn (Katherine Area) land claim. Professor Merlan is working on a connection report, which shows the connection of families today to the families who were affiliated with Katherine when Mununga first came to the region. Katherine region anthropologist Nadia Ronay has been working on the claim and is the main contact for Traditional Owners in Katherine NLC office.

Pastoral claims: Anthropological research continues for pastoral native title claims that include Mainoru and Mountain Valley stations.

Land use expressions of interest, agreements and associated royalties: the Anthropology Branch has been involved in progressing a number of matters in the Katherine region, including (but not limited to) buffalo mustering and safari proposals, community lot leases, tourism and the royalties associated with successful agreements.

### Victoria River District Region

The Victoria River District has seen an extensive activity throughout the region this past year. It has been a big year for pastoralism and some large development projects as well as native title and land claims.

### Pastoralism

A number of Land Trusts have renewed and taken on further pastoralist business on Aboriginal land. These included Amanbidji, Myatt, Fitzroy and Menggen. Consultations have sometimes been complex and challenging but there has been some completion for the three areas. Menggen has been going through a transition period but consultations for new leases will be held in the coming year.





# Major Projects

## Prawn Farm

The prawn farm development called Sea Dragon is the biggest development project in the region, and if it goes ahead it will be the biggest prawn farm in the world. Over this past year extensive sacred site surveys were conducted. The proponent company, Sea Farms, has made extensive changes to the footprint of the prawn farm to protect sacred sites. Negotiations are currently taking place for an Indigenous Land Use Agreement (ILUA) should the project proceed.

## Yarralin

There have been several meetings and negotiations this year at Yarralin to improve the town's infrastructure and housing. New rebuilds and repairs should happen in the coming year. Traditional Owners continue to workshop ideas for the town's future and how best to manage assets and finances.

## Walari Tree

In 2012 a sacred site (a tree) was burnt down by contractors in the Judbarra/Gregory National Park. Since the destruction, Traditional Owners have been seeking compensation from Northern Territory Government. Finally this year an out-of-court settlement has been reached and Traditional Owners will receive compensation for the damaged site at Bullita.

## Land Claims, Beds and Banks

The beds and banks land claims for the Victoria River went to court this past year and Aboriginal people were recognised as the Traditional Owners. The court proceedings were held at Timber Creek and will be finalised in the coming year.





Dancers at Garma Festival at Gulkula, north east Arnhem Land, 29 July 2016.

## Culture & Heritage

### Protecting sacred sites, places and objects

A key NLC objective is to support Aboriginal law and culture values, and the maintenance and protection of sacred sites and heritage.

Granting land rights to Aboriginal people recognises the validity of Aboriginal traditional law and cultural values, and the justice of prior claims to ownership. Aboriginal law is an integral part of Aboriginal culture; it is as important to Aboriginal people as our traditional lands and heritage. According to Justice Blackburn, the Gove Land Rights case in 1971 revealed:

"...a subtle and elaborate system highly adapted to the country in which the people lead their lives, which provided a stable order of society and was remarkably free from the vagaries of personal whim or influence... a government of laws, and not of men."

The authenticity of Aboriginal law derives from the social mores of Aboriginal communities, and does not rely on the reasoning of lawyers, Parliament, or the courts. For Aboriginal people, traditional law is the governing force of daily life.

Investing in the things that also matter to Indigenous people – living on country, language and culture – are just as important in northern development as gas plants in Darwin harbour, roads and ports.

Supporting Aboriginal law and associated cultural values is an important role of the NLC. The documentation of sacred sites, dreaming tracks and significant places, such as painted shelters and rock engraving sites, is undertaken by the Anthropology Branch and involves a coordinated approach by professional mapping and GIS staff.

## GIS Section

Geographic Information Systems (GIS) has been an integral tool used by the NLC since 1998. It represents an intersection of hardware, software, data, procedures and people – the product of which is a system capable of storing, analysing, and representing geographic information.

The NLC started out with a single officer operating a single machine. Because of growing demand there are now four GIS staff, with occasional casual extras, four workstations, a server dedicated to web mapping applications and two large format plotters for map outputs. The GIS team source data from a range of other agencies and are also responsible for the maintenance of corporate mapping datasets such as section 19 agreements, work program clearance areas in mining exploration areas, and native title projects.

## The Year in a Snapshot

The 2016/17 year was again very busy. The job tally reached 1034, an increase on last year (903) and a significant 38 per cent increase on the five-year average tally of 748. Most of the demands from other sections within the NLC are cartographic, with a small analytical component. The GIS team can sustain output with workload increases as experienced this year because of the

technical edge it has with high powered computing tools. We write scripts and software to automate and streamline more regular mapping procedures.

Much of the extra work appears to have come from a busy July in 2016 and an earlier than usual pick up of work in the first quarter of 2017 (see Figure 12).

As usual, requests came from the major branches with a notable increase in activity from the commercial projects sector. This mapping work generally focuses on section 19 land use agreements.

## Major Developments

### Section 19 Mapping Architecture

In response from a review of the NLC's IT systems by Ernst & Young, the GIS team began to develop procedures to integrate corporate databases into the GIS system. Already the team have developed systems to map the Mining projects schedule, as well as the ethnographic research library. This year we tackled the Section 19 land use agreements database.

Section 19 of the ALRA provides for land use arrangements on Aboriginal Land Trusts. The Regional Development Branch, with the IT section, has developed a project tracking system from expression of interest to contract between Land Trusts and commercial

FIGURE 11: INTERNAL REQUESTS FOR GIS SERVICES 2016/17

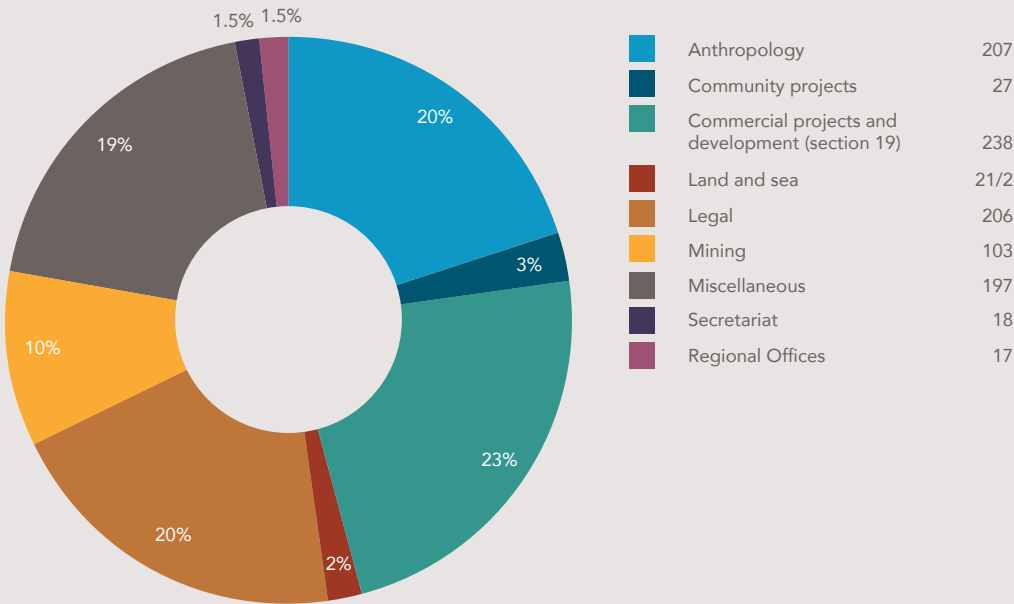
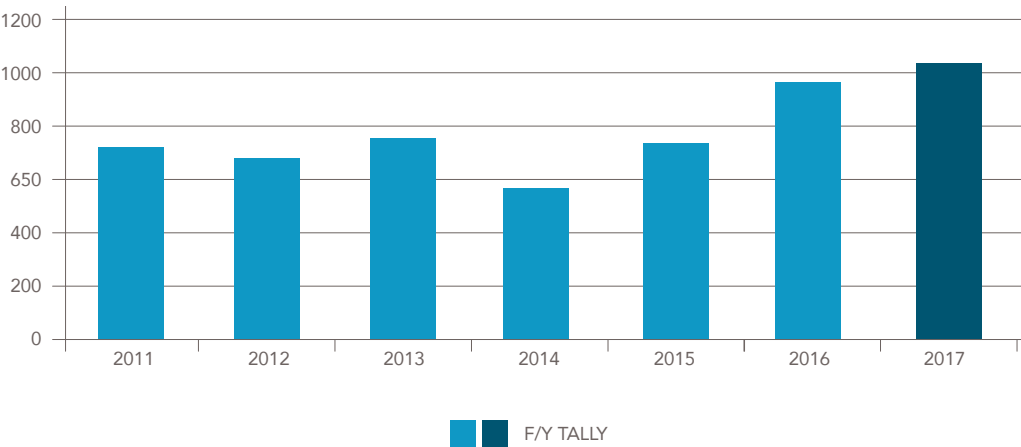


FIGURE 12: LONG-TERM TRENDS ON DEMANDS FOR GIS CARTOGRAPHIC SERVICES (REQUEST COUNT)



operators. The project tracking system is based on Microsoft Infopath and Microsoft Sharepoint technology and has good interoperability with GIS software via data dumps to a Microsoft SQL Server database.

We integrated a spatial registration procedure into the anthropology consultation process so that EOI areas drafted by the GIS team could be marked with their IDs from the section 19 project tracking system and added to a central GIS repository of section 19 agreements. Using IDs the project tracking data can be joined to the spatial data, and published

as meaningful layers to the NLC's internal web mapping platform.

The section 19 database administrators identified three basic layers of interest to publish to the web mapping platform, namely:

- 1 Expressions of interest
- 2 Active agreements
- 3 Expired and historical agreements

The GIS section developed a python script which updates the attribute fields of the GIS data and shuffles records into their appropriate layers before publication to the web platform.

FIGURE 13: GIS JOBS

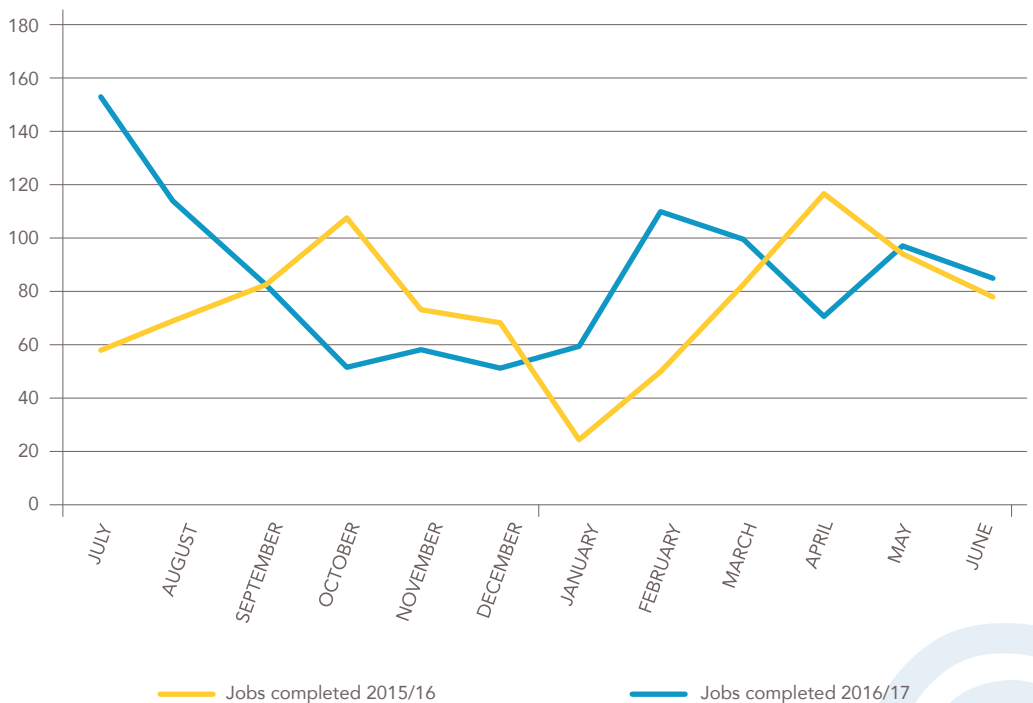


FIGURE 14: EOI PROGRESS CHART

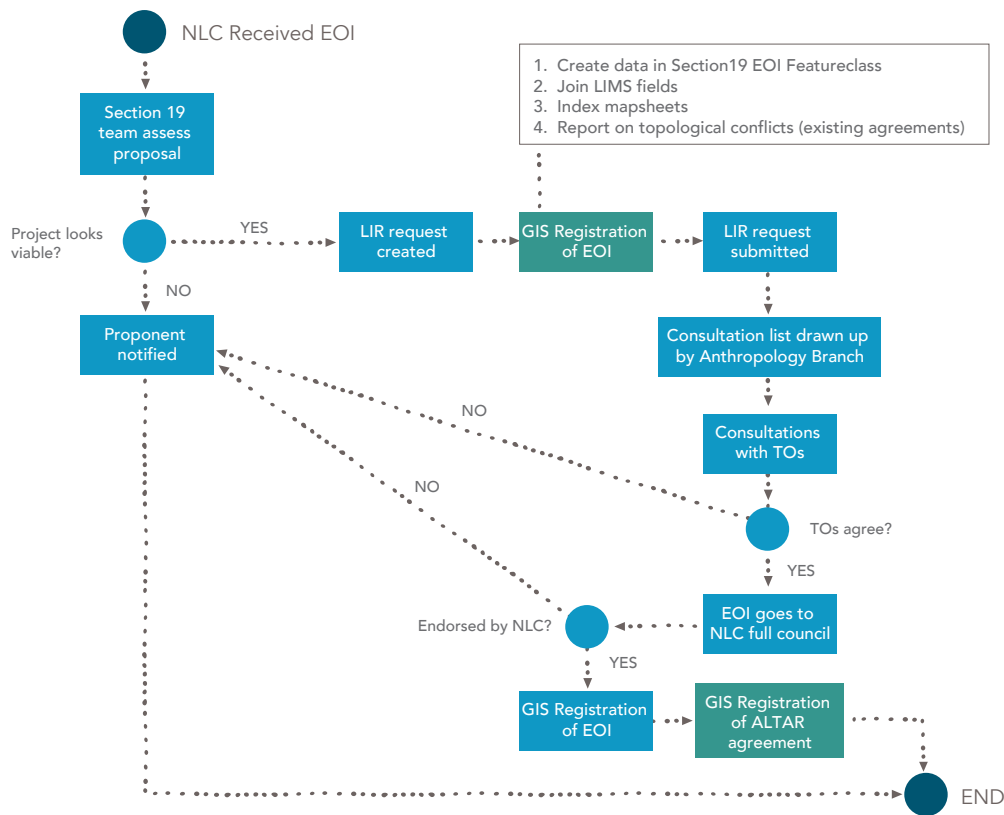
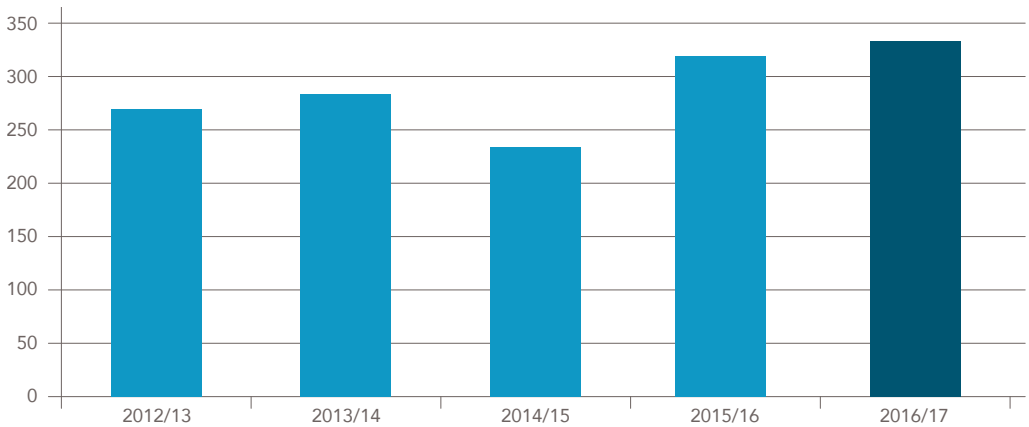


FIGURE 15: LAND INTEREST REFERENCES - REQUESTS COMPLETED, BY ACTIVITY

| ACTIVITY PROPOSAL                                                                                                                                                                                 | REQUESTS COMPLETED |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Land Claim                                                                                                                                                                                        | 1                  |
| Native Title (Land & Sea)                                                                                                                                                                         | 40                 |
| Caring For Country (IPA, Parks and Reserves, Fire Abatement, Water Management, Rangers, Resource Management,)                                                                                     | 37                 |
| Ecomonic Development (Section 19 Leases, Infrastructure, Pastoral Grazing, Croc Egg Harvesting, Roads and Gravel, Retail, Stores, Township Leasing, NTER 5yr Leasing, Tourism, Mining, Utilities) | 183                |
| Other (FCM, Cultural, Research, Media, Defence, Permits)                                                                                                                                          | 12                 |
| Economic Development (Mining)                                                                                                                                                                     | 57                 |
| TOTAL                                                                                                                                                                                             | 330                |



FIGURE 16: LAND INTEREST REFERENCES - YEARLY COMPARISONS



### Land Interest References (LIR)

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 the table below provides a breakdown of activities completed.

A total of 449 requests were lodged, with 330 significant releases completed this past year, being an increase compared with the previous year.

### LIR Digitisation Report

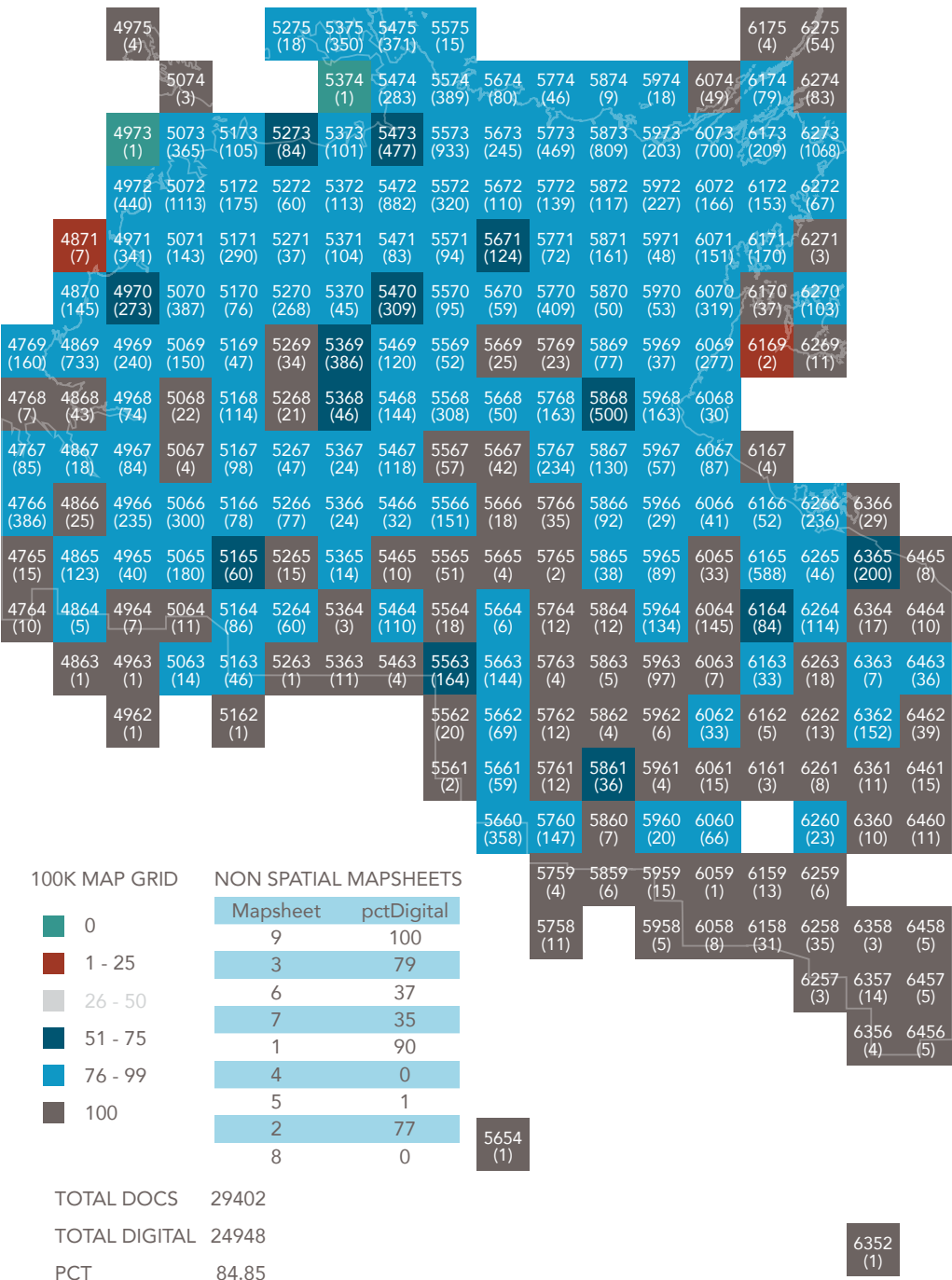
Since 2006, the Anthropology Branch has designed and implemented enterprise database management systems to support growing demand on research outputs. Central to this has been the development solution that stores documents and maps electronically, with a full text index on the documents stored within.

Many documents are held as hardcopies, thus an ongoing task over the past few years has been the scanning and optical character recognition (OCR) of hardcopy documents.

There are a total of 31,322 documents held in the LIR, of which 27,528 now exist in electronic format, with a total of 2,580 documents digitised this past reporting year.

Approximately 2000 new documents were submitted to the LIR, each requiring geographic and ethnographic indexing - a considerable administration burden.

FIGURE 17: LIR DIGITISATION PROGRESS



# Native Title Report

## The *Native Title Act*

In 1992, for the first time, the High Court of Australia recognised the common law native title land rights of Australia's Indigenous peoples (*Mabo No 2*). The *Native Title Act 1993* introduced a statutory scheme for the recognition of native title in areas where Aboriginal groups have been able to maintain a traditional connection to land and where the actions of governments have not otherwise extinguished their prior title. The Act provides for the recognition of pre-existing rights to land and waters, the making of future acts and the resolution of claims for compensation. A key NLC objective is to fulfil its responsibilities as a native title representative body under the *Native Title Act 1993*.

Native title, as recognised under the Act, differs from western forms of title in three significant ways:

- 1 It is premised on the group or communal ownership of land, rather than on individual property rights.
- 2 It recognises and registers rights and interests in relation to areas of land and waters that pre-date British sovereignty, rather than a formal grant of title by government.
- 3 It may coexist with forms of granted statutory title, such as pastoral leases, over the same tracts of land.

Native title thus exists in a complex legal, administrative and cultural environment of intersecting and sometimes conflicting interests. The NLC is committed to resolving native title claims through negotiation and mediation, rather than litigation, where possible. Since 2010, the NLC has been part of a Federal Court initiative aimed at settlement of native title determination applications over Northern Territory pastoral leases.

## Native title: Quick facts

- Native title is a set of rights and interests in relation to land or waters including exclusive possession in some cases.
- Indigenous Land Use Agreements (ILUAs) are agreements between native title holders and others about the management and use of land and waters. They can be made before or after a determination that native title exists or where there is no native title application at all.
- The NLC is the Native Title Representative Body (NTRB) for the Territory's northern region, covering approximately 570,000 square kilometres of land, including the Tiwi Islands and Groote Eylandt.
- As a Native Title Representative Body under the Native Title Act 1993, the NLC's key statutory functions are:
  - o to facilitate and assist native title holders to make native title applications;
  - o to respond to proposed future acts and negotiate ILUAs or other agreements according to the consultation and consent provisions under the Act; and
  - o to assist to resolve disputes between constituents about native title applications, future acts, ILUAs or other native title matters.
- The NLC combines its native title functions with its other statutory functions to improve administrative efficiency and provide flexibility.
- The NLC's work with claimant groups to settle native title determination applications over the Territory's townships and pastoral leases is an intensive, accelerated process that has resulted in 65 successful consent determinations since January 2010.

The Legal Branch (report page 52) provides an overview of claims work in the region. There follows a summary of the investment of the Anthropology Branch into these claims which are progressed collaboratively.

### Current Anthropology Branch effort – native title township claims

#### Larrimah

Anthropological research and the Connection report were completed in the 2016/17 year. It is hoped that this claim will be finalised and proceed to a consent determination in 2017/2018.

#### Katherine

Professor Francesca Merlan is undertaking anthropological research and meetings with Claimants in February and June have been very positive. It is hoped that the research informing Professor Merlan's Connection report will be largely completed within the 2017 calendar year.

#### Pine Creek

Anthropological research and the connection report were completed in 2016/17. It is hoped that this claim will be finalised and proceed to a consent determination in the 2017/18 financial year.

#### Adelaide River

This claim is in the early stages of research by consultant anthropologist, Gareth Lewis.

### Current Anthropology Branch effort – native title pastoral lease claims

Claimant consultations continue in respect of Groups 2A and 2B claims, including 14 leases in the South East of the NLC region.

Successful authorisation meetings were held in June 2017 for the Group 6 claims including four claims near in the south of the NLC region.

Investigations into the native title right to take and use resources for any purpose continue in respect of the five Minyerri Subgroup claims.

Consultant anthropologist Dr Patrick McConvell is undertaking research into the native title right to take and use resources for any purpose including trade in the Hidden Valley and Buchanan Downs Pastoral Leases.

Eleven Group 3 Pastoral lease claims in the Roper catchment are in early stages of anthropological research by anthropologist Gay English.

### Nomination of a Prescribed Body Corporate

After a determination of native title, native title holders must nominate a Prescribed Body Corporate (PBC) to manage their native title rights as required under the *Native Title Act 1993*. A PBC is a corporation that holds or manages native title for the whole native title group. A PBC's primary role is to give legal force to native title rights and interests held by the group, especially



by enabling binding agreements about land to be executed. Proponents, such as governments and companies, must deal with the nominated PBC.

The NLC has developed a corporation called the Top End Default PBC which can be used by native title holders where there has been a successful native title claim. The members of the Top End Default PBC are the members of the NLC Executive Council. If native title holders choose, the Top End Default PBC will perform the PBC role – primarily executing agreements on the instructions and directions of native title holders. The Top End Default PBC does not receive money or royalties from those agreements.

There is no obligation on native title holders to “opt in” to the Top End Default PBC. Also, the native title group can later decide to “opt out” and develop its own PBC.

The rationale behind the creation of the Top End Default PBC was to assist native title groups in remote and areas where there might be little or no substantial development agreements which could have provided financial and other capacity to run a corporation.

Aboriginal associations or corporations whose only role is to hold title in remote regions, and which do not generate income or employ staff, can find it difficult to maintain documentation

(including as to membership and office bearers) and to comply with annual reporting requirements. That can lead to a PBC’s lapse into non-compliance under the *Corporation (Aboriginal and Torres Strait Islander) Act 2006* (Cth). In turn, non-compliance can result in prosecution and deregistration of the corporation.

*The NLC has developed a corporation called the Top End Default PBC which can be used by native title holders where there has been a successful native title claim.*

### Update on continuing PBC nomination work

Top End Default provides PBC services for more than 170 native title holding groups, resulting from 69 determinations. The Anthropology Branch is required to provide anthropological advice on as as-required basis to inform the administration of and consultations concerning these determinations and native title holding groups.



Bynoe Harbour

# Sea Country

## Background

Sea country is important across the Top End of the NT because it is relevant to a large demographic of Aboriginal people. Aboriginal people make up around 50% of the general population, with greatest percentages living in their remote coastal communities.

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

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 *Aboriginal Land Rights (Northern Territory) Act 1976*, including the tidal waters over their land from the high water to low water mark (the intertidal zone) – the Blue Mud Bay case.

This determination is significant in the context of the whole coastline, which is 5,100km long with offshore islands contributing a further 2,100km. The Blue Mud Bay decision recognises 84% or 6,050km of coastline is owned by Aboriginal Traditional Owner groups.

However, today the issue of access arrangements subsequent to the High Court decision has not yet been settled. User groups and the NT Government have continued to seek permit free access.

## Interim access and permit waiver

In 2007 an 'interim' (short-term) agreement among relevant Aboriginal Land Trusts, the NLC and the NT Government was made to allow continued recreational and commercial fishing access to tidal waters over Aboriginal Land. The intent of the original interim arrangement was to settle a long term and comprehensive access arrangement.

After 10 years and 11 extensions of the 'interim' agreement, the NLC issued on 24 December 2016 a Public Notice, pursuant to section 5(8) of the *Aboriginal Land Act*, stating that it would not renew the interim agreement. The Full Council resolved not to renew the interim intertidal fishing access licence regime because it had been in place for too long with little resolve. It expired on 31 December 2016.

The NLC then responded to industry and stakeholder concerns and waived the requirement for a permit to enter tidal waters overlying Aboriginal land for a period of six months, until 30 June 2017. The intent was to initiate a dialogue with the NT Government and user groups about seriously progressing a permanent and comprehensive settlement.

On 10 June 2017, the NLC issued another Notice, again waiving the requirement for a permit to for another six months, until 31 December 2017 to progress developments with both Traditional Owner groups and user groups. Progress had been made in forming a collaborative relationship with user groups and engaging Traditional Owner interests.



## Enduring NT wide permit free access settlement

Under the interim arrangement, the NLC and the NT Government negotiated a Territory-wide settlement package in exchange for enduring permit free access. Between 2009 and 2011, the NLC consulted with a number of large coastal communities about the package. In 2011, the NLC Full Council rejected the Government's offer for an 'enduring' Territory-wide settlement because Traditional Owners did not want to give up their right to control access and were unclear how the settlement would support their local interests.

## Coastal area intertidal fishing access agreements

From 2011 the NT Government successfully negotiated agreements with Traditional Owners in coastal areas with high incidence of fishing activity. Between 2012 and 2014, six intertidal access Agreements were settled to provide access to recreational and commercial operators to fish in tidal waters over Aboriginal land without applying for a permit ([WWW.FISHING.NT.GOV.AU/AGREEMENTS.HTML](http://WWW.FISHING.NT.GOV.AU/AGREEMENTS.HTML)). Those areas are:

- 1 Malak Malak ALT for Daly River area - 1 July 2012 to 2032.

Consultations at Maningrida, 12 April 2017, about access to the intertidal zone, a consequence of the High Court's Blue Mud Bay decision in 2008.



- 2 Narwimbi, Wurralbi & Wurralbi 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 Thamurrurr 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 Murgendela Rivers south of Coburg Peninsula) settled a three year agreement in July 2013, which has been extended two times, more recently until 30 June 2018.

Since 2015, the NLC has been working with the NT Government and Traditional Owners to deliver terms under the agreements. Overall, Traditional Owners feel that the Agreements don't allow them to participate in decisions about access or management of their tidal waters. Two of the Agreements provision 'consultative committees', which have been convened as Management Committees. Where Committees are in place, Traditional Owners support this framework but seek to strengthen their role relevant to their management of Sea Country.

## Sea Country Working Group

Since the High Court decision, a number of leadership groups have been established to provide advice and direction relevant to the NLC's processes to resolve intertidal access arrangements. Most recently, in June 2015, the Sea Country Working Group (SCWG) was established at the 110th Full Council meeting to again bring focus to resolving related access issues.

The SCWG is made up of elected members of the Full Council and to date has met five times. During that time is has established Terms of Reference, released a position statement (August 2016) and been successful in lobbying the NT Government for funds to resource a Landowner Engagement Strategy and establish a Consultative Committee made up of user groups and relevant NT Government agencies. A Technical Advisory Group has also been established to provide expert advice on relevant policy and research developments.

The SCWG 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





Sea Country Working Group chairman Keith Rory (left) and NLC sea country policy officer Lorrae McArthur lead a discussion about access to and management of sea country, Darwin 15 February 2017.

The SCWG is resolved to develop of a comprehensive framework that considers Traditional Owners'

- Control of access to sea country areas and respective arrangements;
- Engagement in the management of sea country;
- Maintenance and meaningful recognition of customary use of sea country and resources; and
- Participation in fisheries management and commercialisation.

The SCWG advocates the need to work collaboratively with user groups and the NT Government to resolve a long term settlement on access, recognising the process will require a long term strategy to successfully accommodate the interests of Aboriginal land owners.

## Consultative Committee

The NLC Consultative Committee for Sea Country Access and Management (Consultative Committee) was established on 16 February 2017. Its role is to bring stakeholder interests together with the SCWG to work collaboratively and constructively in considering the views of landowners, other user groups and the NT Government. The intent is to develop of a framework for access, management and the sustainable utilisation of resources in the intertidal area.

To date, the Consultative Committee has met three times to discuss intertidal access issues. In summary, discussions have been open and constructive and general consensus has been made about the need for Traditional Owners' engagement in resolving intertidal access and management arrangements.

Key outcomes include:

- Ratified Terms of Reference until 30 June 2017;
- Two meeting communiqués reaffirming parties' commitment to work collaboratively;
- Delivery of Aboriginal-led issues paper and discussion paper;
- Consensus that any development toward resolving long standing issues requires a long term planning process; and
- Consensus for the ongoing role of Consultative Committee.

The NLC will continue to develop processes with the Consultative Committee during the short waiver period, with the prospect of a longer-term strategy, dependent on resources and capacity.

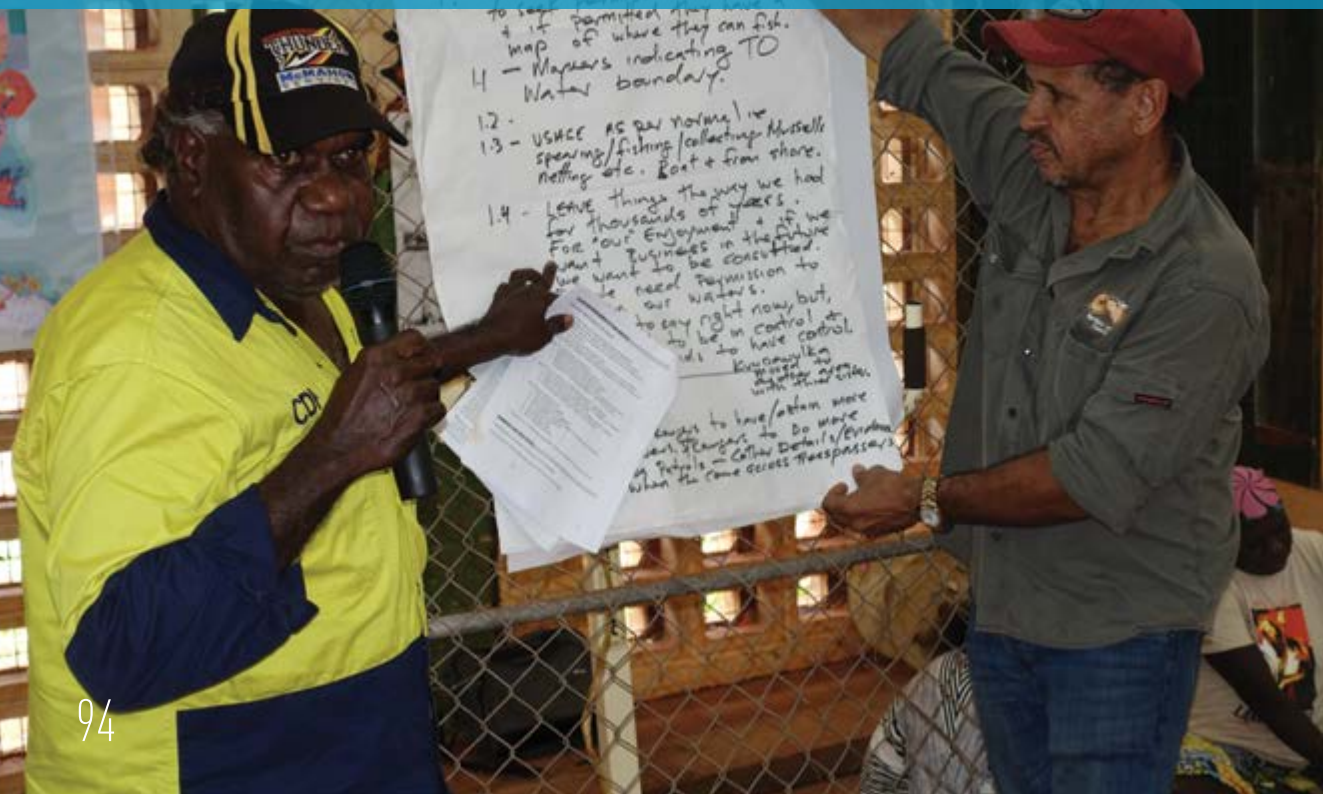
## Landowner Engagement Strategy

The Landowner Engagement Strategy (LES) is being delivered by NLC under the guidance of its SCWG to inform communities on sea country access and management arrangements. It has been the first opportunity for Traditional Owners to develop their interests in access and management arrangements instead of responding to third party interests for an access arrangement.

The LES has so far provided 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

Traditional Owner Shane Namanurki (left) and NLC Project Coordinator Mo (Maurice) Motlop display a sheet of talking points from a workshop at Maningrida on 12 April 2017, where Traditional Owners discussed access to, and management of, the intertidal zone.



- outcomes from consultations with Traditional Owners in a number of areas (February-June 2017).

Communities so far engaged under the LES include:

- Maningrida, West Arnhem.
- Arnhem Bay, East Arnhem.
- Sir Edward Pellew Group, Borroloola Barkly (Yanyuwa) – relevant to the general review of their intertidal agreement and associated Wurrahilba Management Committee.
- Mini Mini Murganella, West Arnhem (Iwaidja Armurduk) – relevant to negotiations of an extension of their intertidal agreement.
- Daly River, Darwin Daly Wagait (Malak Malak) – relevant to the five year review of their Agreement.
- Other areas that have an intertidal agreement and conducted prior meetings include:
  - o Anson Bay, Darwin Daly Wagait
  - o Dhimurru, East Arnhem
  - o Moyle River, Darwin Daly Wagait (Thamarrurr).

While consultations with all Traditional Owners with intertidal property rights are incomplete, the LES has so far consolidated the following key themes:

- 1 Traditional Owners want to control access to intertidal areas, including the right to decline access, with broader involvement beyond compliance to planning, policy and management of intertidal areas. Traditional Owners want to control decision making, and be better informed and participate in more consultations for intertidal access and management planning and decision making.
- 2 Traditional Owners have aspirations to participate in fisheries management to sustainably manage bio-cultural resources, through their ranger programs, capacity building in fisheries management and broader management roles and engagement.
- 3 Traditional Owners have identified decision making at the clan level to be the most appropriate, regardless of which governance framework was adopted to negotiate intertidal access and management. Bringing information back to clan groups through existing channels such as rangers, committees and meetings is essential for Traditional Owners to be well-informed and supported to make sound decisions and communicate them effectively.
- 4 Rangers are an essential resource for management of intertidal areas and to help ensure user groups respect Traditional Owners' rights 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 so that they benefit from the sustainable use of resources and are provided with an opportunity for economic development. This includes policy and legislative review and reform to support Traditional Owners' engagement in fisheries and sea country management.

The NLC has agreed to complete LES delivery for the remaining 15 identified coastal community groups as a first stage to engagement and assessing tidal access issues.

The outcomes of LES have informed the delivery of a discussion paper at the third Consultative Committee meeting and 115th Full Council meeting. It presents a draft framework for resolving intertidal access arrangements that identifies the clear need to undertake Participatory Planning Processes to support delivery of local level negotiations of Traditional Owners' interests in access arrangements with relevant stakeholder and other user groups.

### Technical Advisory Group

The NLC Sea Country Technical Advisory Group (TAG) was established ad hoc to the delivery of the LES. Its current membership has expertise largely in community engagement in land and sea management planning and experience in Indigenous participation in fisheries management. Relevant expertise has been essential for supporting delivery of the LES and interpreting policy objectives. It will also be essential to the development and delivery of longer term Participatory Planning Processes.

### Other activities

#### Daly River Bank Erosion Study

Malak Malak Traditional Owners control access to tidal waters over Aboriginal land for part of the Daly River. The Malak Malak Aboriginal Land Trust reached a 20-year agreement with the NT Government in July 2012 that provides permit-free recreational fishing access in exchange for a number of provisions.

One of those provisions is to undertake research that examines causes of river bank erosion. Research development and delivery is overseen by a Steering Committee. The Committee comprises Malak Malak Traditional Owners, NLC, Amateur Fishermen's Association of the Northern Territory (AFANT), NT Government and other relevant stakeholders.

The Daly River Bank Erosion Study began in April 2015 when Traditional Owners were identified by the NLC to participate on the Steering Committee. The chronology since then has been:

- September 2015 – 1st Steering Committee Meeting to check terms of reference for project delivery.
- December 2015 – NT Government engaged Charles Darwin University (CDU) to deliver research.
- April 2016 – CDU starts Research Project.
- May 2016 – 2nd Steering Committee Meeting to discuss research methods.
- December 2016 – 3rd Steering Committee Meeting to review preliminary research results.
- February 2017 – project extended two months to include a second data set during peak erosion period.
- June 2017 – Traditional Owners move to change Steering Committee to a Management Committee with broader terms of reference for management of the Daly River under the five year general review of their Agreement.

The Committee will convene in July to review a final research report and make any recommendations going forward.



### Wurrahiliba Management Committee

The Wurrahiliba Management Committee has been established under the terms of the intertidal agreement with the NT Government for the Sir Edward Pellew Islands and McArthur River areas (Yanyuwa sea country).

The Committee convened its first meeting in August 2015 and started a dialogue with government agencies, industry, research entities and stakeholder groups about local aspirations for management, fostering networks and on strategic research and policy priorities for the region.

The Committee agreed to consider key opportunities to:

- enhance the role and resources for Rangers as managers;
- support the next generation through programs and initiatives;
- establish long term monitoring of water quality of the McArthur River mine;
- examine regional development opportunities for supporting fisheries industries; and
- look at feasibility or business case of holding a fishing licence.

Since this meeting, the NLC has been successful with a funding submission to the Fisheries Research Development Corporation for research that examines business opportunities and impediments for Aboriginal community development in supportive fishing industries for the Roper River to Robinson River area in the Northern Territory.

The NLC finally secured the project in May 2017 and is now in the process of delivery over the next 18 months. Part of this process is to:

- Establish a Project Steering Committee of user groups and local entities to provide advice over the course of the project; and
- Engage an independent consultant to work with Traditional Owners and the Wurrahiliba Management Committee,

Malak Malak rangers, Amos Shields and Aaron Green, survey sawfish on floodplain billabongs





broader community members, user groups and local business and entities to map out potential interests to further Aboriginal participation in fishing industries.

### Iwaidja Armurduk Management Committee

The Iwaidja Armurduk Management Committee was established in 2015 under the terms of the intertidal agreement with the NT Government for the Mini Mini and Murgarella Rivers area south of Cobourg Peninsula.

The Committee convened its first meeting in October 2015. Government and stakeholders met with nominated Traditional Owners to discuss a range of issues and interests.

"The committee provides us with an opportunity to balance our ideas, about our country and interests. It will enable us to manage our country, look after its resources and take part in industry. It will hopefully create jobs for Rangers to monitor and manage our country into the future."

The committee did not meet again until March 2017 and discussed terms for any future arrangements in light of their short term agreement. Iwaidja Armurduk has a strong interest in developing a management plan that identifies access areas and rules for access and for establishing a Ranger program to manage fisheries compliance and look after their sea country.

Cherry Wulumirr Daniels (centre, black shirt), who helped found the Yugul Mangi Ranger Group, is congratulated by Ngukurr community members after she received the Medal of the Order of Australia from the Northern Territory Administrator, the Hon. John Hardy (right), 26 October 2016.





Caring for Country manager Matt Salmon introduces Timber Creek rangers at a joint meeting of the Northern and Central land councils at Kalkarindji, 12 August 2016.

## Caring for Country branch

### Introduction

Traditional Owners in the NLC region have responsibility for some of the most intact, biologically diverse and culturally rich savannah landscapes in the world. These include iconic places like Kakadu, the Arnhem Plateau and the Cobourg Peninsula as well as less well known but equally important places like the Arafura Swamp and the Marthakal and South East Arnhem Land Indigenous Protected Areas (IPAs) which are all globally significant in their own right. The NLC actively supports the work of Aboriginal custodians to maintain their cultural obligations to care for this land and sea country through the Caring for Country Branch (CFC), which provides environmental and related support services to Traditional Owners who actively manage in excess of 200,000 square kilometres of land and sea country.

The branch helps Traditional Owners plan for the future health of their country and report on the effectiveness of their efforts. Our “two-way” land and sea management philosophy combines the best of traditional knowledge and contemporary science to conserve culture and protect biodiversity. This creates a unique synthesis of management approaches, which are widely recognised as amongst the most effective and innovative available.

Through Ranger, and Indigenous Protected Area (IPA) programs, National Park Joint Management, land management-based enterprises and research partnerships, the CFC team employs more than 130 Indigenous land managers. Supporting this effort is a small team of Darwin, Katherine and Jaibiru based staff who provide WHS and HR services, contract administration, advocacy, IT, data management,





Wagiman rangers deliver Junior Rangers Program, Pine Creek, March 2017

reporting, training and youth and women's engagement functions.

This year the branch has directly supported 15 individual ranger groups and three IPAs, and worked with the Mimal Land Management Aboriginal Corporation and Marthakal Homelands Resource Centre Aboriginal Corporation to support their ranger programs through sub-contract arrangements as they move towards independence. We have also assisted with the establishment of new savanna burning carbon abatement projects in south east Arnhem Land, continued our focus on increasing the engagement of women and young people in our work, and further reformed and strengthened the support services we provide to ranger programs and IPA managers.

Towards the end of the financial year the branch's managers, in close consultation with our staff, started work on reviewing our program delivery model and staff structure. It is our

hope that this process, with a strong focus on increased regionalisation, will further improve the responsiveness of the branch to people in the bush.

### Approach and achievements

It is a key objective of the NLC to assist Traditional Owners to manage cultural, land, sea and natural resources in a sustainable manner. Our land and sea managers and program support staff, are guided by the values and aspirations of the Traditional Owners we work with. These principles underpin the operations of the branch, which actively supports people to establish grass-roots land and sea management initiatives across the network of remote homelands, stations and community centres.

During the 2016/17 year the branch:

- Worked in partnership with the NT Government to secure capacity for sea country rangers to gain compliance powers under the NT Fisheries Act.
- Developed strategies to grow the

number of women and young people involved in Caring for Country work.

- Introduced new and more effective systems to help our staff work safely.
- Streamlined and improved the support services we provide, including holding regional forums to enable our remote staff to provide input into branch policies, procedures and workplace priorities.
- Provided high level advocacy and policy advice that helped to achieve a commitment from the Australian Government for ongoing ranger funding until 2020.
- Successfully negotiated a further injection of funding for ranger training from the Department of Agriculture and Water Resources, resulting in a doubling of our available training budget in 2017/18.

### Indigenous Ranger Programs

The NLC currently supports 17 Indigenous ranger groups through funding from the Department of the Prime Minister and Cabinet (DPMC) and the Indigenous Land Corporation (ILC). Fifteen of these groups are supported directly, and two others (Mimal Rangers at Weemol and the Gumurr Marthakal Rangers at Galiwin'ku) are managed via sub-contracts as they move towards independence.

Through the Working on Country Program, the NLC was funded to support the direct employment of up to 63 Full Time Equivalent (FTE) Indigenous rangers, four FTE casuals,

four senior cultural advisers, an Indigenous Administration trainee and eight program support staff.

The Indigenous Land Corporation (ILC) provided funding to support up to 12 FTE Indigenous rangers, three coordinators and a program coordinator. This investment supports three operational ranger groups – Kenbi, (located on the Cox Peninsula), Yantjarrwu in the Daly Region and Timber Creek in the Victoria River region. This program is structured with minimal operational funding and we are currently exploring a number of avenues for additional support for the ranger groups to increase both the number of ranger positions and the level of operational funding.

These groups continued to be leaders in fee-for-service activities and cost recovery research programs with government agencies such as the Department of Primary Industry and Fisheries (DPIF), biosecurity surveillance with the Department of Agriculture and Water Resources (DAWR) and large-scale land rehabilitation through the Department of Finance (the Cox Peninsula Remediation project).

While full and part 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 during 2016/17. 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,

training opportunities, and providing guidance and mentoring to the rangers. For all participants, but 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. During 2016/17, ranger groups were involved in a vast array of land and sea management programs, including fire management and early dry season burning, marine debris collections and coastal surveys, marine species surveys and fishery patrols, sacred site management and knowledge transfer through involvement with school groups.

Key achievements for ranger groups this year have included:

- Arafura Rangers trial of a Community Development Program partnership to provide further job opportunities especially for women rangers.
- Commencement of a significant savanna burning carbon abatement program involving the rangers in the Ngukurr and Numbulwar regions.
- Significant research and planning partnerships with our key partner North Australian Indigenous Land and Sea Management Alliance (NAILSMA) and Bush Heritage Australia.

- Delivery of a new fisheries patrol vessel to the Bulgul Rangers in partnership with the Northern Territory Government.
- The continuing success of ILC ranger groups in leading local level fee-for-service opportunities.
- Kenbi Ranger's quoll release project in partnership with the University of Melbourne, Territory Wildlife Park and the Department of Environment and Natural Resources (DENR). This involved training endangered Northern quolls to avoid eating cane toads, and establishing this population on Indian Island in Bynoe Harbour, part of the Kenbi Aboriginal Land Trust.
- Waanyi Garawa/Garawa Rangers' engagement of many young and senior Traditional Owners in biodiversity surveys in conjunction with Bush Heritage, and exchanges between groups such as the Yugul Mangi and Malak Malak rangers who worked on sawfish surveys with Charles Darwin University and NAILSMA.

In combination, these programs protect and care for more than 200,000 square kilometres of land (i.e., more than ten times the size of Kakadu National Park) and extensive areas of coastline on behalf of Traditional Owners, to the benefit of all Australians.





Kenbi ranger John Moreen releases a quoll on Indian Island on 12 May 2017 – one of 35 quolls released, having been trained to avoid cane toads.



## Case Study

## Ranger Forums



Fisheries staff talk about the Indigenous Community Marine Ranger Program at the Darwin ranger forum, 15 March 2017.

During 2016/17, the Caring for Country Branch reinvigorated ranger group leaders and managers through well attended forums.

The Caring for Country Branch hosted two Senior Ranger and Coordinator Forums; the first in Katherine on 2 & 3 March, and the second in Darwin on the 14 & 15 March. The Katherine Forum hosted 5 WOC funded groups; Bulgul, Wagiman, Malak Malak, Garawa & Waanyi Garawa and two ILC funded groups; Yantjarrwu and Kenbi. The Darwin leg of the Forum had seven WOC groups represented; Yugul Mangi, Numbulwar, Wanga Djakamirr, Gurruwiling, SE Arafura, Garngi & Mardbalk. External attendees included the Aboriginal Areas Protection Authority (AAPA), Territory Natural Resource Management (TNRM), Dept. of Agriculture, Dept. Primary Industries and Fisheries, Danila Dilba, Remote AOD Workforce and the Department of the Prime Minister & Cabinet. Along with Caring for Country staff, representatives also attended from the Community Planning and Development Unit, Fleet and Property, Minerals and Energy, Executive and Human Resources branches.

The main priorities to come out of the forums included:

- Access to more funding: Many ranger groups had varying avenues of funding, contracts, community grants, research grants etc., but there are still concerns about the future of the ranger programs when long-term funding is not an option to secure.
- Ranger exchanges: Kenbi and Malak Malak both participated with ranger exchanges in 2016 with Dhimirru and Yugul Mangi ranger groups, respectively. This is an important tool for all rangers to share their experiences and knowledge and will be encouraged in future.
- Developing Junior Ranger programs with local schools: Both the Waanyi Garawa and Timber Creek rangers have begun programs with their local schools; Wagiman and Garngi are in development stages, hoping to be rolled out by early 2018.
- Support for Women Rangers: On the back of Wagiman hosting a women's conference and fire training for NLC women rangers (2016), the majority of Senior Rangers and Coordinators agreed that having women rangers engaged at either a full-time or casual capacity will be advantageous to the group culturally and strategically. CFC is continuing to develop strategies to encourage and retain women in ranger and coordinator positions.

## Case Study

# Malak Malak and Yugul Mangi Rangers sawfish surveys



Malak Malak and Yugul Mangi rangers. Inset: Freshwater sawfish

The Largetooth Sawfish (scientific name *Pristis pristis*, known locally as Tyemerirri) can be found in the freshwater section of a number of big rivers in northern Australia. As a result, it is known as the Freshwater Sawfish (noting that mature sawfish live in the ocean). It used to be found in many regions across the world, but has disappeared from many of these, and scientists have found that northern Australia is one of the last places where there are healthy numbers. Malak Malak Traditional Owners, when working with researchers, heard there were only a few Largetooth Sawfish left in the world. Elders already knew that sometimes they got trapped in waterholes on the Daly River floodplain, and in late 2012 when Traditional Owners found some trapped they called scientists from Charles Darwin University (CDU) and the Northern Australia Environmental Research Hub to organise a rescue. This worked very well and afterwards the rangers decided that

it would be good to do patrols (and relocations) every year, as part of the Malak Malak community's contribution to protecting the sawfish for future generations.

The Yugul Mangi Rangers from Ngukurr have also been working with scientists who are tracking the movement of barramundi in the Roper River with acoustic receivers installed throughout the river. Because this technology can also be used to track sawfish, in late 2016 the Malak Malak Rangers travelled to work with the Numbulwar Numburindi and Yugul Mangi Rangers, NAILSMA and CDU at a number of sites along the Roper River and its tributaries. Although no sawfish were captured this year, there was a valuable exchange of scientific, technical and cultural knowledge and this work will continue.

## CASE STUDY

# Bulgul Rangers and the Finnis Reynolds Catchment Group Project: management of invasive species



Bulgul Rangers, with TNRM and NTG Weeds Branch staff, translocating *Nesaecrepida infusata* beetles. Inset: Adult beetles on a Mimosa plant.

In 2012, Australian Government funding was secured for a five-year project to address the threat posed by feral pigs and the woody floodplain Weed of National Significance (WoNS), *Mimosa pigra*, on sites of high biodiversity value in the Finnis and Reynolds River catchments of the Northern Territory. Territory Natural Resource Management (TNRM) has managed the project since 2013.

A stakeholder group comprising land managers, including Traditional Owners, Bulgul Rangers, small property holders, National Parks and pastoralists was established. The group's focus has been on strategic collaborative management of pigs and Mimosa, with a goal of controlling Mimosa across the catchment as a whole. As well as Mimosa herbicide treatment, activities undertaken by the Bulgul Rangers

include biocontrol agent collection and redistribution, biodiversity surveys, participation in group stakeholder meetings, and pig management training and control works.

As a result of this work, the density, seed output and spread of Mimosa has significantly reduced overall in the catchment since 2012. Other project outcomes include identification of priority fauna species in the area, reduced feral pig densities, and increased stakeholder awareness and engagement. Whilst the original project wraps up in 2017, some activities will continue to be steered by TNRM, such as coordinated feral pig management on the floodplain areas, including at Bulgul.

## Partnerships

The NLC has developed a suite of local, regional, Territory and national partnerships that support the development and delivery of the various land and sea management activities.

Key program partners (in addition to DPMC and the ILC) include the Australian Government Department of Agriculture and Water Resources (which provides fee-for-service agreements for biosecurity surveillance activities) and the NT Government Department of Primary Industries and Resources (which provides fee-for-service agreements for sea country patrols, fisheries compliance monitoring and training with the assistance of the NT Water Police). The NT Government Department of Environment and Natural Resources Weeds Management Branch continued to provide technical advice regarding weed control and funding for aerial surveys of (WoNS), and research scientists provided advice and assistance with threatened species management and biodiversity surveys.

Bush Heritage Australia (BHA) continued to be a key program partner, working in close partnership with the Arafura ranger groups and their new corporation (Arafura Swamp Rangers Aboriginal Corporation) to finalise the development of their Healthy Country Plan.

BHA staff and scientists from the Australian National University (ANU) also worked in collaboration with Traditional Owners and the Waanyi Garawa Rangers to meet the objectives of the Ganalanga-

Mindibirrira IPA Plan of Management for the China Wall region. Joint surveys of terrestrial vertebrates – reptiles, frogs and small mammals – in the China Wall area of the Ganalanga- Mindibirrira IPA, have been undertaken. It is hoped the program will extend for four more years, the goal being to improve understanding of the biological values of the potential refugia habitats in the China Wall system. With the expertise and support provided by BHA and ANU, the Waanyi Garawa Traditional Owners and rangers have been very engaged with all aspects of these surveys – from site selection, to setting up and monitoring pitfall traps, camera traps and remote camera traps, to identifying animals and sharing traditional and western scientific names and knowledge.

We also facilitate partnerships with providers who are looking for opportunities for young people to try land management work as a possible career path. For this reason we have chosen to extend trial partnerships with some Community Development Program (CDP) providers, with NLC ranger groups hosting participants in Ramingining. Existing ranger programs are fully subscribed and we are using partnerships with similar providers to facilitate women's participation. While CDP and similar programs are not a replacement for real ranger jobs, they can provide a supplementary labour pool for ranger groups and allow participants to trial ranger work, build experience and fill ranger jobs when vacancies occur.



## 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 management of country recognised for outstanding cultural and biodiversity values and forming part of the National Reserve System. There are 14 IPAs in the NLC region, and the branch directly manages three of these through funding from the Department of the Environment administered by DPMC – namely the Wardaman IPA south west of Katherine (declared in 2014) Ganalanga Mindibirrira

IPA (declared in 2015) within the Waanyi Garawa Land Trust, and the SE Arnhem Land IPA that was officially declared and added to the National Reserve System in September 2016. The latter covers an area of more than 18,000 square kilometres of Aboriginal freehold land within the Arnhem Land and Urapunga Aboriginal Land Trusts. The Yugul Mangi and Numbulwar Numburindi ranger groups will be managing this culturally significant, diverse and ecologically intact country in accordance with the SE Arnhem Land IPA Plan of Management.

Terry Mahney, Bush Heritage Australia, Geraldine Johny, Lynn Elliott and Kate Seccin check an Elliot trap.



## Case Study

# South east Arnhem Land fire abatement (SEALFA) project

Australia's vast and ecologically intact northern tropical savannas are extremely flammable and recent fire regimes have been dominated by large, late dry season wildfires. These hot, late dry season fires account for 3-4 % of Australia's greenhouse gas emissions. However, across northern Australia, ground breaking initiatives by Indigenous fire managers and their partners to reinstate traditional burning practices have demonstrated a significant reduction in carbon emissions along with highly valued social, cultural, environmental and economic benefits for Indigenous landowners.

The South East Arnhem Land Fire Abatement (SEALFA) project uses strategic fire management activities to reduce the fire-generated emissions of greenhouse gas. The south east Arnhem Land region has had a recent history of severe late dry season wildfire covering many thousands of square kilometres. The SEALFA project applies 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. This reduces emissions because the fires are less intense and burn less country each year.

The SEALFA project operates within the South East Arnhem Land Indigenous Protected Area (IPA). The SEAL IPA encompasses more than 18,000 km<sup>2</sup> of Aboriginal freehold land within the Arnhem Land and Urapunga Aboriginal Land Trusts and is dedicated by its Traditional Aboriginal Owners as an IUCN Category VI Managed Resource Protected Area. A rich Indigenous culture persists across this landscape, home to more than 2000 Indigenous Australians

whose traditional languages, knowledge, skills and culture it sustains. Traditional languages of the SEAL IPA are Ritharrngu, Rembarrnga and Nunggubuyu in the north, Ngalakgan and Ngandi in the central areas, Yukgul in the south and Wandarrang along the coast.

The SEAL IPA is managed by the Numbulwar Numburindi and Yugul Mangi rangers. These two Indigenous ranger groups hosted by the NLC annually implement a coordinated program of strategic early dry season burning throughout the project area. Each year, a combination of aerial prescribed burning (incendiary pellets dropped from helicopters) and finer-scale ground burning establish a mosaic of cool burns around and within the project area. In 2016, the first year fully operating their fire project, the Numbulwar Numburindi and Yugul Mangi rangers achieved an outstanding abatement result, reducing their baseline emissions by more than 35 per cent.



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:

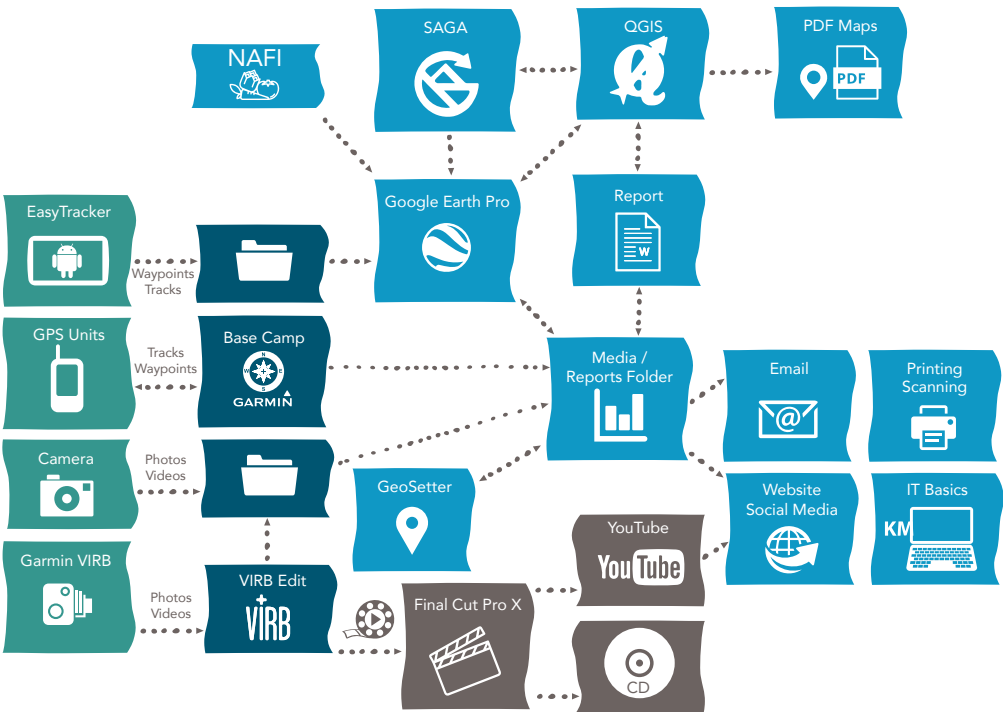
- Documentation of ranger group ICT needs and budget preparation;
- Providing training in the use of ICT equipment, including GIS/Mapping Software and other data management tools (e.g., I Tracker, Google Earth);

- Production of DVDs and other educational materials regarding ranger projects;
- Providing general day-day ICT support and troubleshooting; and
- Assisting with the collection and management of data and preparation of reports.

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

The ICT Officer visits each of the ranger groups at least once a year and is in contact with the rangers on a daily basis to provide ongoing support.

FIGURE 18: CARING FOR COUNTRY DATA COLLECTION



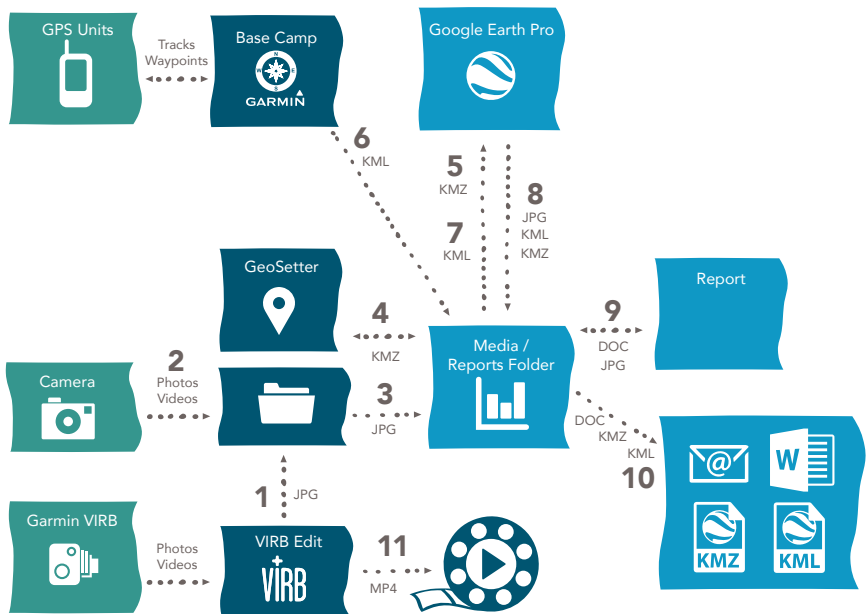
The first part of 2017 has seen the ongoing deployment of the IT Data Collection, Mapping and Reporting Curriculum Program. This has been put in place to guide the rangers with the use of required software through the production of 11 new video tutorials (Mapping Software). The curriculum gives the rangers a better understanding of all processes involved in data collection and data management.

The IT Data Collection, Mapping and Reporting Curriculum gives the 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 deployment of the GPS Garmin Virb cameras allows the rangers to easily capture Geotagged photos and videos facilitating the reporting of the activities undertaken by the rangers on the ground. Training and video tutorials have been provided. The Garmin Virb camera is another data collection device used alongside the Cyber Tracker units, handheld GPS units and standard cameras.

FIGURE 19: CARING FOR COUNTRY DATA REPORTING







Peter Djigirr, Gurruwiling Ranger Group, educates school students at Ngukurr about ranger work.

## Training and capacity building

In 2016/17, \$262,884 was allocated to training and capacity building across the CFC ranger groups. The main focus continued to be the completion of mandatory work healthy and safety related training including first aid, remote first aid, 4WD and quad bike operation, firearms, chainsaws, small engine operation and maintenance, application of chemicals and treatment of weeds. We have also sought to complete specialised training, including 20 rangers undertaking Coxswains Near Coastal Grade II training, 17 rangers undertaking Certificate II in Fisheries Compliance and 10 of our women rangers undertook prescribed burning training and attended a women's leadership workshop in Darwin.

In March 2017, the branch held Coordinator and Senior Ranger workshops in both Darwin and Katherine to get all of our groups together to workshop particular regional issues, allowing groups to discuss and learn from each other, and be updated on new programs and technologies being rolled out across the NLC.

The branch has also been working on a draft Career Pathways Framework to better document the pathway of skills, training and experience rangers can attain and how this is set against the pay grades in the NLC Enterprise Agreement. We have worked in collaboration with NAILSMA on this policy and have conducted some pilot workshops for Kenbi Rangers and Mardbalk Rangers on career planning.



## 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. Approximately 44.6% of the Northern Territory's national parks and conservation reserves are located in the NLC region, with the majority Aboriginal-owned and jointly managed. The NLC works closely with Traditional Owners and the Northern Territory Parks and Wildlife Commission (P&W) and Parks Australia to support and deliver joint management outcomes. Jointly managed parks are potentially a major resource for Traditional Owners, but realising these opportunities requires resources, capability development and commitment. During 2016/17 the CFC Branch and Traditional Owners continued to work to build relationships and partnerships with governments, community and industry to help realize this potential. In particular, the NLC is focused on assisting Traditional Owners to:

- Reform governance, fiscal arrangements and policy to improve the effectiveness of Joint Management.
- Engage more effectively with P&W and Parks Australia by providing third party technical advice and advocacy.
- Make informed decisions about 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 the ALRA and the NTA under joint management.

## Parks and Reserves: joint management

### Kakadu National Park

The 2016/17 year in Kakadu saw the re-instatement of the NLC Kakadu Joint Management Officer (JMO) position. The position is funded by the Department of the Environment and Energy/Director of National Parks and managed by the NLC. The position is responsible for the effective performance of the NLC's statutory functions in relation to the use and management of Kakadu, in particular ensuring that relevant Aboriginal people are consulted and involved in decision making; that the NLC responsibilities with respect to the Kakadu Lease are undertaken; and that the recommendations from the 2015/16 Joint Management (JMO) Futures Project are implemented. The Kakadu Joint Management position had been unfunded since July 2012. As such, much of 2016/17 was dedicated to rebuilding relationships between the community and understanding the aspirations of the Aboriginal community of Kakadu.

Highlights during 2016/17 included:

- 36 Land Information Requests (LIRs) submitted by the Park to the NLC via the JMO.
- Consultation on a proposed feral animal control program involving more than 100 Traditional Owners which supported a control program in the south of the park, removing 6000 animals.
- Facilitation of the registration of a savannah burning carbon project over the southern portion of Kakadu: the 'six-clan' Wurrk Carbon Project.
- Assisting with the registration of the Mirarr Carbon Project, driven largely by the Gundjeihmi Aboriginal Corporation.
- Consultation on a Limilngan-Minitja and Murumburr carbon project.
- Supporting the Aboriginal members of the Kakadu Board of Management, in particular the Chairperson, to improve the functions of the board with respect to Traditional Owner aspirations. (Several new board subcommittees have been formed, including a finance subcommittee, feral animal subcommittee, and a recruitment guidelines/Aboriginal training subcommittee).
- Considerable improvement in employment for relevant Aboriginal people, especially from the communities of Werenbun, Kybrook, Nauiyu, Whistle Duck, Mamukala and the township of Katherine.

- Provision of advice to Kakadu National Park staff, in particular senior staff based at Bowali, about joint management and engagement with the Aboriginal community (i.e., members for selection panels, day labour, training, places of residence, contact details, etc).

### Judbarra (Gregory) National Park

The number of Joint Management Committee meetings for Judbarra/Gregory National Park has reduced from two per year to one per year, and this meeting was held in March 2017 at Timber Creek. It included a workshop on governance and functions of a Joint Management Committee, facilitated by NLC Joint Management Officers. Committee members are keen to find a solution to feral animal management within the park, and are considering options for enterprise-based solutions that will generate employment and economic development within the region.

Every year, park "country camps" are held with Traditional Owners. This year's camp was held at Paperbark Yard in the south of the park. Discussions included a tourism opportunities workshop, Plan of Management implementation and scheduling review, opportunities for feral animal control, and election of southern representatives for the Joint Management Committee. Several scientific permits were issued in 2016/17, with Traditional Owner input noted as a permit condition wherever possible.

Traditional Owners participated in bush seed collection at Judbarra and the Timber Creek ILC ranger team participated in a fauna survey of the park, undertaking trapping and other survey techniques at three sites.

### Giwining / Flora River Nature Reserve

This reserve remains closed to the public due to extensive flooding damage in December 2015. Despite this, the Joint Management Committee met in October 2016 and April 2017 and Parks & Wildlife Service (P&W), Indigenous Flexible Employment program (FEP) workers and the Wardaman IPA rangers have contributed to repair of flood damage and to ongoing weed control. It is hoped that the park will reopen by the end of this year. An additional meeting is planned for the dry season of 2017 to review the implementation and prioritise work scheduling of the Plan of Management.

### Adelaide River Conservation Reserves

The joint management partners held their annual meeting in June 2017, with Traditional Owners focused on contributing to the Howard East Water Allocation Plan, concerned about recharge and water quality for future generations as well as aquifer sustainability for their cultural sites. The joint management partners provided a number of valuable comments and concerns about the plan.

Parks reported concerns about magpie geese numbers with the continuous poor wet seasons providing poor nesting seasons, although the most recent wet season was good. Sustainability and safety remain as prominent concerns for the Traditional Owners. The partners endorsed a no-recreational drones policy for the reserves to help protect nesting and migratory birds within those reserves.

Judbarra Country Camp



### Mary River National Park

The Flexible Employment Program (FEP) enabled local women to work on country spraying weeds infesting sacred sites. As a result, last year was the first in many that the nearby Mount Bundy Hills did not get burnt. This is significant because the area supports a number of rare and endangered plants and is a recognised biodiversity hot spot. The McKinlay sector of the park has been identified by Traditional Owners as needing some recreational opportunities and planning will begin this financial year.

### Garig Gunak Barlu (Cobourg) National Park

The Garig Gunak Barlu Board of Management continues to work towards improving employment opportunities for youth. A number of opportunities for employment have occurred through research permits which have been a great educational tool for Traditional

Owners as well as researchers. Recent nominations for Board members saw the current members reinstated. Garig Gunak Barlu National Park also won the Innovation Award for its work with the Integrated Conservation Strategy at last year's Ranger Awards in Alice Springs.

### Tjuwaliyn (Hot Springs) Park

The Joint Management Committee met in Darwin in June 2017. This meeting also provided an opportunity for committee members and other attendees to inspect shelters that are being constructed and earmarked for installation at Tjuwaliyn in 2017. Negotiations for a long-term lease agreement with the NTG are continuing.





Yellow Water, Kakadu



Manager Regional Development (south) Rick Fletcher writes up lessons from governance training workshop at Full Council meeting, Timber Creek, November 2016.

## Regional Development Branch

### Economic development and commercial services

**Objective:** *To secure economic, social and cultural benefits for traditional owners from developments taking place on Aboriginal land.*

Aboriginal land and sea in the Northern Territory is rich in biodiversity and other natural resources and has 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 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 landowning group is provided the opportunity to make an informed decision in accordance with its 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 informed consent is reached, the NLC considers the land use proposal and on 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 for consideration, multi-disciplinary teams within the NLC, comprising project coordinators, lawyers, anthropologists, regional support staff and 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 proposed



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. 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 and the NLC is strategically focused on aiding development of enterprises on Aboriginal land. The benefits for Aboriginal owners, community members and stakeholders of securing s19 leases, facilitated by the NLC in accordance with the requirements of the *ALRA*, 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 *ALRA*, 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 five-year leases over Aboriginal land expired in August 2012, all property not

underpinned by a lease arrangement reverted back to the Aboriginal Land Trust. 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 effectively paved the way for the approval of a large number of s19 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 discreet medium-to-large Aboriginal communities on Aboriginal land in the NLC region there are just over 4,000 lots or parcels of land – a significantly large lease management portfolio. The three largest Aboriginal communities, Galiwin'ku, Maningrida and Wadeye each have more than 400-plus lots.

To effectively manage the volume of leasing interest on Aboriginal land, the NLC has established 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 is being developed to manage the whole-of-life activities associated with negotiated land use agreements. Capturing and collating critical information assists the NLC to plan, predict future workload demands, and manage resources effectively – significantly enhancing

the quality and quantity of information presented to Traditional Owners about activities occurring on their land.

Over the past 12 months, the NLC received land use expressions of interest for 153 parcels of land across a range of industries; just over 50% of all those applications 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 consultation meeting costs, including travel, logistics and catering to progress s19 Land Use expressions of interest this financial year was just over \$332,000. Funds for this activity were derived from ABA grant funds and user pay contributions; it is interesting to note that proponents contributed just under 25 percent of the entire cost of these consultations.

## Achievements

Since 1 July 2016 the Executive Council, Full Council and Chief Executive Officer approved 77 s19 land use agreements. The Executive Council met six times during the year and approved 67 agreements. The income generated through approving these lease 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 land use agreements and expressions of interests over the past five years has required significant resources to progress and manage a rapidly growing land use management portfolio. As part of a continuous improvement strategy, the NLC has invested in streamlining lease management business processes and procedures, strengthening multi-disciplinary teamwork, enhancing the logistics and meeting capabilities of regional offices, and investigating enhancements to whole-of-life lease application software with both integrated financial management and Geographic Information Systems. Lease management business development efficiencies will assist the NLC to work closely with Traditional Owners to harness economic and community development opportunities.

## Managing Proponent Expectations

Progressing 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 to having an agreement executed.

The s19 land use assessment process can take up to six months to get a proposal to an agreement – and that is if there are minimal delays. Proponents need to factor these timeframes into their planning to avoid disappointment.



FIGURE 20: s19 LAND USE EXPRESSIONS OF INTEREST BY PARCELS OF LAND

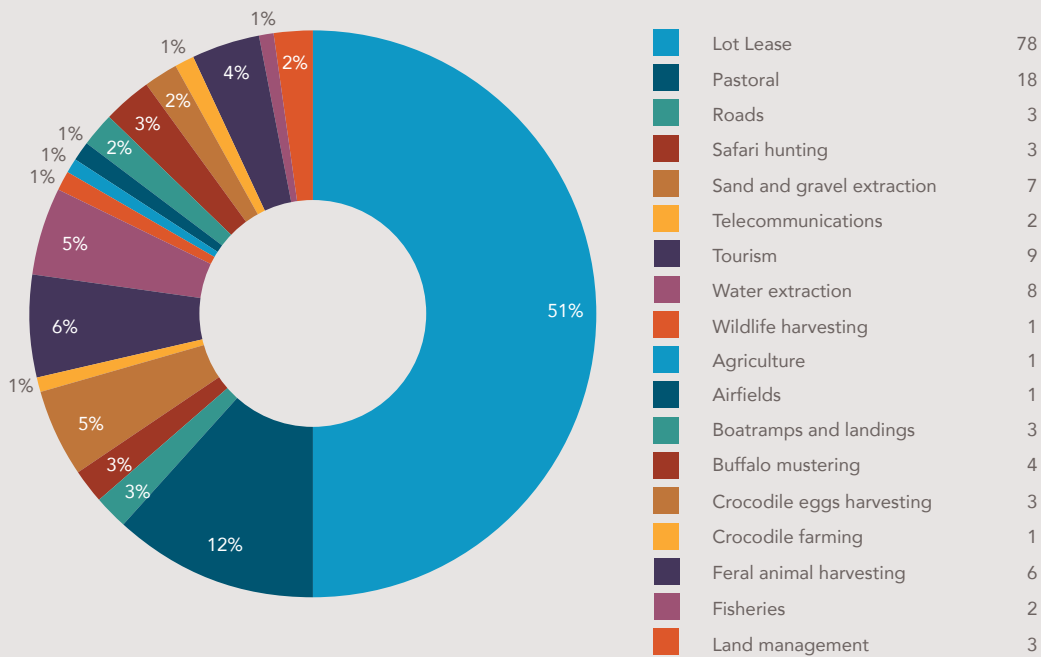


FIGURE 21: NLC's DELEGATED AUTHORITIES APPROVED 77 s19 LAND USE AGREEMENTS

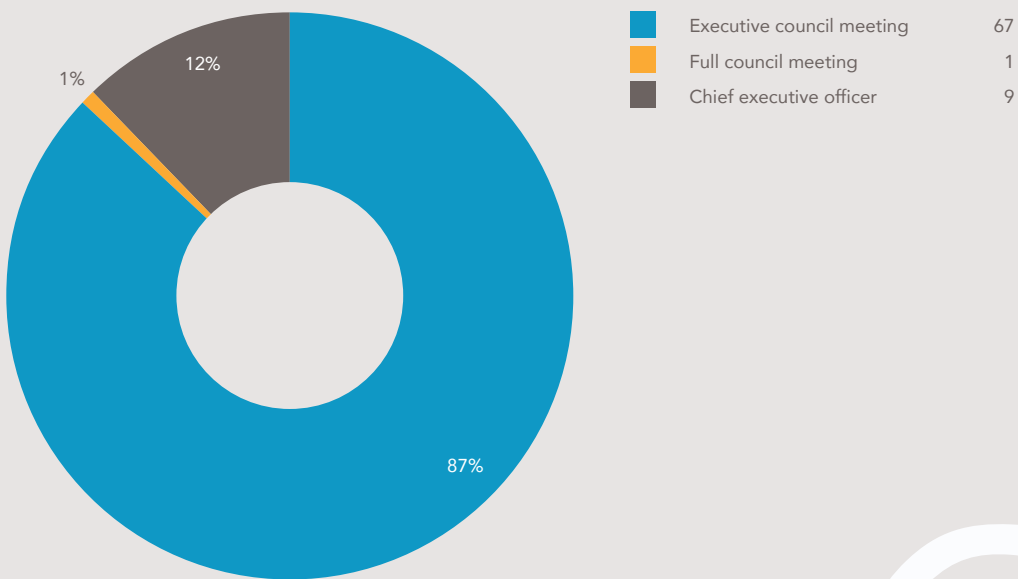


FIGURE 22: FROM REGISTERING AN EXPRESSION OF INTEREST TO ESTABLISHING AN AGREEMENT



### Addressing a backlog of s19 land use proposals

The NLC is actively working through a large number of accumulated expressions of interest and at the end of the year had outstanding interests for 273 parcels of land, with some of these interests actually competing for the same land parcel.

Dedicated s19 land use project teams continue to work through outstanding expressions of interest. Reasons why the NLC experiences delays in progressing s19 Land Use Agreements include:

- Proponents fail 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 resource issues;

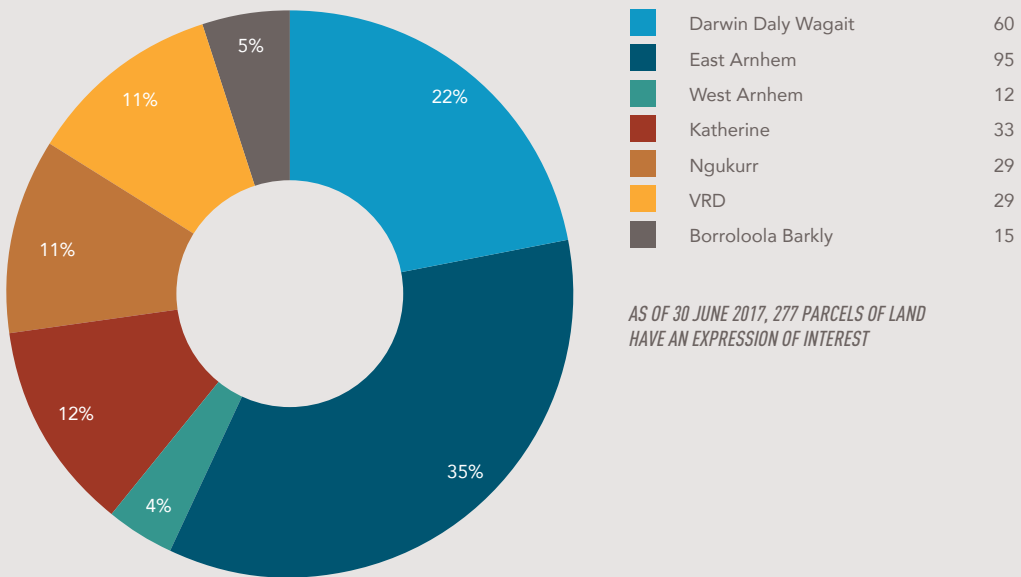
- Delays in obtaining signatures of Land Trust members to complete agreements;
- Ministerial consent for an agreement; and
- Funerals and sorry business.

A large percentage of the backlog of work that has been around for a lengthier period has been due to Traditional Owner disputes and not being able to make a decision.

### Cost of Consulting Traditional Owners

Progressing s19 ALRA land use applications with Traditional Owners has significant cost implications. Having strengthened user-pay systems as per the Australian Government cost recovery guidelines has been critical to improving the NLC's business efficiency, productivity and responsiveness.

FIGURE 23: OUTSTANDING s19 EXPRESSIONS OF INTEREST TO BE COMPLETED BY REGION



It will be crucial to continue to implement user pay systems successfully to ensure that the progressions of s19 land use agreements is done cost effectively.

Agreement Compliance

Land use agreements have a compliance requirement which needs to be monitored and resources applied to ensure that the interests of Traditional Owners are managed in accordance to the agreement. 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 567 leases and licences across 3,256 parcels of land. As a result the demand for lease compliance work also grows with regular lease reviews.

A high percentage of NLC resources are dedicated to agreement negotiation and making. Managing compliance aspects of agreements effectively is becoming increasingly difficult without dedicated resources assigned to these tasks.

The NLC is looking to establish dedicated resources to oversee future agreement compliance.

FIGURE 24: LAND USE AGREEMENTS CURRENT OR HOLDING OVER

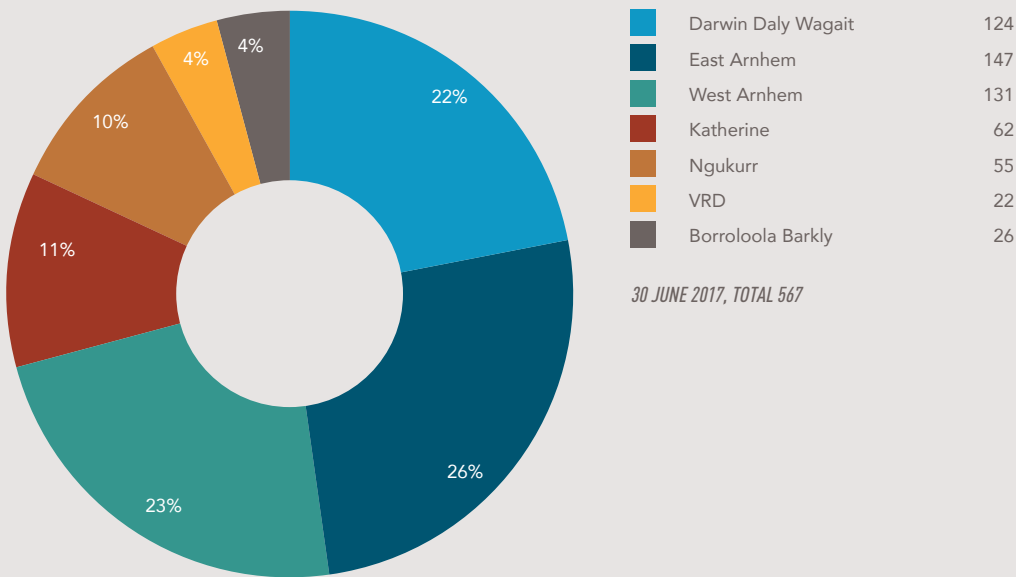
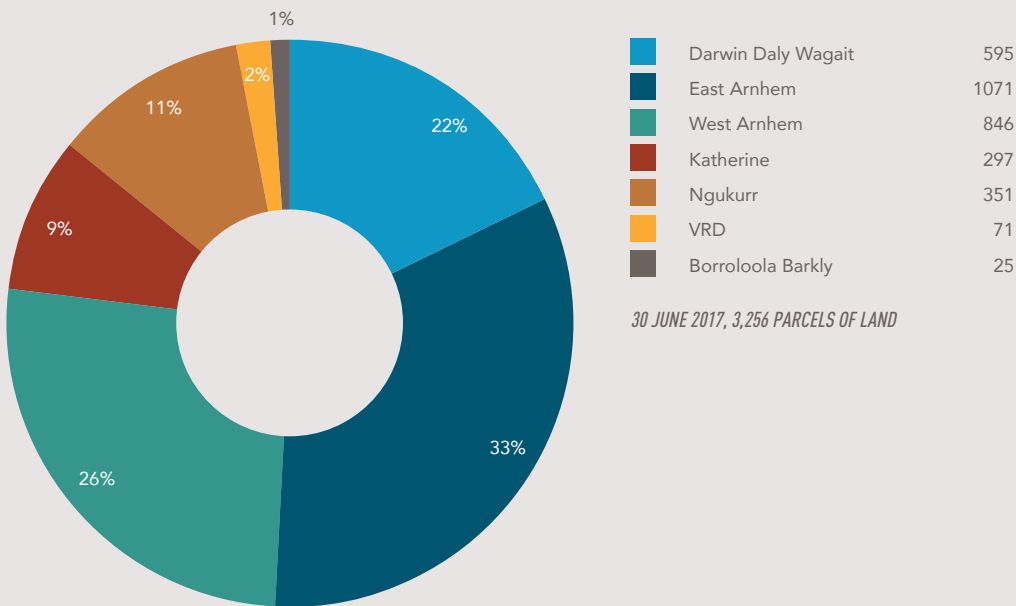


FIGURE 25: PARCELS OF LAND THAT ARE UNDER A CURRENT AGREEMENT OR IN HOLDING OVER



## Commercial development

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

**Key objective:** *Empower Aboriginal people to carry out commercial activities and build sustainable enterprises.*

Economic development provides the foundation for genuine opportunities for Aboriginal people 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 from the activities. Currently, Aboriginal people in the NLC region suffer from high levels of disadvantage, a situation not likely to change without long term strategic investment. The NLC is a key agency in facilitating economic development on Aboriginal lands, with statutory responsibility for facilitating economic activity over an area that covers more than 210,000 square kilometres of Aboriginal land as well as 85 per cent of the coastline. The NLC's economic development program assists Traditional Owners to use their land assets to create investment and businesses and employment opportunities.

The NLC faces many challenges in building sustainable enterprises on Aboriginal land because most former reserve land and land obtained under the ALRA has low commercial productivity. Services and essential infrastructure are also poor in remote locations. Exceptions include areas where minerals have been found, and where nature-based tourism can exist. Regardless,

economic opportunities do exist for Aboriginal people on Aboriginal land. 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 in development and the environmental sector provides real opportunities for Aboriginal enterprises. As a result of the Blue Mud Bay High Court decision, entry into the commercial fishing industry also presents commercial and economic opportunities. The long-term focus, however, 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, CO<sub>2</sub> (fire) abatement programs, mining operations, railways and pipelines, gas and major infrastructure development.

Additional funding has enabled the NLC to deliver long-term, targeted commercial assistance programs. At the same time the funding has had a significant impact upon the success of Australian and Northern Territory government initiatives in economic and commercial development.



## STAFF PROFILES

# Maurice Motlop



### POSITION AND REGION

Section 19 Project Coordinator,  
West Arnhem

### OFFICE LOCATION

Darwin, Head Office

### BACKGROUND

I am from Darwin. After leaving school I completed a trade and stayed working in it for 20 years. I joined NLC in 2004 and have worked here since (bar taking up a position with the NT Government from 2007–2009 where I worked across a vast area including coastal communities from the Borroloola region in the east right across to Broome). I like trying to get things happening for Aboriginal people so working for the NLC is a natural fit for me. Even the smallest project where we get positive outcomes and Traditional Owners have a win is very rewarding for me.

### INDIGENOUS CONNECTIONS

I am of both Aboriginal and Torres Strait Islander decent. I was born in Darwin and have grown up here. My mother was an Aboriginal woman born in Darwin and my father a Torres Strait Islander born on Thursday Island and raised there for his early years before moving to Babinda and then on to Darwin as a young man.

### INTERESTS

Sport and music.

### WHAT'S IT LIKE WORKING AT THE NLC?

Very Important, I find people don't fully appreciate what we try to do until they come and work here.

### WHAT DO YOU SEE AS SOME OF THE CHALLENGES FOR NLC IN THE FUTURE?

Playing our part in looking after our Traditional Owners with regards to government programs to develop the north.

## STAFF PROFILES

# Dean Dempsey



### POSITION AND REGION

Acting Senior Project Officer,  
Darwin/Daly/Wagait

### OFFICE LOCATION

45 Mitchell Street

### BACKGROUND

Born and bred Territorian and lived in Darwin all my life. Started with the NLC back in 2000 and have worked in a number of different areas within the NLC including, Records, Land & Sea, Payroll, Property Manager, Employment & Training and the past five years in Regional Development as a Project Officer or acting Senior Project Officer.

### INDIGENOUS CONNECTIONS

I am a Saltwater man, my mother's mum is Wadjigan and mum's dad is Larrakia.

### INTERESTS

Fishing, hunting and camping and taking my kids to country and teaching them about our way of life. I love my sports

mainly AFL, rugby league, tennis, touch, and golf. I am also a one-eyed West Coast Eagles and Wanderers fan.

### WHAT'S IT LIKE WORKING AT THE NLC?

The job is very rewarding and satisfying to help out our people and learn about ongoing Aboriginal issues. Things don't always go to plan, things are constantly changing and working at the NLC has provided me with a lot of valuable lessons and continuous learning. I absolutely love getting out on country and talking to Traditional Owners about issues and potential projects.

### WHAT DO YOU SEE AS SOME OF THE CHALLENGES FOR NLC IN THE FUTURE?

Economic development for Traditional Owners on their country, getting funding for an array of projects on Aboriginal Land, the constant changes of legislation and Government policies and trying to educate non-indigenous people about the issues and challenges Aboriginal people face on a daily basis.

## Regional Development

The Regional Development Branch comprises the regional office network and support operations. According to ABS statistical (2011) nearly 70 percent of all Indigenous people in the NLC region live outside of the greater Darwin area. Therefore, NLC regional offices are the first point of contact for a vast majority of rural and remote Aboriginal people accessing NLC services. The branch has 41 positions with staff currently working across 10 sites, including:

- 28 regional positions 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 assist with

accelerating Aboriginal land access and management of Telstra infrastructure leases.

- 11 positions in Darwin to directly support all regional offices, coordinate regional programs and provide services to the Darwin/Daly/Wagait region.

The regional office network team supports on country projects by:

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

Nearly 70 percent of all staff employed in the Regional Development team are Indigenous, and a large percentage of

Sheltered from driving rain, Manager Regional Development (north) Jonathan McLeod represents the NLC at a service at Gangan outstation in east Arnhem Land, 8 February 2017, to celebrate the life of the late Dr Gumana, who was lead plaintiff in the Blue Mud Bay case settled by the High Court in 2008.



our people have close ties to the region they work in and are recruited locally. The regional network also engages up to 20 local Aboriginal casual employees to assist with projects on an as-need basis.

Future expansion activities include establishing a permanent presence in Galiwin'ku in 2017/18.

It is important that the NLC establish and maintain a presence in Wadeye, Maningrida and Galiwin'ku as each of these communities has at least 2,000-plus Aboriginal residents. The NLC regularly does business at Maningrida and Galiwin'ku, the home of Traditional Owners from numerous clan estates within the Arnhem Land Aboriginal Land Trust.

### Achievements

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

- Established a dedicated logistics team based in Katherine.
- Successfully managed the logistics for more than 217 s19 ALRA land use, native title, royalty distribution, community development, minerals and energy consultations that involved 9408 Traditional Owners and affected Aboriginal peoples.
- Led the way in the assessment of all s19 ALRA Land Use Expressions of Interest.
- Re-established a permanent presence in Maningrida.
- Processed a high percentage of all the 8212 land access permits.
- Facilitated the administration of 200 funeral and ceremony applications.

- Supported the logistics and running of all the Regional Council and Full Council meetings.

### Challenges

A large majority of NLC staff, outside the Caring for Country Branch, are based in Darwin, but a significant percentage of all Aboriginal people that the NLC represents live in the bush. A key challenge for the NLC is to develop a regionalisation strategy so it is in a position to shift resources and strengthen services to constituents in locations of high need.

A continuous investment to upgrade regional office infrastructure, communication and information technology infrastructure and software will keep regional services effectively accommodated and up to date with efficient and modern day business practices in a changing work environment.

Important regional office service hubs like Katherine, Nhulunbuy and Jabiru are being reviewed, with a long-term plan to address infrastructure, human resource and service delivery needs. Large Aboriginal communities like Wadeye, Maningrida and Galiwin'ku are not only service hubs to outlying areas; they have growing populations with approximately 8000-plus Aboriginal residents.

The Regional Development team has drafted a regionalisation strategy which will be finalised in the latter half of 2017, and have initiated preliminary planning for concept plans and a cost estimate for purpose-built facilities at two key regional service hubs and three community office sites.

FIGURE 26: REGIONAL DEVELOPMENT'S LOGISTICAL EFFORT - NUMBER OF TRADITIONAL OWNERS AND AFFECTED PEOPLE CONSULTED BY REGION

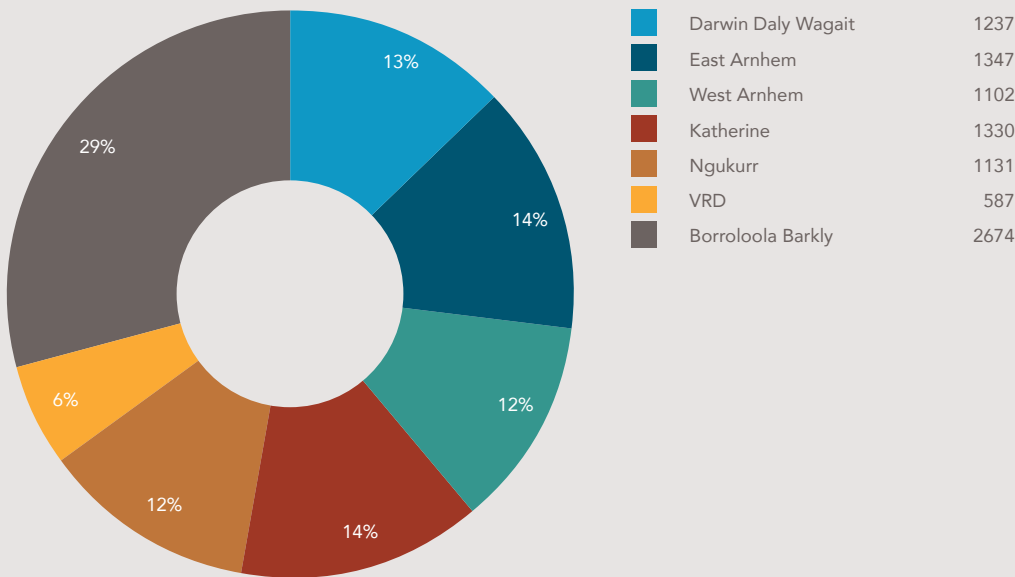


FIGURE 27: NUMBER OF CONSULTATION MEETINGS BY REGION WHERE THE REGIONAL DEVELOPMENT TEAM ORGANISED LOGISTICS

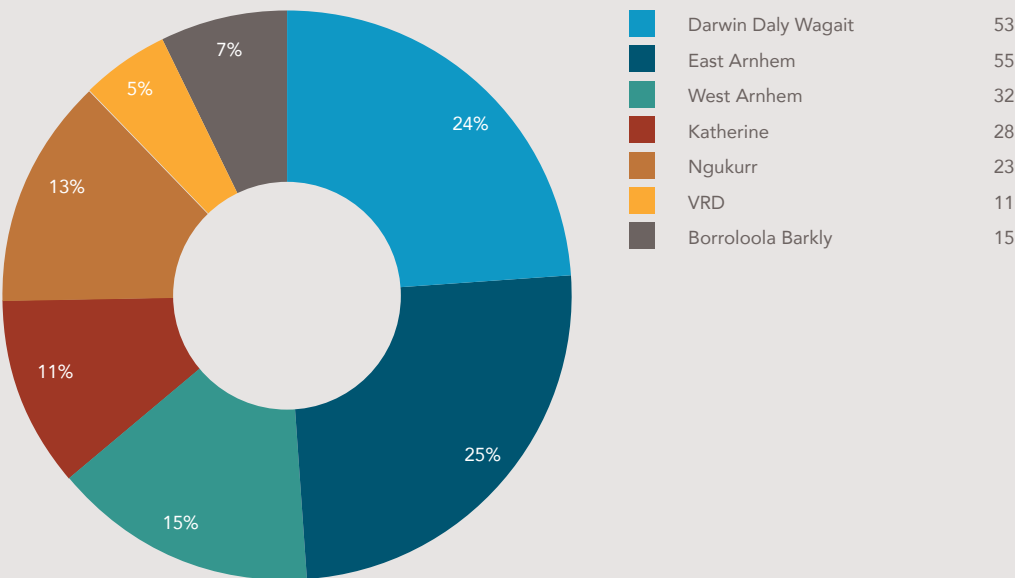




FIGURE 28: FUNERAL AND CEREMONIAL GRANTS

| REGION             | FUNERAL    | CEREMONY  | TOTAL PER REGION |
|--------------------|------------|-----------|------------------|
| Borroloola Barkly  | 13         | 18        | 31               |
| Katherine          | 36         | 0         | 36               |
| Ngukurr            | 21         | 0         | 21               |
| VRD                | 6          | 1         | 7                |
| Darwin Daly Wagait | 34         | 0         | 34               |
| West Arnhem        | 26         | 1         | 27               |
| East Arnhem        | 41         | 3         | 44               |
| <b>TOTAL</b>       | <b>177</b> | <b>23</b> | <b>200</b>       |

### 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 fund enables Traditional Owners to apply for assistance to conduct funerals and ceremonies on country.

Statistical data for funeral and ceremonial assistance for 2016/17 are provided in the table above.

### Land and water access permits

A key NLC objective is to ensure 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

certain people to obtain permits in certain circumstances, such as anyone in "common areas" within community land.

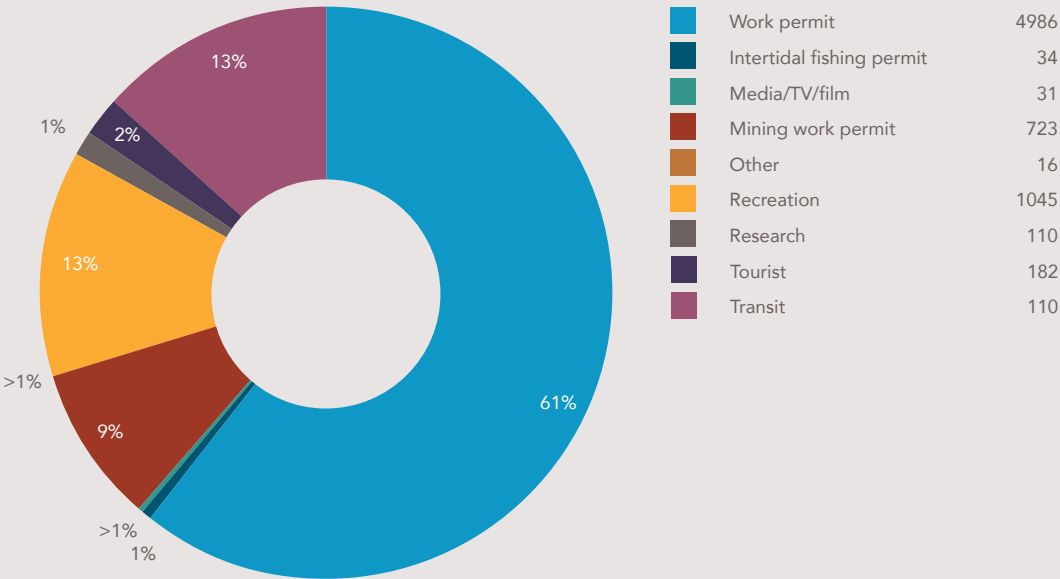
Community land refers to the five-year lease boundaries drawn around each of the communities prescribed in the Northern Territory Emergency Response (NTER, aka the "Intervention"). Permits are no longer required for anyone entering communities by aircraft or boat, so long as the landing place (for example airstrip or boat ramp) is not part of a private lease and so long as there are roads from the landing place to the community common areas. The Northern Territory Police have the power to remove people who violate permit requirements. The NLC must authorise any prosecutions.

In addition to opening specified areas to the public, the new legislation allowed government employees to enter and remain on Aboriginal land without Traditional Owner consent. These changes did not lapse at the

FIGURE 29: PERMITS ISSUED 2016/17

| PERMIT TYPE ISSUED        | PERMITS ISSUED |
|---------------------------|----------------|
| Intertidal Fishing Permit | 34             |
| Media/TV/Film             | 31             |
| Mining Work Permit        | 723            |
| Other                     | 16             |
| Recreation                | 1,045          |
| Research                  | 110            |
| Tourist                   | 182            |
| Transit                   | 1,085          |
| Work Permit               | 4,986          |
| <b>TOTAL</b>              | <b>8,212</b>   |

FIGURE 30: PERMITS, BY TYPE AND PERCENTAGE



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 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 for 2016/17 are provided in figures 29 and 30.

## Telstra

Since July 1997, the NLC has maintained a business relationship with Telstra by the way of hosting a dedicated Telstra Liaison position to accelerate the provision and ongoing maintenance of communication infrastructure on Aboriginal land for the benefit of residents and businesses throughout the Northern Territory.

There are benefits to all stakeholders having the Telstra officer embedded within NLC: the position is a single point of entry for Telstra with permits and site clearance applications,

lease applications, compliance and renewals, allowing both the NLC and Telstra to efficiently handle community enquiries from Traditional Owners about Telstra infrastructure on their land.

NLC's Telstra Liaison Officer is a local Indigenous man from Darwin with more than 30 years experience working with Telecommunications across the NT. As a result of this agreement dedicated assistance is provided to Telstra contractors and their clients by way of information and advice about services, contacts, procedures and land access.

Telstra has also been a long-standing partner with the NT Government and are well into the second year of a three-year infrastructure co-investment agreement to the value of \$30 million. The funding objectives include the Telstra Mobile Black Spot program that recently provided a new mobile base station for Minjilang and Manyallaluk communities as well as 3G/4G mobile equipment upgrades to a large number of other Aboriginal communities.

Telstra has continued to put much work into design and planning for upgrade services across the NLC region, including Bulman-Weemol, Minyerri, Yarralin and Timber Creek.

Telstra and its contractors were issued more than 100 work permits and site clearances to perform critical work on Telstra infrastructure on Aboriginal land. Major work included the Northern Territory Government and Telstra Mobile Black Spots Project.

Preliminary discussions have been held with Traditional Owners and other affected people on Telstra's proposed optic fibre to Bulman, Minyerri and the radio infrastructure to Yarralin, Minjilang Croker Island Mobile Base Station via Telstra optical cable and radio network to Cobourg Peninsula from Jabiru, and Manyallaluk Eva Valley Mobile Base Station via Tandangle Radio Repeater east for Barunga Community.

Work is also planned to replace the Radio tower at Numbulwar due to structural corrosion.

Telstra has significant infrastructure under lease on Aboriginal land that includes

a large number of Radio repeater sites and NBN Optic Fibre regional huts.

Telstra has 52 parcels of land under agreement which include Radio Transmitters, Trunk Repeater Optical Fibre regeneration huts and licences to maintain the Telstra communication network across the NLC region. Eleven more parcels are waiting for NLC confirmation of fair terms and conditions for new agreements. Additionally, four new Expressions of Interest for new infrastructure were received during the reporting period.

Telstra infrastructure, Lingara 2017







## Bradshaw Field Training Area ILUA

**The Model that Works: when an ILUA becomes a partnership, not a weapon.**

The Indigenous Land Use Agreement (ILUA) for the Bradshaw Field Training Area (BFTA) was finalised on 16 July 2003; its full title is the Bradshaw Partnering Indigenous Land Use Agreement.

The agreement established the Bradshaw Liaison Committee (BLC) made up of Traditional Owners, Defence Personnel and the NLC, to oversee the provisions and intent of the ILUA.

At all BLC Meetings between 2003 and 2007, both Defence and Traditional Owner/NLC representatives bought along both a copy of the ILUA and a lawyer – to the point where no real progress was possible as both sides retreated behind the written

interpretation of the ILUA and their understanding of it. Meetings were very formal with Defence personnel in full uniform, strict protocol was the order of the day, and adherence to the written word of the ILUA was overseen by each side's legal team.

In 2007 a different approach was proposed to get both parties to meet in the middle. The parties decided to meet more informally, without lawyers. Misunderstandings of the ILUA were identified and a partnership developed.

It was recognised that the BLC membership was too large and cumbersome, that the previous adversarial approach was detrimental and that a more informal dress and conduct code would be better.

Staff of the Bradshaw & Timber Creek Contracting & Resource Company mark the opening of a new accommodation village at Timber Creek. From left, Mathew Smiler, Desmond Jones, Lorraine Jones (Chair of the Bradshaw Liaison Committee), Kendrick Hector, Clifford Jones, Daniel Jones and Grant Haley (Manager).





The company's plant yard at Timber Creek.

Changes were quickly observed at the next BLC meeting: uniforms were no longer the dress standard for Defence personnel and the BLC Committee membership was reduced. A partnership was born, based on mutual respect and trust.

The partnership has removed many road blocks that were unforeseen when the ILUA was drafted. The parties now work together to achieve acceptable outcomes. A commitment by members of the Defence team to protect sacred sites has much improved the partnership with Traditional Owners.

This ILUA also led to the establishment of the Bradshaw & Timber Creek Contracting & Resource Co (BTCC), a traditional owner company based in Timber Creek.

Formed in June 2008, BTCC started off bidding for minor works contracts at BFTA, and works at Bradshaw as contractors not as Traditional Owners.

This concept of responsibility and ownership has been a cornerstone in the development of BTCC into the contracting company that it is today.

BTCC now has 17 full time employees, a range of contracts with both Defence and the NT Government, and has entered into joint ventures with a major civil contracting company. BTCC will work with the company on a major highway and bridge upgrade near Timber Creek this year.

From a small start in 2007, BTCC now has an asset base of plant, property and equipment to carry out all contracting opportunities that may arise in the future.

The Bradshaw experience shows that an ILUA, if used with the intent it was designed for, can have beneficial outcomes for all parties, rather than being used as defence document to attack each other with.



Indigenous cattlemen's workshop, Tennant Creek, October 2016

## Pastoral Report 2016 – 2017

### Industry Update

The northern cattle industry has continued to strengthen over the past 12 months and the outlook remains optimistic for the next financial year.

Demand over the past year from live export markets and abattoirs for cattle and buffalo remained strong, and has led to increased pastoral property values and a spike of interest in Aboriginal Land Trust areas potentially available for long-term grazing or feral animal harvesting.

Payments negotiated for grazing licences have increased substantially over the past 12 months, which should deliver a better return to Traditional Owners.

Areas of Aboriginal land suitable for pastoral use and development within the NLC region will continue to attract competitive interest on availability.

While the industry is enjoying a period of prosperity through high demand and strong prices, feral cattle and buffalo roaming on Aboriginal Land Trusts will be a target for unauthorised mustering and back door deals that usually equate to below market rate returns to Traditional Owners.

### Cattle

The Northern Land Council region covers a range of land types, from semi-arid to wet dry tropics, and the style of pastoral production varies from properties suited to cattle breeding through to flood plain fattening land which is particularly suited to presenting a high quality animal for the live export trade. The NLC has 42 pastoral agreements in place with four under negotiation and pending completion.



The total Northern Territory cattle herd is estimated to be 2.2 million with approximately 120,000 (5.4%) grazing on Aboriginal land in the NLC region.

## Buffalo

NLC has continued to work with Traditional Owners to progress buffalo mustering licence agreements on their country. The majority of large herds of feral buffalo are in the remote regions of Arnhem Land and roam across vast areas, which makes the process of consulting Traditional Owners about potential mustering licences complex, time consuming and costly. Prices for live export and the local meat trade will remain reasonable while cattle prices and overall demand remains high.

A summary of the buffalo mustering interests is as follows:

- Four s19 buffalo mustering licence agreements are currently in place for up to four years, each covering a total area of approximately 21,072km<sup>2</sup>
- Consultations are ongoing for two proposed licence areas in Arnhem Land that cover a combined area of approximately 8,900km<sup>2</sup>
- An area near Katherine that covers approximately 1,940km<sup>2</sup> is currently in consultation.
- An area in east Arnhem Land with a number of competing interests that covered more than 1373km<sup>2</sup> was consented to; however, the successful proponent prior to executing the

Indigenous cattlemen's workshop, Tennant Creek, October 2016



lease did a fly over of the licence area and advised that they would not be entering into an agreement due to concerns about the viability of buffalo numbers in the proposed licence area.

- Two s19 lease areas of approximately 4,997km<sup>2</sup> in the east Arnhem region are pending consultation.

## Pastoral Unit

There are two pastoral coordinator positions 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 last 12 months:

- Expressions of Interest received – 15
- S19 licence agreements completed - 7
- S19 licence agreements pending - 4
- Unsuccessful applications – 5
- Compliance Checks – 2 desk top compliance checks, three onsite compliance checks
- Preparation, planning and scheduling of pastoral activities for the next financial year.

The NLC is currently looking at harnessing technology to increase its capacity to manage a broad suite of properties and has embarked on

increasing the use of satellite technology to better monitor land condition and improve infrastructure design on pastoral areas. The use of available technology will allow the NLC to make better use of limited resources to monitor and improve property design to maximise benefits to Traditional Owners who have consented to pastoral activity on their land.

Pastoral compliance is resource intensive and critical, as Traditional Owners can forgo up to 70 percent of their financial benefits through infrastructure offsets. So, it is important that the NLC constantly liaises with licence holders, government and Traditional Owners to ensure key milestones in agreements are achieved, and that property, environmental and animal conditions are managed properly under the agreement. Much of the process involves a lot of bush work with each pastoral coordinator spending much work time travelling, checking on property conditions, agreement deliverables and consulting with Traditional Owners and stakeholders.

The pastoral team works closely with government departments to access up-to-date best practice information to ensure pastoral activities are sustainable and viable for the long term benefit of Traditional Owners.



Djelk Indigenous Protected Area





The Chair of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, the Hon. Justice Rachel Pepper, describes the work of the Inquiry to the Full Council meeting at Katherine, May 2017.

## Minerals & Energy Branch Overview

Minerals and energy project management at the NLC is conducted under Northern Territory and Commonwealth legislation – the *Northern Territory Aboriginal Sacred Sites Act*, the *Environmental Assessment Act*, the *Minerals Titles Act*, the *Petroleum Act*, the *Geothermal Energy Act* and the *Mining Management Act* (Northern Territory Acts); and the *Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*, the *Native Title Act (NTA)* and the *Environment Protection and Biodiversity Conservation Act (EPBC)* (Commonwealth Acts).

This legal framework recognises the rights and interests of Traditional Owners and native title holders through their continuous cultural connectivity and rights to the land,

and provides a regulatory structure under which resource development may progress if access to land is granted and government approvals are provided through the relevant Acts.

Resource-based exploration and development projects pose a potential risk to the natural environment and to Aboriginal society and culture. Such projects could cause a level of disturbance which negatively impacts on Aboriginal spirituality, connection to land (or places) and their cultural and social activities, and these impacts may vary in scale from relatively minor to very serious. The responsibility to protect culturally and environmentally sensitive areas from such risks is significant not only to Aboriginal people and the NLC, but also to the broader community.

Conversely, the benefits that resource developments offer may help the economic and social development of remote communities and, in the case of large projects or cumulatively, provide a significant contribution to the national economy. Therefore, a careful balance must be achieved and this provides the basis for the Minerals and Energy Branch to ensure that Aboriginal people are provided with all of the information necessary to make informed decisions about whether or not they wish to have development on their land.

The vast majority of the NLC region is covered by applications to explore for minerals and petroleum and throughout 2016/17 the NLC continued to receive new applications to explore for mineral and energy resources. Apart from the development of the Northern Gas Pipeline (NGP), to transport gas from the Northern Territory to Queensland, the reporting period has seen a significant reduction in workload for the NLC related to the onshore petroleum sector. This slow-down in the number of oil and gas consultations and related activity has coincided with the implementation of a moratorium on hydraulic fracturing of onshore unconventional gas reservoirs in the Northern Territory.

The bulk of the branch's workload during the reporting period has been related to the minerals sector, legacy mines and responding to government policy and regulatory matters such as the proposed environmental regulatory reforms.

The NLC strives to protect Aboriginal culture and rights by ensuring that Aboriginal people can make informed decisions about proposed minerals and energy projects, including the

development of project infrastructure. The NLC achieves this by various means, including by providing technical advice and representation at all stages of the project from application through to production and by facilitating face-to-face consultation among Traditional Owners, native title holders and resource companies. The NLC also ensures that consultation and Aboriginal concerns are paramount when a project is being placed into care and maintenance, administration or is closed and rehabilitated.

The Minerals and Energy Branch also advocates for Aboriginal people by pressing the need to consult effectively with, and address issues of importance to, Aboriginal people when making submissions to environmental impact assessments, amendments to legislation and other matters related to the resources sector. Many resource-based development proposals, including exploration proposals, contain complex technical information. Where the project is to be developed on land subject to the ALRA it is crucial that the NLC establishes whether Traditional Owners have given free, prior and informed consent (FPIC) to exploration and/or production, and have approved access to any affected land or granted tenement.

Under the principles of FPIC, the NLC has a responsibility to ensure that all information is communicated effectively to ensure that the nature and purpose of a proposed project is understood, and to provide an opportunity for Traditional Owners and other affected Aboriginal people to communicate their concerns. This process requires the NLC to maintain a high level

of knowledge, skills and technical expertise across a number of fields, the key elements of which involve:

- correct identification of Traditional Owners, native title holders, estate groups and affected people for land located within an area of proposed development;
- effective communication of the technical information related to a proposed resource development project, its timeframes, commercial opportunities, and potential environmental, social and cultural risks, costs and benefits;
- ensuring that all relevant information is presented in an objective, unbiased and fair manner;
- negotiation of agreements suited to a specific resource project and its target minerals or hydrocarbon and other factors as agreed among the project proponents, Traditional Owners or native title holders and the NLC; and
- management of the relationships among the proponents, Aboriginal people and other stakeholders which develop during the life of a project.

A number of on-country consultations and other meetings relating to minerals and petroleum matters in the NLC region had to be cancelled or postponed during the reporting year because:

- some proponents either deferred, or did not implement, an exploration work program;
- some proponents chose not to progress their petroleum applications; or
- of cultural reasons and other external factors.

## Minerals & energy exploration: part IV *Aboriginal Land Rights Act*

Under the ALRA Traditional Owners must give their free, prior and informed consent, before the Northern Territory Minister for Primary Industry and Resources can approve the grant of a mineral exploration licence (EL) or a petroleum exploration permit (EP). The NLC's statutory obligations start once an exploration company (proponent) lodges an application for consent to explore for minerals or energy over Aboriginal freehold land, under section 41, Part IV of the ALRA. These obligations remain in place until the application is either finalised or withdrawn. The Part IV process can result in any of the following outcomes:

- a) refusal to consent to grant (after which the tenement application is placed into moratorium for five years); or
- b) partial grant and partial refusal to consent to grant of a tenement; or
- c) consent to the grant of a tenement in its entirety.

To achieve an outcome, the NLC must first present all information relevant to the application to Traditional Owners and then determine if consent has, or has not, been given in accordance with the FPIC provisions of the ALRA. Each year, the NLC processes and manages a large number of applications and granted tenements for both onshore petroleum and minerals exploration over Aboriginal freehold land.

Where a tenement has been granted under Part IV of the ALRA and an exploration agreement is in place, the NLC facilitates annual work program



meetings between Traditional Owners and the proponent before exploration works begin. These meetings facilitate open communication between the parties. Transparency is further achieved through the engagement of Aboriginal cultural monitors in the conduct of the work program and other provisions under NLC exploration agreements that promote employment and business opportunities for local Aboriginal people.

When exercising its functions under the ALRA and to achieve outcomes for all exploration applications and related activities, the NLC employs the following process:

- 1 Initial on-country consultations to establish whether Traditional Owners wish to refuse the application or
- 2 On-country surveys of estate group boundaries and sacred sites (defined sensitive areas protected under the *Northern Territory Aboriginal Sacred Sites Act*). This is usually done in conjunction with negotiations about the contents of a draft exploration agreement applicable to the land that may be made available for exploration;
- 3 Final on-country consultations to allow Traditional Owners to consider and formally accept, or refuse, the exploration application and its associated agreement;
- 4 If an agreement is consented to, delivery of ministerial approval,

to enter into negotiations towards an exploration agreement;

FIGURE 31: MINERALS & ENERGY CONSULTATIONS

| CONSULTATION TYPE                                               | NO. OF PROJECTS | NO. OF CONSULTATIONS |
|-----------------------------------------------------------------|-----------------|----------------------|
| <b>Tenements processed under the Aboriginal Land Rights Act</b> |                 |                      |
| Applications for Minerals and Energy Exploration Titles         | 30              | 49                   |
| Granted Minerals and Energy Exploration Titles                  | 15              | 16                   |
| Committee and Working Group Meetings                            | 2               | 2                    |
| <b>Tenements processed under the Native Title Act</b>           |                 |                      |
| Applications for Minerals and Energy Exploration Titles         | 2               | 9                    |
| Granted Minerals and Energy Titles                              | 7               | 11                   |
| Committee and Working Group Meetings                            | 3               | 5                    |
| <b>TOTAL – ALL MINERALS AND ENERGY CONSULTATIONS</b>            | <b>59</b>       | <b>92</b>            |

execution of the agreement and formal notification necessary for the grant of a mineral exploration licence or petroleum exploration permit;

- 5 Once the agreement has been executed and the tenement is granted by the Northern Territory Government, the proponent is then obliged to present its proposed exploration activities to Traditional Owners at a specially convened work program meeting. These meetings are a contractual obligation and occur annually, although additional meetings are required if significant changes are subsequently made to an approved work program;
- 6 Facilitate Traditional Owners' participation in the project through engagement as cultural monitors and other employment and business opportunities that may be available to them; and

- 7 Assess and distribute financial benefits arising from projects (granted tenements) to the Traditional Owners of the project area.

During the reporting period, the NLC conducted 67 activities, including on-country consultations and audits, related to 47 separate minerals and energy exploration and mining projects (including closure and legacy mine-related projects) located on land subject to the ALRA.

### Backlog of mineral and energy applications and the negotiating period

At the end of the 2016/17 reporting period, the NLC carried a backlog of 248 active mineral and petroleum applications over Aboriginal freehold land under the ALRA. The majority of the outstanding applications were inactive and not pursued by the companies concerned.

CEO Joe Morrison (left) with Jemena Managing Director Paul Adams at Jemena's pipe storage depot near Tennant Creek, 17 February 2017. The company negotiated clearances with the NLC for a 622km gas pipeline from Phillip Creek, north of Tennant Creek, to Mr Isa.



## Minerals & energy exploration: *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 responsibility, deals with applications for minerals and petroleum exploration and granted tenements on land over which native title applies.

Many of the applications for minerals exploration licences and other minerals titles are considered by the Northern Territory Government to have minimal environmental and social impact and, as such, are quickly granted under an expedited procedure. In these cases, an agreement is normally negotiated only after exploration has commenced and then only if an economically viable mineral deposit is discovered. In such cases an application for a mineral lease (ML) to develop a mine is lodged with the Government and the application attracts the "right to negotiate" agreement under the *NTA*.

Applications for petroleum exploration permits automatically attract the procedural right to negotiate under the *NTA*. Convening consultations for these petroleum exploration permits poses significant logistical and other challenges when it comes to conducting on-country consultations, as they generally cover vast tracts of land in remote regions and involve numerous native title holders and estate groups.

To achieve outcomes for all applications and related activities under the *NTA*, the NLC employs the following process, similar to that where the *ALRA* applies:

1. Convene an information and instruction meeting to advise the native title holders of the project and its potential impacts and to take instructions regarding the negotiation of an agreement;
2. Negotiate an exploration agreement, or other actions in accordance with the instructions of native title holders;
3. On-country consultations to advise the native title holders of the terms and conditions of the draft agreement and to take instructions regarding the agreement;
4. Once the agreement has been executed and the tenement granted by the Northern Territory Government, the proponent is then obliged to present its proposed exploration activities to the native title holders at a specially convened work program meeting. These meetings are a contractual obligation and occur annually, although additional meetings are required if significant changes are subsequently made to an approved work program;
5. On-country cultural surveys of sacred sites and estate group boundaries, combined with defined areas that need to be protected under the *Northern Territory Aboriginal Sacred Sites Act*. For granted petroleum exploration permits, surveys are conducted annually over the parcels of land where exploration activities have been proposed;
6. Facilitate participation of the native title holders through engagement as cultural monitors and other employment and business opportunities that may be available to them; and

7. Assess and distribute financial benefits arising from projects to the native title holders.

During the reporting period the NLC conducted a total of 25 activities on native title lands, including on-country consultations and audits, related to 12 separate minerals and petroleum exploration and mining projects (including closure and legacy mine-related projects) located on lands where native title rights exist.

### Negotiating minerals and energy agreements

The NLC seeks to identify and address Aboriginal disadvantage by negotiating fair and equitable resource exploration, development and related infrastructure agreements. Important features of these agreements are the recognition of Aboriginal spirituality and culture, their relationship with the natural environment, and how they can be protected from negative impacts should a proposal for development proceed. All NLC agreements contain commitments to protect Aboriginal culture, sacred sites, and the natural environment by applying existing legislation. In many instances NLC agreements include commitments that go beyond legislated requirements to better reflect leading practice standards.

In addition to the factors mentioned above, other outcomes sought from NLC agreements include the development of local infrastructure, employment, and identification of sustainable business opportunities culturally appropriate to Aboriginal people. Benefits that may flow to Aboriginal people from these agreements include:

- participation in the project planning, approval and fieldwork;
- protection of sacred sites and other culturally sensitive areas during the conduct of approved activities;
- local employment, business development and provision of industry-specific training ; and
- exploration compensation and production royalty payments.

### Managing minerals and energy agreements

Agreements negotiated between the NLC and resource companies are legally binding and include contractual obligations for both the company and the relevant Aboriginal Land Trust (administered by the NLC). Company obligations are in the form of commitments and the NLC is obligated under these agreements, on behalf of its Aboriginal constituents, to ensure that companies meet those commitments. The NLC meets its obligations and monitors compliance by holding annual work program consultations, by conducting routine inspections and audits of work being undertaken and by seeking to address any concerns that might be raised during the life of a project.

The NLC's minerals and energy consultations held during the reporting year were largely related to work programs under existing exploration agreements for mining, oil and gas projects. Several consultations were related to mine closure or legacy issues related to existing or abandoned mines. The principal focus of these consultations was to engage Traditional Owners and native title holders in cultural heritage





Bulgul ranger Brendan Armstrong collects data on a marine debris survey, 10 February 2017

management, exploration, planning for mine closures, environmental surveys and audits of operational projects.

During the past year, the NLC successfully finalised the negotiation of two minerals and energy production and infrastructure agreements. These were for the Gulkula Mining Company's bauxite mine near Yirrkala and Jemena's Northern Gas Pipeline, which links the Northern Territory's Amadeus gas pipeline to Mount Isa in Queensland. The Gulkula bauxite mine, Australia's first Aboriginal owned and operated mine, is expected to become operational in mid-2017 and the gas pipeline is planned to be commissioned in 2018.

### Mining and minerals processing

Three major mines and two mineral processing plants are currently operating in the NLC region:

- the Rio Tinto Alcan Gove mine, which produces bauxite near Nhulunbuy in north-east Arnhem Land;
- the Bootu Creek manganese mine near Tennant Creek, which returned to operations in January 2017, following 12 months in administration;
- the Xstrata McArthur River mine near Borroloola, which produces a complex silver-lead-zinc ore and concentrate; and
- the Ranger uranium mine near Jabiru, which has ceased mining and is preparing for rehabilitation and closure, but continues to produce uranium oxide while it depletes its stockpiles.

Over the course of the year, the NLC continued to monitor developments and operations at several other mines, including:

- Gulkula bauxite mine near Yirrkala;
- Merlin diamond mine near Borroloola;
- Frances Creek iron ore mine near Pine Creek, currently in care and maintenance;
- numerous gold-producing mines near Pine Creek;

- Northern Territory Iron Ore's iron ore project near Minyerri;
- Western Desert Resources' abandoned iron ore project near Ngukurr;
- Vista Gold's Mount Todd gold mine, currently in care and maintenance; and
- Australian Ilmenite Resources' SIL80 ilmenite project near Minyerri.

During 2016/17 the NLC, Traditional Owners and native title holders also participated in various forums or activities related to the closure and rehabilitation of mines, including:

- the 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;
- the Redbank Working Group to address serious environmental issues associated with the former Redbank copper mine near Wollogorang Station;
- closure of the Newmont copper mine near Batchelor;
- rehabilitation of the former Rum Jungle uranium mine, also near Batchelor; and
- the ongoing rehabilitation of the Nabarlek uranium mine near Gunbalanya in western Arnhem Land.

## Petroleum exploration and production

The NLC plays an important role in fostering understanding and awareness among its Aboriginal constituents about the onshore oil and gas industry. In 2016, prior to the NTG's announcement of a moratorium on hydraulic fracturing of onshore unconventional reservoirs in the Northern Territory, the NLC facilitated a number of cross cultural activities under existing petroleum exploration agreements and undertook a visit to observe a hydraulic fracturing event in the Beetaloo Basin. The moratorium will remain in place while a public inquiry into the environmental, social and economic risks and impacts of hydraulic fracturing of onshore unconventional gas reservoirs and associated activities in the Northern Territory is being completed.

Since the moratorium on hydraulic fracturing in the Northern Territory has been in place, all onshore petroleum exploration activity (fieldwork) in the NLC region has ceased and, as a result, consultations for oil and gas matters have been placed on hold. The Minerals and Energy Branch has been actively engaging with the Inquiry, undertaking research related to oil and gas exploration and production and developing meeting protocols and consultation material. The aim of this work is to increase the availability of accurate and reliable information to Aboriginal people in the NLC region and further improve the quality of the NLC's consultations related to the onshore petroleum sector.

FIGURE 32: PETROLEUM EXPLORATION

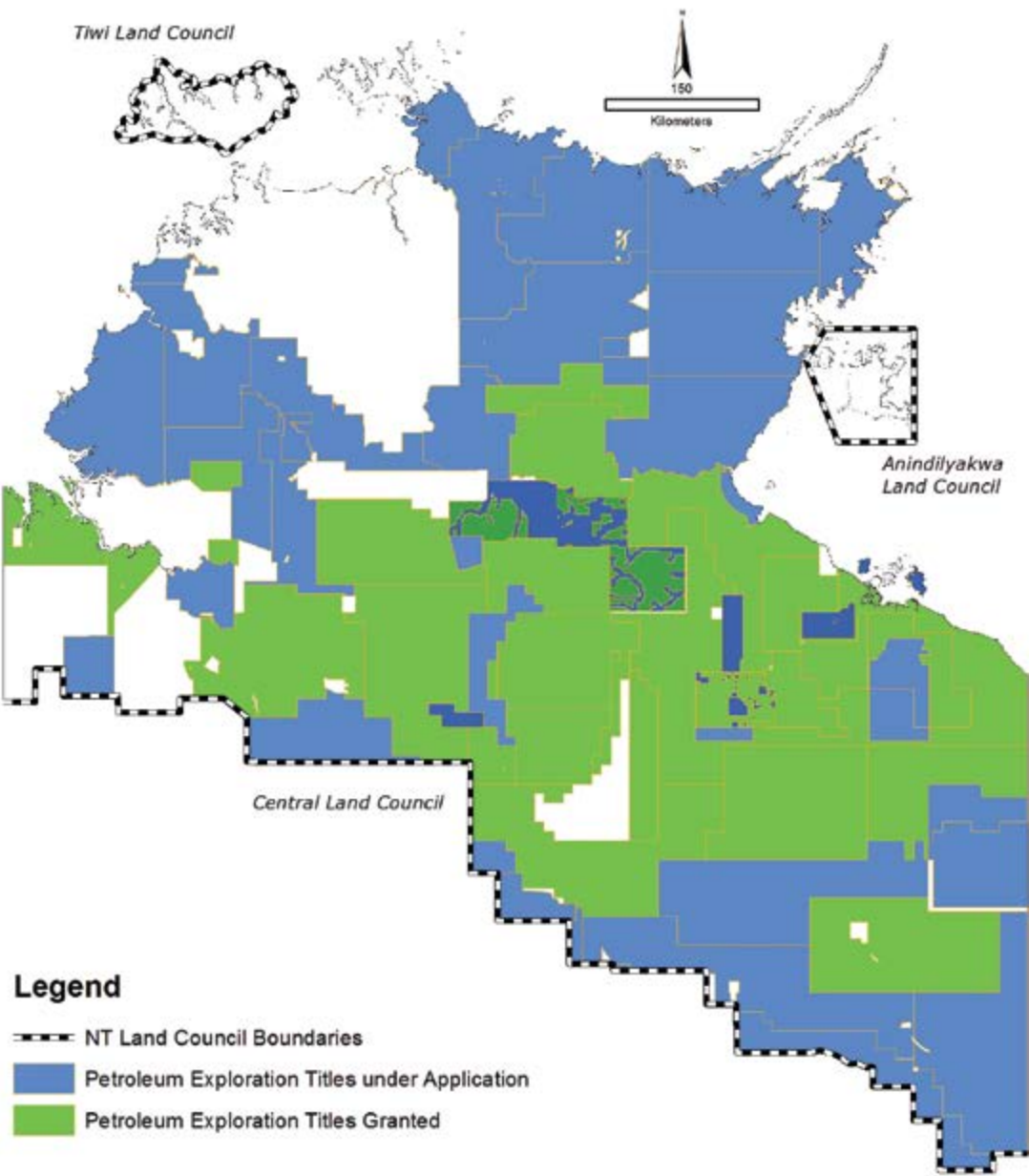
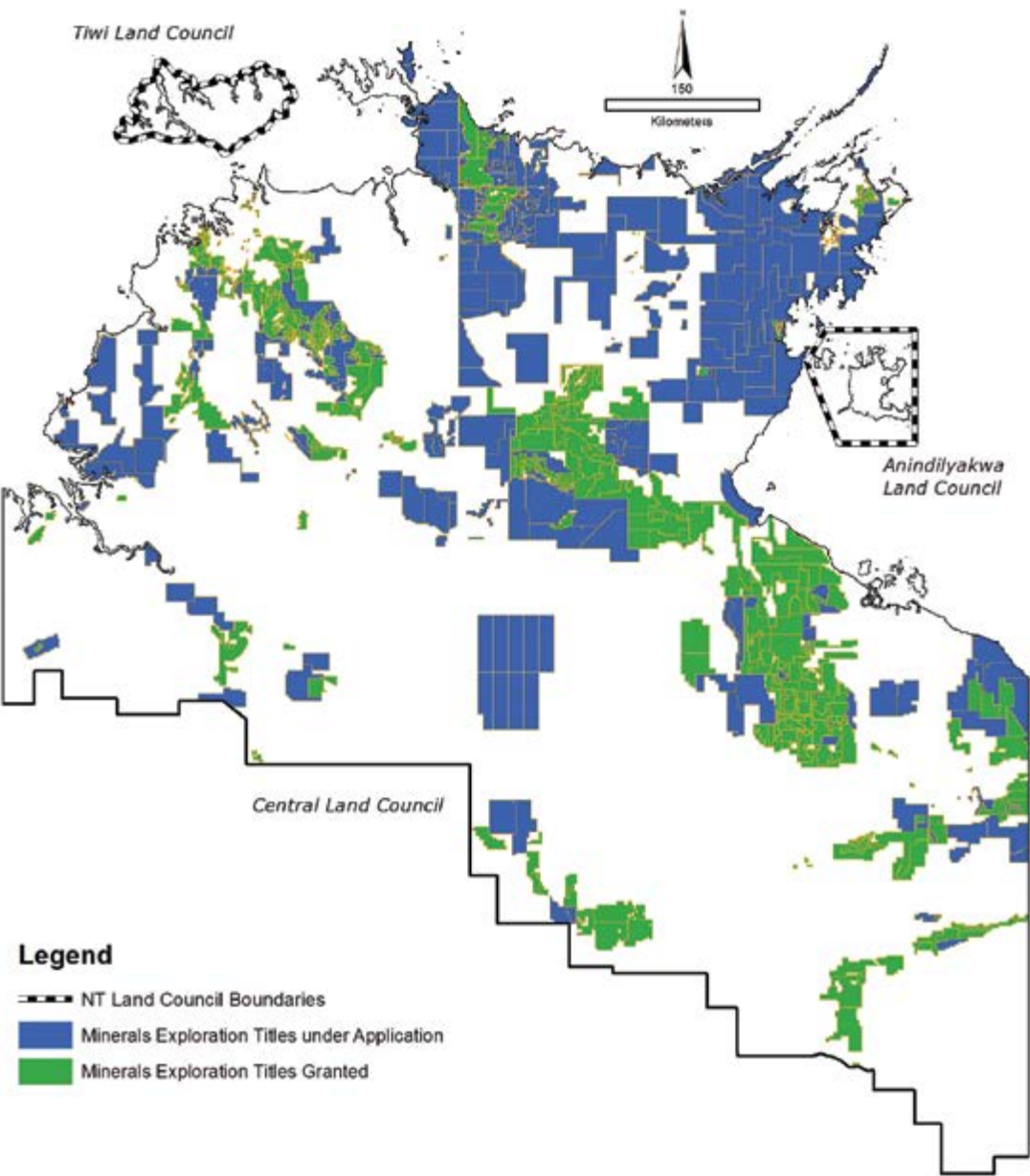


FIGURE 33: MINERAL EXPLORATION



## Environmental advice and representation

Under the *ALRA* and the *NTA*, the NLC has a responsibility to represent and support Aboriginal people about matters associated with land management.

This includes providing technical and environmental advice about proposed minerals and petroleum exploration and production activities, and liaising with project developers, government agencies, affected Traditional Owners and native title holders. The NLC achieves this by conducting its own environmental research and investigations, utilising its internal expertise, or engaging specialist consultants to ensure that leading practice is observed and applied.

Over the course of this reporting period, the NLC represented Traditional Owners and native title holders at the various scientific and technical forums listed below. 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 and Working Groups;
- Woodcutters Mine Closure Liaison Committee,

- Bootu Creek Manganese Mine Liaison Committee;
- Redbank Mine Working Group; and
- The AusIMM International Uranium Conference.

The NLC also provided Traditional Owners and native title holders with environmental advice, or presented formal submissions in response to the following resource industry developments and related inquiries:

- The Ichthys LNG Mixing Zone Application;
- The Ranger Uranium Mine Closure Plan;
- Draft Terms of Reference for the preparation of an EIS for rehabilitation of the former Rum Jungle Mine Site;
- Northern Territory Government public disclosure of security bonds for mining projects;
- Draft Terms of Reference for the panel undertaking the Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory;
- The 2017 Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory;
- The Draft Environmental Impact Statement for the McArthur River Mine Overburden Management Project; and
- The Northern Territory Department of Environment and Natural Resources Environmental Regulatory Reform Discussion Paper.





**LAND RIGHTS NEWS**  
*Our Land, Our Sea, Our Life*

**AT LAST!**

Two of the most outstanding claims under the Aboriginal Land Rights (Northern Territory) Act 1976 each dating back to the 1970s, have been put to rest. At Yarralin, title deeds to more than 50,000 hectare of land were handed to Aboriginal Traditional owner on 14 June; a week later at Mandorah, the Kenb land claim was finally realised when the Prime Minister handed over title deeds.

Full coverage of both events from page 4

PM reappoints Scullion **3**

Right to trade recognised **14**

An accidental land claim **15**

**HEED THE DEED:** Traditional Owners display the title deeds to the Yarralin and Kenbi land claims - George Campbell at Yarralin on 14 June, and Raylene Singh at Mandorah on 21 June.



**LAND RIGHTS NEWS**  
*Our Land, Our Sea, Our Life*

**HISTORIC MEETING**

Members of the Northern and Central Land Councils met at Kalkarindgi during the week leading up to the celebrations in August to mark the fiftieth anniversary of the Wave Hill Walk-off.

Ord-Kimberley Development Plan: Over-budget and late **Page 6**

Wave Hill Walk-off Anniversary: Land Councils meet at Kalkarindgi **Page 12**

Fracking inquiry: NLC wants changes to Terms of Reference **Page 4**

**3**  
ABORIGINAL SACRED SITES ACT:  
Saved by Corruption Investigation

**17 & 20**  
LAND RIGHTS ACT  
Nancy Williams and Jon Altman  
reflect on 40 years

**10**  
BOOK LAUNCH  
A Handful of Sand by Charlie Ward




**LAND RIGHTS NEWS**  
*Our Land, Our Sea, Our Life*

**The gaps are not closing: NOT WORST**

**Pages 4-5**  
ROYAL COMMISSION  
Call Off the Dogs

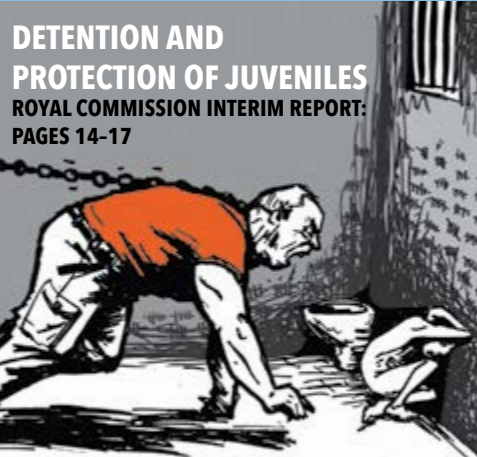
**Pages 6-8**  
STOLEN WAGES  
Class Action

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LAND RIGHTS ACT  
RUBY ANNIVERSARY  
A Lawyer Remembers



**LAND RIGHTS NEWS**  
*Our Land, Our Sea, Our Life*

**DETENTION AND PROTECTION OF JUVENILES**  
**ROYAL COMMISSION INTERIM REPORT:**  
**PAGES 14-17**



**FRACKING: NLC'S SUBMISSION**  
**PAGES 3-5**

**JON ALTMAN: HOMELANDS LAMENT**  
**PAGES 9-11**

**INTERTIDAL ZONE: ACCESS AND MANAGEMENT**  
**PAGES 12-13**

## Public awareness and education

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

The unit is also managing a major upgrade of the NLC's website. This project will be completed during the next reporting year.

A senior vacancy in the media unit will be filled in the next reporting year.

### Information resources

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

*Land Rights News* was first published in 1977 and is Australia's longest-running Aboriginal newspaper, and is distributed free to Aboriginal communities and organisations across Australia. Four issues were published during the reporting year – July and October 2016 and January and April 2017.

Last year, 2016, was the 40th anniversary of the Commonwealth Parliament's passing the *Aboriginal Land Rights (Northern Territory) Act 1976*; Australia Day 2017 was the 40th anniversary of the commencement of the Act. Substantial space was devoted during the reporting year to the 40th anniversary, and to the 10th anniversary of the Northern Territory Emergency Response (the "Intervention"). *Land Rights News* also closely followed the progress of the Royal Commission into the Protection and Detention of Children in the Northern Territory.

### 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.



Full Council meeting, Katherine, May 2017.

## Good corporate standards

### Distribution of royalties

A key NLC objective is to manage the receipt and disbursement of royalty monies to Aboriginal people in a responsible and appropriate manner.

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 \$46,987,000 was generated from Aboriginal land during 2016/17.

Distributions have been made as per instructions from Traditional Owners in accordance with traditional decision making processes. A total of 5,756 royalty payments were made during the course of the financial year totaling \$44,514,000.

### Administering Aboriginal Land Trusts

A key NLC objective is to assist Aboriginal Land Trusts to act appropriately and 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

FIGURE 34: BREAKDOWN OF ROYALTY DISTRIBUTION PAYMENTS, 2016/17

| PAYMENTS                                                 | \$'000          |
|----------------------------------------------------------|-----------------|
| Section 35(2) Statutory Royalties                        | \$16,880        |
| Section 35(3) exploration and mining                     | \$16,883        |
| Section 35(4) negotiated monies; rental and lease monies | \$10,751        |
| <b>TOTAL</b>                                             | <b>\$44,514</b> |

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

A key NLC objective is to support Traditional Owners and attempt 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 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.





NLC staff join the NAIDOC march through Darwin CBD, 8 July 2016.

## Corporate governance approach

A key NLC objective is to be accountable, transparent and open in all corporate dealings, and to operate with integrity, leadership and commitment.

The enabling legislation of the NLC is the *Aboriginal Land Rights (Northern Territory) Act 1976*. The responsible Minister for the 2016/17 reporting period is Senator the Hon. Nigel Scullion, Minister for Indigenous Affairs.

The performance of Directors is informally reviewed by their peers. NLC staff provide corporate governance support, advice and training, when required.

### Exemptions granted by Finance Minister

No exemptions were granted by the Finance Minister in regard to reporting requirements in 2016/17.

### 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.

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 who also act as an advisory body on the operational and financial management controls and reporting responsibilities of the organisation, oversee internal and external audit functions, and provide independent and objective assurance that the systems, processes and risk management strategies of the NLC are robust and comply with acceptable standards and government requirements.

During 2016/17, the Audit Committee was independently chaired by Mr Jon Webster, and attended by three 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, the Full Council members receive an induction and copy of the handbook, as well as a clear understanding of appropriate and acceptable behaviour.

### Related entity transactions

There were no payments for a good or service from another entity, or grants provided to another entity during the period. There were no loans or grants made to directors or director-related entities.

### Freedom of information

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

### 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) (see figure 35, next page).

### Information communication and technology

A major review of Information Communication and Technology was undertaken in 2016/17 by EY Consulting. The review identified areas for improvement and provided recommendations which would deliver savings, efficiencies and increased productivity through modern and

FIGURE 35: CONSULTANTS EXPENDITURE

| CONSULTANTS EXPENDITURE GREATER THAN \$25,000 | TOTAL               |
|-----------------------------------------------|---------------------|
| <b>Consultants – Legal</b>                    |                     |
| K&L Gates                                     | \$50,428.09         |
| Glacken, Sturt- (A J Dever Pty Ltd )          | \$367,716.35        |
| Graeme Hill                                   | \$42,545.45         |
| Howell's List Barristers Pty Ltd              | \$48,522.73         |
| Justin Edwards                                | \$43,778.80         |
| Keely T.P.                                    | \$89,359.77         |
| List G Barristers                             | \$30,950.00         |
| Megan Eliza Brayne                            | \$33,300.96         |
| Mr Peter Willis                               | \$32,136.80         |
| Stephen Walsh, QC                             | \$27,000.00         |
| <b>Subtotal</b>                               | <b>\$765,738.95</b> |
| <b>Consultants – Aboriginal</b>               |                     |
| GUNDJEIHMI ABORIGINAL CORPORATION             | \$84,283.00         |
| NAILSMA LTD                                   | \$39,972.00         |
| <b>Subtotal</b>                               | <b>\$124,255.00</b> |
| <b>Consultants – Anthropologists</b>          |                     |
| Anthropos Consulting                          | \$45,272.73         |
| Australian National University                | \$42,045.45         |
| Bennetts Anthropological Consultancies        | \$43,933.31         |
| Culture And Heritage                          | \$87,060.00         |
| Environmental And Cultural Services           | \$80,850.00         |
| Garde, Murray                                 | \$33,522.73         |
| Gareth David James Lewis                      | \$63,750.00         |
| Gay English Consulting                        | \$140,841.87        |
| Jitendra Kumarage                             | \$40,506.35         |
| Toni Bauman                                   | \$77,363.64         |
| Walter Zukowski                               | \$65,267.89         |
| <b>Subtotal</b>                               | <b>\$720,413.97</b> |

| Consultants – Other       |                       |
|---------------------------|-----------------------|
| Cardno (Nt) Pty Ltd       | \$49,296.35           |
| Centrefarm/Topendfarm     | \$30,525.45           |
| Ernst & Young             | \$120,000.00          |
| Frontier Software Pty Ltd | \$49,495.50           |
| Ghd Pty Ltd               | \$40,748.62           |
| Hortensia Masero          | \$41,200.00           |
| Ots Management Pty Ltd    | \$48,041.12           |
| Troppo Architects         | \$92,340.25           |
| <b>Subtotal</b>           | <b>\$471,647.29</b>   |
| <b>TOTAL</b>              | <b>\$2,082,055.21</b> |

reliable systems. A detailed roadmap to implement the recommendations has been established, with many recommendations implemented in 2016/17, while other longer-term changes are planned over the next 1-3 years.

Key ICT initiatives implemented in 2016/17 include the restructure of the ICT section, internal network upgrade, data centre migration, email migration and an updated video conferencing system.

## 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 appropriately fitted out to operate both locally and remotely and in harsh environments.

The NLC occupies a number of remote offices and other property

including ranger outposts that require maintenance.

A comprehensive review of the motor vehicle fleet was undertaken during the 2015/16. The purpose of the review was to provide recommendations for change with a focus on:

- cost savings
- maintaining a modern, efficient and safe fleet
- Work Health and Safety commitments
- identifying current and future vehicle requirements.

It is expected the outcomes and recommendations of the review will be known in the first quarter of 2017/18.

## Environmental performance

The principles of ecologically sustainable development are considered in the key 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 process. 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 NLC Enterprise Agreement 2011 expired on 1 July 2013 and negotiations between employee representatives, Community and Public Sector Union and NLC Management commenced on 18 June 2013. The NLC was in caretaker mode, with an acting CEO, to February 2014 which stalled progress on the Agreement. As at April 2015, the Enterprise Agreement document was in its final draft, but due to advice from the Minister, the process was put on hold. Early 2016 negotiations recommenced and are on-going.

Enterprise Agreement Committee 2016

Management

- Joe Morrison
- Joe Valenti
- Kathryn Laferla
- Chamber of Commerce (NT)

CPSU and Staff

- Tamara Cole
- Rebecca Hughes (Part year)
- Rebecca Sirilas (Part year)
- Crag Cartling (Part year)
- Kirsty Kassman
- Shannon Oconnell
- Pam Wickham
- CPSU representative

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.

FIGURE 37: AUDIT COMMITTEE ATTENDANCE

| NAME                                         | MEETINGS HELD | MEETINGS ATTENDED |
|----------------------------------------------|---------------|-------------------|
| Jon Webster (Independent Chair)              | 4             | 4                 |
| Angela Shima (Non Executive Member)          | 4             | 3                 |
| Aswin Kumar (Non Executive Member)           | 4             | 3                 |
| John Christophersen (NLC – Executive Member) | 1             | 0                 |
| Helen Lee (NLC – Executive Member)           | 1             | 1                 |
| Linda Fletcher ( NLC Member)                 | 3             | 2                 |
| Wayne Wauchope (NLC Member)                  | 3             | 1                 |



Waanya/Garawa rangers Casey Davey and Jack Green do small engine training at Borroloola.

The Audit Committee plays a key role in assisting the Council in respect of financial reporting, performance reporting, risk oversight and management, internal control and compliance with relevant laws and policies.

The functions of the audit committee include assisting the Council, management and the Accountable Authority to comply with obligations under the PGPA Act, providing a forum for communication between the Council, leadership group and external auditors.

#### 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 the current

committee is operating effectively under the legislative guidelines contained in the Act. The committee has been engaged with the introduction of new policies 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)  
 Greg McDonald  
 Kirsty Kassman  
 Jeffrey Yoelu  
 Andrew Thomas  
 Kathryn Laferla  
 Ian Amy  
 Hidayat Nurslanis  
 Don Couzens





Arafura rangers on fisheries patrol, November 2016

## Work, health and safety

### Initiatives

NLC continued to work on self-improvement initiatives during the past year to ensure the health, safety and welfare of all workers and stakeholders.

- WHS committee meets every 3 months and provides valuable WHS information. A recent ANAO audit confirmed the WHS committee was working effectively;
- Test & tagging of all electrical appliances has been conducted to AS/NZS 3701 standards;
- Development and implementation of WHS policies, procedures and safe working practices continues and a number of new policies were implemented during the year;
- Networking with Comcare and NT Worksafe to ensure compliance with the legislation.
- Networking with WHS organisations such as the Safety Institute and National Safety Council to ensure best practice
- Self-auditing in addition to compliance audits by external regulators continues.
- All NLC buildings were inspected during the year to monitor compliance with WHS requirements. Shortfalls were addressed and remedial actions undertaken.
- Worker wellbeing initiatives have been introduced and will continue for the coming year. NLC had formed a partnership with the Heart Foundation to introduce a program to improve the general health of all workers. Other initiatives being put in place include mental health first aid and a quit smoking campaign.

## Outcomes

Injuries: NLC experienced low workplace injury rates and minimal work days lost due to workplace injuries. There were no serious accidents that resulted in hospitalisation.

- Injuries requiring time off work: 3
- Injuries requiring no time off work: 5
- Total lost time due to injury: 52 days

Workers Compensation: There was one ongoing worker compensation case and one new case during the year. The ongoing case was the reason for the majority of the 52 days lost time for injury. This case has been resolved. The other compensation case is ongoing with the worker on restricted work hours.

Worker Welfare: NLC provides access to an Employee Assistance Program for confidential counselling and mediation. The service provided 99 counselling sessions for 39 workers in the year. This represented a rise in the number of both workers attending and counselling sessions provided.

### Notifiable Incidents:

NLC is required to inform the regulator Comcare when a notifiable incident occurs within the workplace. There were no notifiable incidents during the year.

### Audits/Investigations:

The WHS deficiencies identified in the Comcare investigation in June 2016 were addressed and remedial actions were carried out to the satisfaction of Comcare and no further action is required. The ANAO audit reported positive outcomes in the area of WHS.

## Trends:

Motor vehicle accidents are the main cause of incident reports, representing 40% of all reported incidents. There were no serious injuries and most of the accidents were minor. This is a good outcome considering the number of kilometres travelled and the topography that vehicles are required to work in.

## Complaints handling

The Executive Branch leads the management of complaint policy and procedures by adhering to the NLC's corporate governance principles of accountability, transparency and openness, integrity, leadership and commitment. In 2015, a formal process was introduced to track complaints by centrally registering complaints, investigating and responding within a timely manner.

During this financial reporting period there were 21 complaints registered, the following table provides a breakdown by type:

The figures and breakdown on page 166 reflect external written complaints lodged by an individual(s) or from individuals who have approached the Commonwealth Ombudsman, Fair Work Ombudsman, or the Department of the Prime Minister and Cabinet to investigate matters. This report does not include complaints against council members, internal staff matters or illegal entry onto Aboriginal land as they are dealt with through different mechanisms.

An analysis of the types of complaints recorded reflects the diversity, needs and interests of our constituents, with a number questioning the functions of the NLC, recognition of traditional

FIGURE 38: COMPLAINTS HANDLING

| SOURCE                 | ALLEGATIONS                                                          | CLOSED | IN PROGRESS |
|------------------------|----------------------------------------------------------------------|--------|-------------|
| External               | Traditional Ownership Recognition                                    | 2      | 1           |
|                        | Traditional Ownership Recognition & Royalty                          |        |             |
|                        | Native Title Recognition                                             | 1      |             |
|                        | Native Title Recognition & Royalty                                   | 2      | 1           |
|                        | Consultation & Negotiation Process                                   | 1      |             |
|                        | Staff Member and or Traditional Owner Behaviour                      | 2      | 2           |
|                        | Access to Aboriginal Land                                            | 1      |             |
|                        | Traditional Ownership Mediation (Legal)                              |        | 1           |
| Commonwealth Ombudsman | Traditional Ownership Recognition                                    | 2      |             |
|                        | Traditional Ownership/Native Title Recognition & Royalty Entitlement | 2      | 1           |
|                        | Royalty Distribution Delays                                          | 1      |             |
|                        | Grievance & Native Title Consultation Processes                      |        | 1           |
| TOTAL                  |                                                                      | 14     | 7           |

ownership or native title claimant status and related royalty enquiries. The complexity and sensitivity of these complaints require a co-ordinated response across branches including the Executive, Legal, Anthropology and Regional Development branches.

The NLC has complied with s8 of the Commonwealth Ombudsman Act by responding within legislative timeframes, with the exception of an approved extension over the Christmas/New Year holiday period. During this reporting period the Commonwealth Ombudsman investigated seven claims about NLC’s processes, service delivery and or conduct. Satisfied with the NLC’s response and/or approach

to handling the matters raised by complainants, five investigations were subsequently closed. The remaining investigations were lodged close to the end of the reporting period and will be completed in early July 2017.

The following case study demonstrates the historical displacement from kin and country, the complexity and time required to completely validate traditional ownership enquiries/complaints.

After 20 years of enquiries, face-to-face and phone conversations with NLC anthropologists attempting to piece together her ancestry and family tree, a complainant pursued her concerns through the Commonwealth

Ombudsman in January 2017. Essentially the complaint was about the NLC's lack of response and finally resolving her status as a traditional Aboriginal owner to certain country. Resolution for the complainant, and the NLC, has taken many years and the opportunity and resources to validate the complainant's status arose through the native title claim process in April 2017. The lack of written evidence to assist oral Aboriginal histories has compounded the frustration in identifying the complainant's family and country. The investigation confirmed the complainant did in fact have an interest in two native title claimant groups but not the original clan group that she had pursued for more than 10 years.

As suggested by the Australian National Audit Office, future improvements to the organisation's information technology

to better analyse and report trends to manage risks more effectively, along with regular review of the policy and procedures, are contemplated. Implementing and communicating this approach, along with the professional development of the responsible officer for handling the grievance process are expected to assist the organisation in upholding its reputation and credibility with constituents and stakeholders.

The organisation has been somewhat constrained by adequate human and financial resources across the branches and time restraints to work intensively on grievances involving a broad spectrum of matters – e.g., long running intra-family/clan traditional owner disputes, dissatisfaction with processes and conduct, or simply misinformation.

Kenbi ranger Dale Singh finds a native mouse, *Grassland Melomys*, during a biodiversity survey on Indian Island at the entrance to Bynoe Harbour.





# NLC staff profile 2016/17

FIGURE 38: STAFF, BY BRANCH INDIGENEITY

| BRANCHES             | POSITIONS | ATSI |
|----------------------|-----------|------|
| Secretariat          | 12        | 3    |
| Corporate Services   | 40        | 18   |
| Minerals & Energy    | 10        | 3    |
| Regional Development | 40        | 26   |
| Caring for Country   | 75        | 59   |
| WOC                  | 8         | 4    |
| ILC                  | 8         | 7    |
| Anthropology         | 23        | 7    |
| Legal                | 17        | 2    |
| TOTALS               | 233       | 129  |

FIGURE 39: STAFF NUMBERS 2008/09–2016/17





Beswick Falls, Glenn Campbell

## Delegations

The 115th meeting of the Full Council at Katherine in May resolved to regularise the NLC's instrument of delegation.

The Full Council revoked previous resolutions relating to the delegation of its powers under the Aboriginal Land Rights (Northern Territory) Act 1976, and exercised its power under section 28 to delegate its powers as set out below.

### Non-delegated powers under the Land Rights Act

The following powers under the Land Rights Act are not delegated by the Full Council of the NLC:

- (a) the power to direct a Land Trust to grant a lease of a township to an approved entity under section 19A of the Land Rights Act;
- (b) those powers that cannot be delegated under Section 28(2) of the Land Rights Act;
- (c) the power to elect members of the Account Advisory Committee under Section 65 of the Land Rights Act;
- (d) the power to request the Minister to vary the method or methods of choice for choosing members of the NLC under Section 29(1) of the Land Rights Act;
- (e) the power, with the approval of the Minister, to co-opt up to 5 additional members of the NLC under Section 29(2) of the Land Rights Act;
- (f) the power to elect the Chairman and Deputy Chairman of the NLC under Section 30 of the Land Rights Act;
- (g) the power to make rules providing for and in relation to the convening of meetings of the NLC and the procedure for the conduct of such meetings under Section 31(7) of the Land Rights Act;
- (h) the power to appoint members to the committees of NLC to assist the NLC to fulfil its functions and to give directions about the meeting procedures of such committees under Section 29A of the Land Rights Act;
- (i) the power to enter into mining agreements under section 48(D)(1) of the Land Rights Act;
- (j) the power to enter into exploration or mining agreements on land under claim under Section 48A of the Land Rights Act; and
- (k) the power to employ staff other than in accordance with clause 10; (together, the Non-Delegated Powers).

### Delegation of powers to the Executive Council

The Full Council of the NLC delegates to the Executive Council of the NLC all of its powers under the Land Rights Act other than:

- (a) the Non-Delegated Powers; and
- (b) the power to direct a Land Trust to grant, transfer or surrender any estate or interest in respect of land under section 19 of the Land Rights Act where the grant, transfer or surrender by the Land Trust concerns an estate or interest in Aboriginal land under an agreement or agreements that will have effect for a period that exceeds, or the period that together exceed, 40 years.

## Delegation of powers to the CEO

The Full Council of the NLC delegates to the Chief Executive Officer of the NLC (CEO of the NLC) all of its powers under the Land Rights Act other than:

- (a) the Non-Delegated Powers;
- (b) the power to direct a Land Trust to grant, transfer or surrender any estate or interest in respect of land under Section 19 of the Land Rights Act where the grant, transfer or surrender by the Land Trust concerns an estate or interest in Aboriginal land under an agreement or agreements:
  - (i) that will have effect for a period that exceeds, or the period that together exceed, 2 years;
  - (ii) requires the consent of the Minister under the Land Rights Act; or
  - (iii) will, or is likely to, involve the payment or receipt of an amount exceeding \$1,000,000;
- (c) the power to consent to the grant of exploration licences under Sections 40 and 42(1)(a) of the Land Rights Act;
- (d) the power to enter into an agreement under Section 40 of the Land Rights Act to which the grant of exploration licences will be subject; and
- (e) the power to enter into mining agreements under Sections 45(a) of the Land Rights Act.

## Delegation of powers to Regional Councils

The Full Council of the NLC delegates to each Regional Council of the NLC, in respect of land within its region and adjacent seas, the power to direct a Land Trust to grant, transfer or surrender any estate or interest in respect of land under Section 19 of the Land Rights Act where the grant, transfer or surrender by the Land Trust concerns an estate or interest in Aboriginal land under an agreement or agreements other than an agreement or agreements:

- (a) that will have effect for a period that exceeds, or the period that together exceed, 5 years; and
- (b) will, or is likely to, involve the payment or receipt of an amount exceeding \$250,000.

## Delegation of powers of employment

The Full Council of the NLC delegates to:

- (a) the Executive Council of the NLC, the power to employ, and terminate the employment of, the CEO of the NLC, and determine the terms and conditions of his or her employment; and
- (b) the CEO of the NLC, the power to employ (after receiving recommendations from the manager of the branch in which the person is to be employed), and terminate the employment of, all staff of NLC and engage consultants and determine the terms and conditions of their employment and engagement.





# Annual Performance Statement

## 1.0 INTRODUCTORY STATEMENT

We, Samuel Bush-Blanas and Joe Morrison as the Accountable Authority of the Northern Land Council (NLC), present the 2016/17 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.

## 2.0 ENTITY PURPOSE

The purposes of the NLC over the next four years are prescribed by the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) and the *Native Title Act 1993* (NTA).

Our responsibilities under the *Aboriginal Land Rights (Northern Territory) Act 1976* are as laid out in Section 23(1):

- To ascertain and express the wishes and the opinion of Aboriginals living in the area of the Land Council as to the management of Aboriginal land in that area and as to appropriate legislation concerning that land; and
- To protect the interests of traditional Aboriginal owners of, and other Aboriginal interests in, Aboriginal land in the area of the Land Council; and
- To assist Aboriginals in the taking of measures likely to assist in the protection of sacred sites on land (whether or not Aboriginal land) in the area of the Land Council; and
- To consult with traditional Aboriginal owners of, and other Aboriginals interested in, Aboriginal land in the area of the Land Council with respect to any proposal relating to the use of that land; and
- Where the Land Council holds in escrow a deed of grant of land made to a Land Trust under section 12:
  - To negotiate with persons having estates or interests in that land with a view to the acquisition of those estates or interests by the Land Trust; and
  - Until those estates or interests have been so acquired, to negotiate with those persons with a view to the use by Aboriginals of the land in such manner as may be agreed between the land Council and those persons; and
- To negotiate with persons desiring to obtain an estate or interest in land in the area of the Land Council:
  - where the land is held by a Land Trust - on behalf of traditional Aboriginal owners (if any) of that land and of any other Aboriginals interested in the land; and
  - where the land is the subject of an application referred to in subsection 50(1)(a) - on behalf of the traditional Aboriginal owners of that land or on behalf of any other Aboriginals interested in the land; and

- To assist Aboriginals in the area of the Land Council to carry out commercial activities (including resource development, the provision of tourist facilities and agricultural activities) in any manner that will not cause the Land Council to incur financial liability or enable it to receive financial benefit; and
- For land that is a community living area and in the area of the Land Council - to assist the owner of the land, if requested to do so, in relation to any dealings in the land (including assistance in negotiating leases of, or other grants of interests in, the land); and
- To assist Aboriginals claiming to have a traditional land claim to an area of land within the area of the Land Council in pursuing the claim, in particular, by arranging for legal assistance for them at the expense of the Land Council; and
- To negotiate, and enter into agreements, as necessary, for the purposes of subsection 70(4); and
- To compile and keep:
  - a register recording the names of the members of the Land Council; and
  - a register recording the names of the members of the Land Trusts holding, or established to hold, Aboriginal land in its area and descriptions of each area of such Aboriginal land; and

- To supervise, and provide administrative or other assistance for, Land Trusts holding, or established to hold, Aboriginal land in its area.

Our responsibilities as a Native Title Representative Body under Section 203B(1) of the *Native Title Act 1993* are:-

- the facilitation and assistance functions referred to in section 203BB;
- the certification functions referred to in section 203BE;
- the dispute resolution functions referred to in section 203BF;
- the notification functions referred to in section 203BG;
- the agreement making function referred to in section 203BH;
- the internal review functions referred to in section 203BI; and
- the functions referred to in section 203BJ and such other functions as are conferred on representative bodies by that Act.

Our purposes as described above are added to by our Vision and Values, which have been provided to us as our stakeholder mandate.

FIGURE 40: PERFORMANCE RESULTS

| PERFORMANCE CRITERION                                                                                                                                                                                                                                                                                                                                                                                                         | CRITERION SOURCE | RESULT AGAINST PERFORMANCE CRITERION                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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   | <ul style="list-style-type: none"> <li>• 6.5% of remaining ALRA claims have been settled and awaiting final approval.</li> <li>• NLC has complied with the Federal Court's orders in respect of all native title claims.</li> <li>• Total of 634 EOIs (Expressions of Interest by parcel of land) for 2016/17, of which 361 were finalised, giving a completion rate of 57%.</li> </ul> |
| 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.                                                                                                                                                                                                            | Corporate Plan   | <ul style="list-style-type: none"> <li>• Additional budget funding made available to increase capacity in the prosecution of the NLC's responsibilities under the ALRA and NTA.</li> </ul>                                                                                                                                                                                              |
| Update GIS Mapping capabilities.                                                                                                                                                                                                                                                                                                                                                                                              | Corporate Plan   | <ul style="list-style-type: none"> <li>• Upgrade to the GIS software toolkit.</li> <li>• Significant workflows were developed to manage important corporate datasets in line with NLC operational procedures.</li> </ul>                                                                                                                                                                |

FIGURE 40: PERFORMANCE RESULTS (CONT.)

| PERFORMANCE CRITERION                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CRITERION SOURCE | RESULT AGAINST PERFORMANCE CRITERION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Create 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   | <ul style="list-style-type: none"> <li>• Community Planning and Development Unit established.</li> <li>• Operational funding secured and 3 FTE staff (a Manager and 2 CP&amp;D Officers) recruited.</li> <li>• An organisational CP&amp;D Framework prepared and endorsed by the Full Council of the NLC.</li> <li>• CP&amp;D model tested in 5 locations with 2 Aboriginal groups already making funding allocations to social and economic initiatives planned under the program through local decision-making processes.</li> </ul> |
| <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   | <ul style="list-style-type: none"> <li>• Funding for review was not approved as part of ABA supplementary bid. An abridged review has been approved and is now underway.</li> <li>• IPA and Ranger group activities for 2016/17 have been completed and meet necessary standards.</li> </ul>                                                                                                                                                                                                                                           |
| <p>Develop and implement a communications and public relations plan.</p> <p>Organise events, and prepare resources and publications, publish the Land Rights News 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   | <ul style="list-style-type: none"> <li>• Contract let for new NLC website: work to be completed by end 2017.</li> <li>• New media job advertised.</li> <li>• Four issues of LRN (Northern Edition) published.</li> <li>• Press releases published, and frequent responses made to news media enquiries.</li> <li>• APONT membership sustained, and regular liaison maintained with other institutions, including AAPA.</li> </ul>                                                                                                      |

FIGURE 40: PERFORMANCE RESULTS (CONT.)

| PERFORMANCE CRITERION                                                                                                                                                                                                                                                                                                                                                  | CRITERION SOURCE | RESULT AGAINST PERFORMANCE CRITERION                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. | Corporate Plan   | <ul style="list-style-type: none"> <li>• Annual Financial Statements prepared, submitted and published on time.</li> <li>• 22 policies approved and implemented within the 2016/17 period.</li> </ul> |

## Analysis

The Northern Land Council continued to implement reforms in 2016/17 to strengthen, improve and increase efficiency through a review and upgrade of systems, policies and processes.

The 2016/17 ANAO Performance audit acknowledged these reforms, citing:

“...progress (has been) achieved in corporate planning and reporting, financial reporting and internal governance through the operations of an Audit Committee. Other reforms, including human resources and records management, are well underway with an overhaul of the council’s information and communications technology systems in the early stages”.

The major review of information, technology and communications had taken place in 2016/17. The review identified areas for improvement and provided recommendations which would deliver savings, efficiencies and

increased productivity through modern and reliable systems. Many of the recommendations were implemented during 2016/17. There have been major upgrades to the NLC’s corporate systems, in particular the financial system and information management system. A new human resource system was also implemented during the period. There has been a focus to review, update and approve internal policy and procedures, with 22 policies being approved in the 2016/17 period. The NLC fulfilled its commitment to establish a Community Planning and Development Unit, with the unit being operational as of July 2016.

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.



# PART 4A

Yellow Water, Kakadu

# Annual Financial Statement 2016/17

## 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 2017:

- comply with Australian Accounting Standards - Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- present fairly the financial position of the Northern Land Council as at 30 June 2017 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 2017 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* to the extent that they are not in conflict with the *Auditor-General Act 1997* (the Code). 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 Authorities 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 are 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 reason. The Chairman and Chief Executive Officer are also responsible for disclosing matters related to going concern as applicable 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

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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 Authorities;
- 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



Jodi George

Acting Executive Director

Delegate of the Auditor-General

Canberra

20 September 2017

## STATEMENT BY THE ACCOUNTABLE AUTHORITIES AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2017 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

20 September 2017



## STATEMENT OF COMPREHENSIVE INCOME

### for the year ended 30 June 2017

| NET COST OF SERVICES                                                                 | NOTES | 2017          | 2016          |
|--------------------------------------------------------------------------------------|-------|---------------|---------------|
|                                                                                      |       | \$'000        | \$'000        |
| <b>EXPENSES</b>                                                                      |       |               |               |
| Employee benefits                                                                    | 3A    | 21,199        | 21,563        |
| Suppliers                                                                            | 3B    | 18,567        | 16,716        |
| Depreciation                                                                         | 3C    | 974           | 1,000         |
| Write-down and impairment of assets                                                  | 3D    | 74            | 264           |
| Loss on disposal of assets                                                           | 3E    | 50            | 102           |
| <b>Total Expenses</b>                                                                |       | <b>40,864</b> | <b>39,645</b> |
| <b>OWN-SOURCE INCOME</b>                                                             |       |               |               |
| <b>Own-source revenue</b>                                                            |       |               |               |
| Sale of goods and rendering of services                                              | 4A    | 3,385         | 2,467         |
| Interest                                                                             | 4B    | 210           | 232           |
| <b>Total own-source revenue</b>                                                      |       | <b>3,596</b>  | <b>2,699</b>  |
| <b>Gains</b>                                                                         |       |               |               |
| Gain from sale of assets                                                             | 4C    | -             | 10            |
| Reversals of previous asset write-downs and impairments                              | 4D    | 751           | 374           |
| <b>Total gains</b>                                                                   |       | <b>751</b>    | <b>384</b>    |
| <b>Total own-source income</b>                                                       |       | <b>4,347</b>  | <b>3,083</b>  |
| <b>Net cost of services</b>                                                          |       | <b>36,517</b> | <b>36,562</b> |
| Revenue from Government- PM&C                                                        | 4E    | 5,045         | 7,560         |
| Revenue from ABA s64 (1)                                                             | 4F    | 21,438        | 20,203        |
| Revenue from Government-Special Purpose Grant                                        | 4G    | 10,831        | 8,749         |
| <b>Total revenue from Government</b>                                                 |       | <b>37,314</b> | <b>36,513</b> |
| <b>Surplus / (Deficit) attributable to the Australian Government</b>                 |       | <b>796</b>    | <b>(49)</b>   |
| <b>Other Comprehensive Income</b>                                                    |       |               |               |
| Change in asset revaluation surplus                                                  | 7A    | 1,042         | -             |
| <b>Total Other Comprehensive Income</b>                                              |       | <b>1,042</b>  | <b>-</b>      |
| <b>Total comprehensive income / (loss) attributable to the Australian Government</b> |       | <b>1,838</b>  | <b>(49)</b>   |

The above statement should be read in conjunction with the accompanying notes.

## Statement of Financial Position as at 30 June 2017

|                                   | NOTES | 2017          | 2016          |
|-----------------------------------|-------|---------------|---------------|
|                                   |       | \$'000        | \$'000        |
| <b>ASSETS</b>                     |       |               |               |
| <b>Financial Assets</b>           |       |               |               |
| Cash and cash equivalents         | 6A    | 16,549        | 7,354         |
| Trade and other receivables       | 6B    | 245           | 851           |
| <b>TOTAL FINANCIAL ASSETS</b>     |       | <b>16,794</b> | <b>8,205</b>  |
| <b>Non-Financial Assets</b>       |       |               |               |
| Land and buildings                | 7A    | 4,340         | 4,159         |
| Property, plant and equipment     | 7A    | 4,574         | 3,282         |
| Other non-financial assets        | 7B    | 259           | 303           |
| <b>Total non-financial assets</b> |       | <b>9,173</b>  | <b>7,744</b>  |
| <b>TOTAL ASSETS</b>               |       | <b>25,967</b> | <b>15,949</b> |
| <b>LIABILITIES</b>                |       |               |               |
| <b>Payables</b>                   |       |               |               |
| Suppliers                         | 8A    | 1,111         | 2,252         |
| Other payables                    | 8B    | 736           | 449           |
| <b>TOTAL PAYABLES</b>             |       | <b>1,847</b>  | <b>2,701</b>  |
| <b>Unearned Revenue</b>           |       |               |               |
| Advance Payments                  | 9     | 9,708         | 728           |
| <b>TOTAL UNEARNED REVENUE</b>     |       | <b>9,708</b>  | <b>728</b>    |
| <b>Provisions</b>                 |       |               |               |
| Employee provisions               | 10    | 3,241         | 3,191         |
| <b>Total provisions</b>           |       | <b>3,241</b>  | <b>3,191</b>  |
| <b>TOTAL LIABILITIES</b>          |       | <b>14,796</b> | <b>6,620</b>  |
|                                   |       |               |               |

|                            |  |               |              |
|----------------------------|--|---------------|--------------|
| <b>NET ASSETS</b>          |  | <b>11,170</b> | <b>9,332</b> |
| <b>EQUITY</b>              |  |               |              |
| Asset Revaluation Reserves |  | 3,028         | 1,986        |
| Retained surplus           |  | 8,142         | 7,346        |
| <b>TOTAL EQUITY</b>        |  | <b>11,170</b> | <b>9,332</b> |

The above statement should be read in conjunction with the accompanying notes.

### STATEMENT OF CHANGES IN EQUITY for the year ended 30 June 2017

|                                                                                | RETAINED EARNINGS |              | ASSET<br>REVALUATION<br>RESERVE |              | TOTAL EQUITY  |              |
|--------------------------------------------------------------------------------|-------------------|--------------|---------------------------------|--------------|---------------|--------------|
|                                                                                | 2017              | 2016         | 2017                            | 2016         | 2017          | 2016         |
|                                                                                | \$'000            | \$'000       | \$'000                          | \$'000       | \$'000        | \$'000       |
| <b>Opening balance</b>                                                         |                   |              |                                 |              |               |              |
| Balance carried forward from previous period                                   | 7,346             | 7,394        | 1,986                           | 1,986        | 9,332         | 9,380        |
| <b>Adjusted opening balance</b>                                                | <b>7,346</b>      | <b>7,394</b> | <b>1,986</b>                    | <b>1,986</b> | <b>9,332</b>  | <b>9,380</b> |
|                                                                                |                   |              |                                 |              |               |              |
| <b>Comprehensive Income</b>                                                    |                   |              |                                 |              |               |              |
| Other Comprehensive Income                                                     |                   |              | 1,042                           | -            | 1,042         | -            |
| Surplus (Deficit) for the period                                               | 796               | (49)         | -                               | -            | 796           | (49)         |
| <b>Total Comprehensive Income</b>                                              | <b>796</b>        | <b>(49)</b>  | <b>1,042</b>                    | <b>-</b>     | <b>1,838</b>  | <b>(49)</b>  |
|                                                                                |                   |              |                                 |              |               |              |
| <b>CLOSING BALANCE AS AT 30 JUNE ATTRIBUTABLE TO THE AUSTRALIAN GOVERNMENT</b> | <b>8,142</b>      | <b>7,346</b> | <b>3,028</b>                    | <b>1,986</b> | <b>11,170</b> | <b>9,332</b> |

The above statement should be read in conjunction with the accompanying notes.

## CASH FLOW STATEMENT

for the year ended 30 June 2017

|                                                                           | NOTES   | 2017            | 2016            |
|---------------------------------------------------------------------------|---------|-----------------|-----------------|
|                                                                           |         | \$'000          | \$'000          |
| <b>OPERATING ACTIVITIES</b>                                               |         |                 |                 |
| Cash received                                                             |         |                 |                 |
| Sales of goods and rendering of services                                  |         | 4,131           | 2,641           |
| Receipts from Government                                                  |         | 39,089          | 40,032          |
| Interest                                                                  | Note 4B | 210             | 232             |
| <b>TOTAL CASH RECEIVED</b>                                                |         | <b>43,430</b>   | <b>42,905</b>   |
| <b>CASH USED</b>                                                          |         |                 |                 |
| Employees                                                                 |         | (21,149)        | (21,405)        |
| Suppliers                                                                 |         | (11,485)        | (17,476)        |
| Net GST paid                                                              |         | (146)           | (2,379)         |
| <b>Total cash used</b>                                                    |         | <b>(32,780)</b> | <b>(41,260)</b> |
| <b>NET CASH FROM OPERATING ACTIVITIES</b>                                 |         | <b>10,650</b>   | <b>1,644</b>    |
| <b>INVESTING ACTIVITIES</b>                                               |         |                 |                 |
| Cash received                                                             |         |                 |                 |
| Proceeds from sales of property, plant and equipment                      | Note 3E | 45              | 98              |
| <b>TOTAL CASH RECEIVED</b>                                                |         | <b>45</b>       | <b>98</b>       |
| <b>CASH USED</b>                                                          |         |                 |                 |
| Purchase of property, plant and equipment                                 | Note 7A | (1,500)         | (976)           |
| <b>Total cash used</b>                                                    |         | <b>(1,500)</b>  | <b>(976)</b>    |
| <b>Net cash /(used by) investing activities</b>                           |         | <b>(1,455)</b>  | <b>(878)</b>    |
| <b>Net increase in cash held</b>                                          |         | <b>9,195</b>    | <b>766</b>      |
| <b>Cash and cash equivalents at the beginning of the reporting period</b> |         | <b>7,354</b>    | <b>6,588</b>    |
| <b>CASH AND CASH EQUIVALENTS AT THE END OF THE REPORTING PERIOD</b>       |         | <b>16,549</b>   | <b>7,354</b>    |

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 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 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**

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 except doubtful debts for which provision of \$543,123 has been made in the current year.

### **1.4 New Accounting Standards**

#### **Adoption of New Australian Accounting Standard Requirements**

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.

#### **Future Australian Accounting Standard Requirements**

The following new/revised/amending standards and/or interpretations were issued by the Australian 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/<br>INTERPRETATION                                                                                                                                                                                                                 | APPLICATION<br>DATE | NATURE OF IMPENDING CHANGE/S<br>IN ACCOUNTING POLICY AND LIKELY<br>IMPACT ON INITIAL APPLICATION                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AASB 9 Financial Instruments (Dec 2014), AASB 2014-1</b><br><br>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: 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>                     |
| <b>AASB 15 Revenue from Contracts with Customers, AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15</b>                                                                                                        | 1 Jan 2018          | <p>AASB 15 outlines a single comprehensive model for entities to use in accounting for revenue arising from contracts with customers. It replaces several Standards and Interpretations, including AASB 111 Construction Contracts, AASB 118 Revenue, Interpretation 15 Agreements for the Construction of Real Estate, and Interpretation 18 Transfers of Assets from Customers.</p> <p>The standard does not impact the financial statements.</p> |
| <b>AASB 1058 Income of Not-for-Profit Entities</b>                                                                                                                                                                                          | 1 Jan 2019          | <p>Income of Not-for-Profit Entities AASB 1058 will replace 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.</p> <p>NLC is still reviewing the way that income is measured and recognised to identify whether there will be any material impact arising from these standards</p>        |

| STANDARD/<br>INTERPRETATION | APPLICATION<br>DATE | NATURE OF IMPENDING CHANGE/S<br>IN ACCOUNTING POLICY AND LIKELY<br>IMPACT ON INITIAL APPLICATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. 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 over 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 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 will adopt this standard from 1 July 2019 but the impact of its adoption is yet to be assessed by NLC.</p> |

All other new/revised/amending standards and/or interpretations that were issued prior to the sign-off date and are applicable to future reporting period(s) are not expected to have a future material impact on the Northern Land Council's financial statements.

## 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

|                                                      | 2017          | 2016          |
|------------------------------------------------------|---------------|---------------|
|                                                      | \$'000        | \$'000        |
| <b>NOTE 3A: EMPLOYEE BENEFITS</b>                    |               |               |
| Wages and salaries                                   | 18,085        | 18,556        |
| <b>Superannuation</b>                                |               |               |
| Defined contribution plans                           | 2,158         | 1,956         |
| Leave and other entitlements                         | 955           | 1,051         |
| <b>TOTAL EMPLOYEE BENEFITS</b>                       | <b>21,199</b> | <b>21,563</b> |
| <b>NOTE 3B: SUPPLIERS</b>                            |               |               |
| <b>Goods and services supplied or rendered</b>       |               |               |
| Consultants                                          | 2,720         | 2,637         |
| Stationery                                           | 557           | 323           |
| Travel                                               | 3,307         | 2,693         |
| Vehicle Expenses                                     | 1,629         | 1,278         |
| Office Accommodation                                 | 826           | 914           |
| IT/Communications                                    | 1,882         | 1,374         |
| Payment to Grant Partners                            | 2,334         | 1,877         |
| Other                                                | 3,503         | 3,690         |
| <b>TOTAL GOODS AND SERVICES SUPPLIED OR RENDERED</b> | <b>16,758</b> | <b>14,787</b> |
| <b>Other suppliers</b>                               |               |               |
| <b>Operating lease rentals</b>                       |               |               |
| Minimum lease payments                               | 1,505         | 1,685         |
| Workers compensation expenses                        | 304           | 244           |
| <b>Total other suppliers</b>                         | <b>1,809</b>  | <b>1,929</b>  |
| <b>TOTAL SUPPLIERS</b>                               | <b>18,567</b> | <b>16,716</b> |



## Leasing Commitments

|                                          | 2017         | 2016         |
|------------------------------------------|--------------|--------------|
|                                          | \$'000       | \$'000       |
| <b>Operating Lease Commitments</b>       |              |              |
| Within 1 year                            | 541          | 1,246        |
| Between 1 to 5 years                     | 1,095        | 1,261        |
| More than 5 years                        | 124          | 196          |
| <b>TOTAL OPERATING LEASE COMMITMENTS</b> | <b>1,760</b> | <b>2,703</b> |

### 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.

|                               | 2017       | 2016         |
|-------------------------------|------------|--------------|
|                               | \$'000     | \$'000       |
| <b>NOTE 3C: DEPRECIATION</b>  |            |              |
| <b>Depreciation:</b>          |            |              |
| Property, plant and equipment | 596        | 450          |
| Buildings and leasehold       | 378        | 550          |
| <b>TOTAL DEPRECIATION</b>     | <b>974</b> | <b>1,000</b> |

|                                                     | 2017      | 2016       |
|-----------------------------------------------------|-----------|------------|
|                                                     | \$'000    | \$'000     |
| <b>NOTE 3D: WRITE-DOWN AND IMPAIRMENT OF ASSETS</b> |           |            |
| Impairment on financial Instruments                 | 74        | 264        |
| <b>TOTAL WRITE-DOWN AND IMPAIRMENT OF ASSETS</b>    | <b>74</b> | <b>264</b> |
|                                                     |           |            |
| <b>NOTE 3E: LOSS ON DISPOSAL OF ASSETS</b>          |           |            |
| Proceeds from sale                                  | 45        | 98         |
| Carrying value of assets disposed                   | 95        | 200        |
| <b>TOTAL LOSS FROM ASSETS SALES</b>                 | <b>50</b> | <b>102</b> |

#### Note 4: Own-Source Income

|                                                         | 2017         | 2016         |
|---------------------------------------------------------|--------------|--------------|
|                                                         | \$'000       | \$'000       |
| <b>OWN-SOURCE REVENUE</b>                               |              |              |
| <b>NOTE 4A: SALE OF GOODS AND RENDERING OF SERVICES</b> |              |              |
| Rendering of services in connection with                |              |              |
| Related entities                                        | 535          | 248          |
| External parties                                        | 2,850        | 2,219        |
| <b>TOTAL SALE OF GOODS AND RENDERING OF SERVICES</b>    | <b>3,385</b> | <b>2,467</b> |

#### ACCOUNTING POLICY

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the Northern Land Council retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the Northern Land Council.

**ACCOUNTING POLICY (cont.)**

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:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- 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.

|                          | \$'000     | \$'000     |
|--------------------------|------------|------------|
| <b>NOTE 4B: INTEREST</b> |            |            |
| Deposits                 | 210        | 232        |
| <b>TOTAL INTEREST</b>    | <b>210</b> | <b>232</b> |

**ACCOUNTING POLICY**

Interest revenue is recognised using the effective interest method as set out in AASB 139 Financial Instruments: Recognition and Measurement.

|                                           | \$'000   | \$'000    |
|-------------------------------------------|----------|-----------|
| <b>GAINS</b>                              |          |           |
| <b>NOTE 4C: GAINS FROM SALE OF ASSETS</b> |          |           |
| Property, plant and equipment             |          |           |
| Proceeds from sale                        | -        | 10        |
| Carrying value of assets sold             | -        | -         |
| <b>TOTAL GAIN FROM SALE OF ASSETS</b>     | <b>-</b> | <b>10</b> |

**ACCOUNTING POLICY**

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

|                                                                                                     | 2017          | 2016          |
|-----------------------------------------------------------------------------------------------------|---------------|---------------|
|                                                                                                     | \$'000        | \$'000        |
| <b>NOTE 4D: REVERSALS OF PREVIOUS ASSET WRITE-DOWNS AND IMPAIRMENTS</b>                             |               |               |
| Reversal of Impairment losses                                                                       | 751           | 374           |
| <b>TOTAL REVERSALS OF PREVIOUS ASSET WRITE-DOWNS AND IMPAIRMENTS</b>                                | <b>751</b>    | <b>374</b>    |
|                                                                                                     |               |               |
| <b>REVENUE FROM GOVERNMENT</b>                                                                      |               |               |
| <b>NOTE 4E: REVENUE FROM GOVERNMENT - DEPARTMENT OF THE PRIME MINISTER &amp; CABINET (PM&amp;C)</b> |               |               |
| Native Title Program                                                                                | 4,575         | 4,958         |
| Revenue from ABA s64 (4)                                                                            | -             | 2,312         |
| Others                                                                                              | 469           | 291           |
|                                                                                                     | <b>5,045</b>  | <b>7,560</b>  |
|                                                                                                     |               |               |
| <b>NOTE 4F: ABA S64 ( 1)</b>                                                                        |               |               |
| PM&C - Revenue from ABA s64 (1)                                                                     | 21,438        | 20,203        |
|                                                                                                     | <b>21,438</b> | <b>20,203</b> |
|                                                                                                     |               |               |
| <b>NOTE 4G: REVENUE FROM GOVERNMENT-SPECIAL PURPOSE GRANTS</b>                                      |               |               |
| Department of The Prime Minister and Cabinet                                                        | 7,826         | 4,977         |
| Indigenous Land Corporation                                                                         | 1,014         | 1,236         |
| Department of Defence                                                                               | -             | 164           |
| Department of Environment                                                                           | 862           | -             |
| Department of Primary Industries & Fisheries                                                        | 120           | 180           |
| Department of Land Resource Management                                                              | 175           | 1,623         |
| Department of Agriculture & Water Resources                                                         | 218           | 90            |
| ALFA (NT) Limited                                                                                   | 200           | -             |
| Parks & Wildlife Commission                                                                         | 228           | 120           |
| Others                                                                                              | 188           | 359           |
|                                                                                                     | <b>10,831</b> | <b>8,749</b>  |

**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

|                                           | 2017          | 2016         |
|-------------------------------------------|---------------|--------------|
|                                           | \$'000        | \$'000       |
| <b>NOTE 6A: CASH AND CASH EQUIVALENTS</b> |               |              |
| Cash on hand or on deposit                | 16,549        | 7,354        |
| <b>TOTAL CASH AND CASH EQUIVALENTS</b>    | <b>16,549</b> | <b>7,354</b> |

### Accounting policy

Cash is recognised at its nominal amount. Cash and cash equivalents include:

- cash on hand
- 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.

|                                                           | 2017         | 2016         |
|-----------------------------------------------------------|--------------|--------------|
|                                                           | \$'000       | \$'000       |
| <b>NOTE 6B: TRADE AND OTHER RECEIVABLES</b>               |              |              |
| <b>Goods and Services receivables in connection with:</b> |              |              |
| External parties                                          | 1,216        | 1,623        |
| <b>Total goods and services receivable</b>                | <b>1,216</b> | <b>1,623</b> |
| <b>Grant receivables</b>                                  |              |              |
| External parties                                          | 145          | 40           |
| Related parties                                           | 17           | 293          |
| <b>Total Grant receivables</b>                            | <b>162</b>   | <b>333</b>   |
| <b>TOTAL TRADE RECEIVABLES</b>                            | <b>1,378</b> | <b>1,956</b> |
| <b>Other receivables</b>                                  |              |              |
| GST receivable from the Australian Taxation Office        | (590)        | 114          |
| <b>Total other receivables</b>                            | <b>(590)</b> | <b>114</b>   |
| <b>TOTAL TRADE AND OTHER RECEIVABLES (GROSS)</b>          | <b>788</b>   | <b>2,070</b> |
| <b>Less impairment allowance</b>                          |              |              |
| Grants Receivable                                         | (40)         | (40)         |
| Goods and services                                        | (503)        | (1,180)      |

|                                                             |            |            |
|-------------------------------------------------------------|------------|------------|
| Total impairment allowance                                  | (543)      | (1,220)    |
| Total trade and other receivables (Net)                     | 245        | 851        |
| Trade and other receivables (net) expected to be recovered: |            |            |
| No more than 12 months                                      | 245        | 851        |
| <b>TOTAL TRADE AND OTHER RECEIVABLES (NET)</b>              | <b>245</b> | <b>851</b> |

## 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 2017

|                      | GOODS AND<br>SERVICES | GRANTS<br>RECEIVABLES | GST    | TOTAL  |
|----------------------|-----------------------|-----------------------|--------|--------|
|                      | 2017                  | 2017                  | 2017   | 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      | 503                   | 40                    | -      | 543    |

## Movements in relation to 2016

|                      | GOODS AND<br>SERVICES | GRANTS<br>RECEIVABLES | GST    | TOTAL  |
|----------------------|-----------------------|-----------------------|--------|--------|
|                      | 2016                  | 2016                  | 2016   | 2016   |
|                      | \$'000                | \$'000                | \$'000 | \$'000 |
| Opening balance      | 1,043                 | 213                   | 74     | 1,330  |
| Amounts written off  | -                     | -                     | -      | -      |
| Amounts recovered    | (127)                 | (173)                 | (74)   | (374)  |
| Impairment of assets | 264                   | -                     | -      | 264    |
| Closing balance      | 1,181                 | 40                    | -      | 1,221  |

## 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 property, plant and equipment

| RECONCILIATION OF THE OPENING AND CLOSING BALANCE<br>OF PROPERTY, PLANT AND EQUIPMENT FOR 2016 |            |              |                           |                 |              |
|------------------------------------------------------------------------------------------------|------------|--------------|---------------------------|-----------------|--------------|
|                                                                                                | Land       | Buildings    | Leasehold<br>Improvements | Other<br>PP & E | Total        |
|                                                                                                | \$'000     | \$'000       | \$'000                    | \$'000          | \$'000       |
| Balance as at 1 July 2016                                                                      |            |              |                           |                 |              |
| Gross book value                                                                               | 299        | 2,385        | 2,458                     | 4,175           | 9,317        |
| Accumulated depreciation                                                                       | -          | (105)        | (878)                     | (892)           | (1,875)      |
| <b>TOTAL AS AT 1 JULY 2016</b>                                                                 | <b>299</b> | <b>2,280</b> | <b>1,580</b>              | <b>3,282</b>    | <b>7,443</b> |
| Additions by purchase                                                                          | -          | -            | 69                        | 1,430           | 1,500        |
| Revaluation and Impairments<br>recognised in other<br>comprehensive income                     | (9)        | 119          | 380                       | 552             | 1,042        |
| Depreciation                                                                                   | -          | (60)         | (319)                     | (596)           | (974)        |
| Disposals - other                                                                              | -          | -            | -                         | (95)            | (95)         |
| <b>TOTAL AS AT 30 JUNE 2017</b>                                                                | <b>290</b> | <b>2,340</b> | <b>1,710</b>              | <b>4,574</b>    | <b>8,914</b> |

|                                                 |            |              |              |              |              |
|-------------------------------------------------|------------|--------------|--------------|--------------|--------------|
| <b>Total as at 30 June 2017 represented by:</b> |            |              |              |              |              |
| Gross book value                                | 290        | 2,340        | 1,710        | 4,574        | 8,914        |
| Accumulated depreciation                        | -          | -            | -            | -            | -            |
| <b>TOTAL AS AT 30 JUNE 2017</b>                 | <b>290</b> | <b>2,340</b> | <b>1,710</b> | <b>4,574</b> | <b>8,914</b> |

#### 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 and buildings and leasehold improvements at year end.

No land, buildings or leasehold improvements are expected to be sold or disposed of within the next 12 months.

#### RECONCILIATION OF THE OPENING AND CLOSING BALANCE OF PROPERTY, PLANT AND EQUIPMENT FOR 2015

|                                                 | Land       | Buildings    | Leasehold Improvements | Other PP & E | Total        |
|-------------------------------------------------|------------|--------------|------------------------|--------------|--------------|
|                                                 | \$'000     | \$'000       | \$'000                 | \$'000       | \$'000       |
| <b>As at 1 July 2015</b>                        |            |              |                        |              |              |
| Gross book value                                | 299        | 2,060        | 2,344                  | 3,838        | 8,541        |
| Accumulated depreciation                        | -          | (51)         | (383)                  | (442)        | (876)        |
| <b>TOTAL AS AT 1 JULY 2015</b>                  | <b>299</b> | <b>2,009</b> | <b>1,961</b>           | <b>3,396</b> | <b>7,665</b> |
| Additions by purchase                           | -          | 325          | 113                    | 537          | 976          |
| Depreciation                                    | -          | (54)         | (496)                  | (450)        | (1,000)      |
| Disposals - other                               | -          | -            | -                      | (200)        | (200)        |
| <b>TOTAL AS AT 30 JUNE 2016</b>                 | <b>299</b> | <b>2,280</b> | <b>1,580</b>           | <b>3,282</b> | <b>7,443</b> |
| <b>Total as at 30 June 2016 represented by:</b> |            |              |                        |              |              |
| Gross book value                                | 299        | 2,385        | 2,458                  | 4,175        | 9,317        |
| Accumulated depreciation                        | -          | (105)        | (878)                  | (892)        | (1,875)      |
| <b>TOTAL AS AT 30 JUNE 2016</b>                 | <b>299</b> | <b>2,280</b> | <b>1,580</b>           | <b>3,282</b> | <b>7,443</b> |

**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                              | \$20,000 |
| Buildings                         | \$20,000 |
| Leasehold improvements            | \$5,000  |
| Furniture and equipment           | \$5,000  |
| Information technology (hardware) | \$5,000  |
| Information technology (software) | \$5,000  |
| 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:

|                              | 2017          | 2016          |
|------------------------------|---------------|---------------|
| Buildings on Freehold Land   | 10 - 40 years | 10 - 40 years |
| Leasehold Improvements       | Lease term    | Lease term    |
| Office Furniture & Equipment | 3 to 5 years  | 3 to 5 years  |
| Motor Vehicles               | 3 to 10 years | 3 to 10 years |
| Plant & Equipment            | 3 years       | 3 years       |

**Impairment**

All assets were assessed for impairment at 30 June 2017. Where indications of impairment exist, the assets' recoverable amount is estimated and an impairment adjustment 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.

|                                                                                       | 2017       | 2016       |
|---------------------------------------------------------------------------------------|------------|------------|
|                                                                                       | \$'000     | \$'000     |
| <b>NOTE 7B: OTHER NON-FINANCIAL ASSETS</b>                                            |            |            |
| Other                                                                                 | 13         | 14         |
| Prepayments                                                                           | 246        | 289        |
| <b>Total other non-financial assets</b>                                               | <b>259</b> | <b>303</b> |
| <b>Other non financial assets to be recovered</b>                                     |            |            |
| 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

|                                                                         | 2017         | 2016         |
|-------------------------------------------------------------------------|--------------|--------------|
|                                                                         | \$'000       | \$'000       |
| <b>NOTE 8A: SUPPLIERS</b>                                               |              |              |
| Trade creditors and accruals                                            | 1,111        | 2,252        |
| <b>TOTAL SUPPLIERS</b>                                                  | <b>1,111</b> | <b>2,252</b> |
| <b>Suppliers expected to be settled</b>                                 |              |              |
| All Suppliers are expected to be settled in no more than 12 months      |              |              |
| Settlement was usually made within 30 days.                             |              |              |
| <b>NOTE 8B: OTHER PAYABLES</b>                                          |              |              |
| Salaries and wages                                                      | 180          | 92           |
| Superannuation                                                          | 170          | 292          |
| Other                                                                   | 387          | 64           |
| <b>TOTAL OTHER PAYABLES</b>                                             | <b>736</b>   | <b>449</b>   |
| <b>Total other payables expected to be settled</b>                      |              |              |
| All other payables are expected to be settled in no more than 12 months |              |              |

## Note 9: Unearned revenue

|                                                                          | 2017         | 2016       |
|--------------------------------------------------------------------------|--------------|------------|
|                                                                          | \$'000       | \$'000     |
| Advance Payments                                                         | 9,708        | 728        |
| <b>TOTAL UNEARNED REVENUE</b>                                            | <b>9,708</b> | <b>728</b> |
|                                                                          |              |            |
| <b>Total Unearned Revenue expected to be settled</b>                     |              |            |
| All unearned revenue is expected to be settled in no more than 12 months |              |            |

## Note 10: Employee provisions

|                                                   | 2017         | 2016         |
|---------------------------------------------------|--------------|--------------|
|                                                   | \$'000       | \$'000       |
| Leave                                             | 3,241        | 3,191        |
| <b>TOTAL EMPLOYEE PROVISIONS</b>                  | <b>3,241</b> | <b>3,191</b> |
|                                                   |              |              |
| <b>Employee provisions expected to be settled</b> |              |              |
| No more than 12 months                            | 2,260        | 2,235        |
| More than 12 months                               | 980          | 956          |
| <b>TOTAL EMPLOYEE PROVISIONS</b>                  | <b>3,241</b> | <b>3,191</b> |

**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. The entity makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by the EBA. The liability of superannuation recognised as at 30 June represents outstanding contributions.

**Note 11: Contingent Assets and Liabilities**

|                                       | CLAIMS FOR DAMAGES<br>OR COSTS |            |
|---------------------------------------|--------------------------------|------------|
|                                       | 2017                           | 2016       |
|                                       | \$'000                         | \$'000     |
| <b>Contingent Liabilities</b>         |                                |            |
| Balance from previous period          | 160                            | 250        |
| New contingent liabilities recognised | 440                            | -          |
| Obligations expired                   | -                              | (90)       |
| <b>TOTAL CONTINGENT LIABILITIES</b>   | <b>600</b>                     | <b>160</b> |



Quantifiable Contingencies

The above table contains \$600,000 of contingent liabilities disclosed in respect to claims for damages/costs (2016: \$160,000). 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 settlemeent is greater than remote.

Note 12: Related Party Disclosures

| The Council Executive Members who held office during the year ended 30 June 2017 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          |
| 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. |                    |
| There were no loans made to directors or other transactions with Directors or Director - Related Entities                                                                                                   |                    |

### Note 13: Key Management Personnel Remuneration

|                                                                                                     | 2017         | 2016         |
|-----------------------------------------------------------------------------------------------------|--------------|--------------|
|                                                                                                     | \$'000       | \$'000       |
| <b>Short-term employee benefits:</b>                                                                |              |              |
| Salary                                                                                              | 2,022        | 1,857        |
| <b>TOTAL SHORT-TERM EMPLOYEE BENEFITS</b>                                                           | <b>2,022</b> | <b>1,857</b> |
| <b>Post-employment benefits:</b>                                                                    |              |              |
| Superannuation                                                                                      | 256          | 237          |
| <b>TOTAL POST-EMPLOYMENT BENEFITS</b>                                                               | <b>256</b>   | <b>237</b>   |
| <b>Other long-term employee benefits:</b>                                                           |              |              |
| Annual leave                                                                                        | 171          | 148          |
| Long-service leave                                                                                  | 3            | 3            |
| <b>TOTAL OTHER LONG-TERM EMPLOYEE BENEFITS</b>                                                      | <b>174</b>   | <b>151</b>   |
| <b>Termination benefits</b>                                                                         |              |              |
| Termination payout                                                                                  | -            | 222          |
| <b>Total termination benefits</b>                                                                   | <b>-</b>     | <b>222</b>   |
| <b>TOTAL KEY MANAGEMENT PERSONNEL REMUNERATION EXPENSES</b>                                         | <b>2,452</b> | <b>2,466</b> |
| The total number of key management personnel that are included in the above table are 19 (2016:21). |              |              |

### Note 14: Remuneration of Auditors

|                                                                                     | 2017      | 2016      |
|-------------------------------------------------------------------------------------|-----------|-----------|
|                                                                                     | \$'000    | \$'000    |
| Remuneration to auditors for the reporting period are as follows:                   |           |           |
| Australian National Audit Office (ANAO) - Statutory audit                           | 69        | 74        |
| HLB Mann Judd - Grant Audits                                                        | 10        | 13        |
|                                                                                     | <b>79</b> | <b>87</b> |
| The audit fees above report the costs associated with auditing each financial year. |           |           |
| No other services were provided by the Australian National Audit Office.            |           |           |

## Note 15: Financial Instruments

|                                                      | 2017          | 2016         |
|------------------------------------------------------|---------------|--------------|
|                                                      | \$'000        | \$'000       |
| <b>15A CATEGORIES OF FINANCIAL INSTRUMENTS</b>       |               |              |
| Financial Assets                                     |               |              |
| Loans and receivables                                |               |              |
| Cash and Cash Equivalents                            | 16,549        | 7,354        |
| Trade and Other Receivables                          | 245           | 73           |
| <b>Total Loan and Receivables</b>                    | <b>16,794</b> | <b>7,427</b> |
| <b>TOTAL FINANCIAL ASSETS</b>                        | <b>16,794</b> | <b>7,427</b> |
|                                                      |               |              |
| Financial Liabilities                                |               |              |
| Financial liabilities measured at amortised cost     |               |              |
| Suppliers                                            | 1,111         | 2,252        |
| Other payables                                       | 736           | -            |
| <b>Total financial liabilities at amortised cost</b> | <b>1,847</b>  | <b>2,252</b> |
| <b>TOTAL FINANCIAL LIABILITIES</b>                   | <b>1,847</b>  | <b>2,252</b> |
|                                                      |               |              |
| <b>15B NET GAIN OR LOSSES ON FINANCIAL ASSETS</b>    |               |              |
| Loans and receivables                                |               |              |
| Interest revenue                                     | 210           | 232          |
| <b>Net gain/(losses) on loans and receivables</b>    | <b>210</b>    | <b>232</b>   |
|                                                      |               |              |
| <b>15C FAIR VALUE OF FINANCIAL INSTRUMENTS</b>       |               |              |

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, in accordance with Section 35 of the <i>Aboriginal Land Rights (NT) Act 1976</i> , are held in the royalty trust account, and are distributed in accordance with the requirements of the ALR(NT) Act. 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                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                             |                 |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             | 2017            | 2016            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             | \$'000          | \$'000          |
| Cash held at the beginning of the reporting period                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             | 45,111          | 41,356          |
| Add                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | RECEIPTS                                                    |                 |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ABA Section 64 (3) Royalty Equivalents                      | 14,674          | 15,468          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Section 5 - Blue Mud Bay- Fee                               | -               | -               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Section 15, 16 & 19 rental and lease monies                 | 19,322          | 15,903          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Section 42, 43 and 44 mining Exploration negotiated monies  | 12,991          | 19,096          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Native Title                                                | 4,913           | 1,590           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Other monies                                                | 831             | 589             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>TOTAL RECEIPTS</b>                                       | <b>52,731</b>   | <b>52,647</b>   |
| Less:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | PAYMENTS                                                    |                 |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ABA Section 35 (2) Royalty Equivalents                      | (16,880)        | (13,262)        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Section 35 (3) rental and lease monies                      | (16,883)        | (13,663)        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Section 35 (4) negotiated monies                            | (10,751)        | (17,130)        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Native Title                                                | (1,554)         | (1,632)         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             | <b>(46,068)</b> | <b>(45,687)</b> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | GST Paid to ATO                                             | (2,095)         | (2,912)         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Contract Administration                                     | (282)           | (293)           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>TOTAL AMOUNT HELD AT THE END OF THE REPORTING PERIOD</b> | <b>49,397</b>   | <b>45,111</b>   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>CASH AT BANK</b>                                         | <b>49,397</b>   | <b>45,111</b>   |

| The reporting requirements of the ALR(NT) 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):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                  | 2017     | 2016    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                  | \$'000   | \$'000  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Opening balance</b>                           | 2,206    | -       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Funds received                                   | 14,674   | 15,468  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Funds distributed to the following associations: |          |         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Gumatj Aboriginal Corporation                    | (10,536) | (6,315) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Rirratjingu Aboriginal Corporation               | (2,563)  | (2,622) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Laynhapuy Homelands Aboriginal Corporation       | (1,922)  | (1,966) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Gundjehmi Aboriginal Corporation                 | (1,859)  | (2,358) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Guyanggan Aboriginal Corp                        | -        | -       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Funds awaiting distribution                      | -        | -       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>CLOSING BALANCE</b>                           | -        | 2,206   |
| <p><b>Determination Pursuant to Section 35(2) Aboriginal Land Rights (Northern Territory) Act</b></p> <p>Gove Rio Alcan project royalty equivalents received pursuant to Section 64(3)</p> <p>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:-</p> <p>Gumatj Aboriginal Corporation 65% Rirratjingu Aboriginal Corporation 20%</p> <p>Laynhapuy Homelands Aboriginal Corporation 15%</p> <p>Resolution Number: C110/4784</p> <p>Note: This determination will expire on 17 June 2020.</p> <p><b>Determination Pursuant to Section 35(2) Aboriginal Land Rights (Northern Territory) Act</b></p> <p>Ranger Project royalty equivalents received pursuant to Section 64(3)</p> <p>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 Gundjehmi Aboriginal Corporation.</p> <p>Resolution: C 110/4785</p> <p>Note: This determination will expire on 17 June 2020.</p> |                                                  |          |         |



## Note 17A: ABA Special Purpose Grant Funerals and Ceremony

|                             | 2010/11<br>ACTUAL | 2011/12<br>ACTUAL | 2012/13<br>ACTUAL | 2013/14<br>ACTUAL | 2014/15<br>ACTUAL | 2015/16<br>ACTUAL | 2016/17<br>ACTUAL | TOTAL<br>ACTUAL  |
|-----------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|------------------|
|                             | \$                | \$                | \$                | \$                | \$                | \$                | \$                | \$               |
| <b>Income</b>               |                   |                   |                   |                   |                   |                   |                   |                  |
| Aboriginals Benefit Account | -                 | 500,000           | 500,000           | 500,000           | 340,379           | 290,788           | 469,127           | 2,600,294        |
| Recoveries                  | 1,231             | -                 | 2,980             | -                 | -                 | -                 | -                 | 4,211            |
| <b>TOTAL INCOME</b>         | <b>1,231</b>      | <b>500,000</b>    | <b>502,980</b>    | <b>500,000</b>    | <b>340,379</b>    | <b>290,788</b>    | <b>469,127</b>    | <b>2,604,505</b> |
| <b>Expenditure</b>          |                   |                   |                   |                   |                   |                   |                   |                  |
| Borroloola/Barkly Region    | 5,126             | 40,933            | 64,429            | 26,295            | 43,285            | 25,755            | 33,065            | 238,889          |
| Darwin/Daly Region          | 16,039            | 131,425           | 212,689           | 110,203           | 82,068            | 73,354            | 50,715            | 676,492          |
| Jabiru Region               | 15,304            | 118,418           | 182,395           | 82,057            | 75,330            | 64,389            | 46,492            | 584,385          |
| Katherine Region            | 19,542            | 97,477            | 80,050            | 65,739            | 56,049            | 75,100            | 61,818            | 455,774          |
| Ngukurr Region              | 7,964             | 45,551            | 29,091            | 44,477            | 24,518            | 24,136            | 36,480            | 212,217          |
| Nhulunbuy Region            | 16,443            | 154,743           | 135,477           | 77,804            | 66,735            | 83,503            | 69,929            | 604,635          |
| Tennant Creek               | 2,054             | 13,325            | 33,747            | 11,826            | 14,486            | 12,276            | 4,113             | 91,828           |
| Timber Creek (VRD) Region   | 6,706             | 28,932            | 33,962            | 14,545            | 15,441            | 19,215            | 10,470            | 129,271          |
| Administration              | 77                | 1,833             | 3,653             | (1,682)           | 1,400             | -                 | -                 | 5,281            |
| <b>TOTAL EXPENDITURE</b>    | <b>89,255</b>     | <b>632,637</b>    | <b>775,493</b>    | <b>431,265</b>    | <b>379,312</b>    | <b>377,728</b>    | <b>313,082</b>    | <b>2,998,772</b> |
| Commitments                 |                   |                   |                   |                   |                   |                   |                   |                  |
| <b>SURPLUS (DEFICIT)</b>    | <b>(88,024)</b>   | <b>(132,637)</b>  | <b>(272,513)</b>  | <b>68,735</b>     | <b>(38,933)</b>   | <b>(86,940)</b>   | <b>156,045</b>    | <b>(394,267)</b> |

## Note 17B: ABA - Capital Works/Infrastructure

|                                | 2016/17<br>ACTUAL | TOTAL<br>ACTUAL |
|--------------------------------|-------------------|-----------------|
|                                | \$'000            | \$'000          |
| <b>INCOME</b>                  |                   |                 |
| Grant Income                   | -                 | -               |
| <b>GRANT INCOME</b>            | -                 | -               |
|                                |                   |                 |
| <b>EXPENDITURE</b>             |                   |                 |
| Salaries & Wages               | -                 | -               |
| Superannuation                 | -                 | -               |
| Other Wage On-cost             | -                 | -               |
| Property Costs                 | -                 | -               |
| Travel Related Expenses        | 4,171             | 4,171           |
| IT Costs                       | -                 | -               |
| Financial & Legal Services     | -                 | -               |
| Consultants                    | 61,409            | 61,409          |
| Fleet Costs                    | -                 | -               |
| Office Supplies                | -                 | -               |
| Training & Conferences         | -                 | -               |
| Equipment Expenses             | -                 | -               |
| Repairs & Maintenance          | -                 | -               |
| Grant Expenses/Community Costs | -                 | -               |
| <b>TOTAL EXPENDITURE</b>       | <b>65,580</b>     | <b>65,580</b>   |
|                                |                   |                 |
| Balance brought forward        |                   | 319,026         |
| Commitments                    |                   | -               |
| <b>BALANCE OF FUNDS</b>        |                   | <b>253,446</b>  |

### Note 17C: ABA - Construct a Cultural Display Tjuwaliyn (Douglas) Hot Springs

|                              | 2012/13<br>ACTUAL | 2013/14<br>ACTUAL | 2014/15<br>ACTUAL | 2015/16<br>ACTUAL | 2016/17<br>ACTUAL | TOTAL<br>ACTUAL |
|------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------|
|                              | \$                | \$                | \$                | \$                | \$                | \$              |
| <b>INCOME</b>                |                   |                   |                   |                   |                   |                 |
| Grant Income                 | 10,000            | 35,000            | -                 | 28,000            | 7,000             | 80,000          |
| <b>TOTAL INCOME</b>          | <b>10,000</b>     | <b>35,000</b>     | <b>-</b>          | <b>28,000</b>     | <b>7,000</b>      | <b>80,000</b>   |
|                              |                   |                   |                   |                   |                   |                 |
| <b>EXPENDITURE</b>           |                   |                   |                   |                   |                   |                 |
| Motor Vehicle Expenses       | -                 | 273               | (273)             | -                 | -                 | -               |
| Audit & Acct. Fees           | 800               | -                 | -                 | -                 | -                 | 800             |
| Telephone & Fax              | -                 | -                 | -                 | -                 | -                 | -               |
| Consultants Other            | 7,000             | -                 | -                 | 24,000            | 41,200            | 72,200          |
| Minor Equipment<br>Purchases | -                 | -                 | -                 | -                 | -                 | -               |
| R&M Equipment                | -                 | -                 | -                 | -                 | -                 | -               |
| <b>TOTAL EXPENDITURE</b>     | <b>7,800</b>      | <b>273</b>        | <b>(273)</b>      | <b>24,000</b>     | <b>41,200</b>     | <b>73,000</b>   |
|                              |                   |                   |                   |                   |                   |                 |
| Commitments                  |                   |                   |                   |                   |                   | -               |
| <b>SURPLUS (DEFICIT)</b>     | <b>2,200</b>      | <b>34,727</b>     | <b>273</b>        | <b>4,000</b>      | <b>(34,200)</b>   | <b>7,000</b>    |



# PART 4B

Yellow Water, Kakadu



# Native Title Representative Body Annual Financial Statement 2016/17

## 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 2017:

- (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 2017 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 2017 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* to the extent that they are not in conflict with the *Auditor-General Act 1997* (the Code). 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 Authorities 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 are 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 matters related to going concern as applicable and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

GPO Box 707 CANBERRA ACT 2601  
19 National Circuit BARTON ACT  
Phone (02) 6203 7300 Fax (02) 6203 7777

### **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 Authorities 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



Jodi George

Acting Executive Director

Delegate of the Auditor-General

Canberra

20 September 2017

## 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 2017 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.

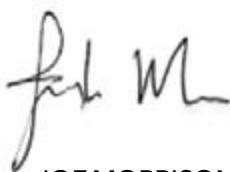
In our opinion, at the date of this statement, there are reasonable grounds to believe that the Body will be able to pay its debts as and when they become due and payable.

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

20 September 2017

**STATEMENT OF COMPREHENSIVE INCOME**  
for the period ended 30 June 2017

|                                                                                      | NOTES | 2017         | 2016         |
|--------------------------------------------------------------------------------------|-------|--------------|--------------|
|                                                                                      |       | \$'000       | \$'000       |
| <b>NET COST OF SERVICES</b>                                                          |       |              |              |
| <b>EXPENSES</b>                                                                      |       |              |              |
| Employee benefits                                                                    | 3A    | 2,091        | 2,575        |
| Suppliers                                                                            | 3B    | 2,871        | 3,104        |
| Write-down and impairment of assets                                                  | 3C    | 2            | 306          |
| <b>TOTAL EXPENSES</b>                                                                |       | <b>4,964</b> | <b>5,985</b> |
| <b>OWN-SOURCE INCOME</b>                                                             |       |              |              |
| <b>Own-source revenue</b>                                                            |       |              |              |
| Sale of goods and rendering of services                                              | 4A    | 481          | 518          |
| Interest                                                                             | 4B    | 42           | 52           |
| <b>TOTAL OWN-SOURCE REVENUE</b>                                                      |       | <b>522</b>   | <b>570</b>   |
| <b>GAINS</b>                                                                         |       |              |              |
| Reversals of previous asset write-downs and impairments                              | 4D    | 139          | 404          |
| <b>Total gains</b>                                                                   |       | <b>139</b>   | <b>404</b>   |
| <b>TOTAL OWN-SOURCE INCOME</b>                                                       |       | <b>661</b>   | <b>975</b>   |
| <b>NET COST OF SERVICES</b>                                                          |       | <b>4,303</b> | <b>5,010</b> |
| Revenue from Government- PM&C                                                        | 4C    | 4,575        | 4,958        |
| <b>TOTAL REVENUE FROM GOVERNMENT</b>                                                 |       | <b>4,575</b> | <b>4,958</b> |
| <b>Surplus / (Deficit) attributable to the Australian Government</b>                 |       | <b>272</b>   | <b>(52)</b>  |
| <b>TOTAL COMPREHENSIVE INCOME / (LOSS) ATTRIBUTABLE TO THE AUSTRALIAN GOVERNMENT</b> |       | <b>272</b>   | <b>(52)</b>  |

The above statement should be read in conjunction with the accompanying notes.

## STATEMENT OF FINANCIAL POSITION

for the year ended 30 June 2017

|                               | NOTES | 2017         | 2016         |
|-------------------------------|-------|--------------|--------------|
|                               |       | \$'000       | \$'000       |
| <b>ASSETS</b>                 |       |              |              |
| <b>FINANCIAL ASSETS</b>       |       |              |              |
| Cash and cash equivalents     | 6A    | 2,263        | 2,401        |
| Trade and other receivables   | 6B    | -            | 225          |
| <b>TOTAL FINANCIAL ASSETS</b> |       | <b>2,263</b> | <b>2,626</b> |
|                               |       |              |              |
| <b>TOTAL ASSETS</b>           |       | <b>2,263</b> | <b>2,626</b> |
|                               |       |              |              |
| <b>LIABILITIES</b>            |       |              |              |
| <b>Payables</b>               |       |              |              |
| Inter-entity payable          | 7A    | 458          | 910          |
| Other payable                 | 7B    | 159          | 231          |
| <b>TOTAL PAYABLES</b>         |       | <b>617</b>   | <b>1,141</b> |
|                               |       |              |              |
| <b>Provisions</b>             |       |              |              |
| Employee provisions           | 8     | 245          | 356          |
| Total provisions              |       | 245          | 356          |
| <b>TOTAL LIABILITIES</b>      |       | <b>862</b>   | <b>1,497</b> |
|                               |       |              |              |
| <b>NET ASSETS</b>             |       | <b>1,401</b> | <b>1,129</b> |
|                               |       |              |              |
| <b>EQUITY</b>                 |       |              |              |
| Retained surplus              |       | 1,401        | 1,129        |
| <b>TOTAL EQUITY</b>           |       | <b>1,401</b> | <b>1,129</b> |

The above statement should be read in conjunction with the accompanying notes.



**STATEMENT OF CHANGES IN EQUITY**  
for the year ended 30 June 2017

|                                              | RETAINED EARNINGS |              | TOTAL EQUITY |              |
|----------------------------------------------|-------------------|--------------|--------------|--------------|
|                                              | 2017              | 2016         | 2017         | 2016         |
|                                              | \$'000            | \$'000       | \$'000       | \$'000       |
| <b>OPENING BALANCE</b>                       |                   |              |              |              |
| Balance carried forward from previous period | 1,129             | 1,181        | 1,129        | 1,181        |
| <b>ADJUSTED OPENING BALANCE</b>              | <b>1,129</b>      | <b>1,181</b> | <b>1,129</b> | <b>1,181</b> |
|                                              |                   |              |              |              |
| <b>Comprehensive Income</b>                  |                   |              |              |              |
| Surplus (Deficit) for the period             | 272               | (52)         | 272          | (52)         |
| <b>Total Comprehensive Income</b>            | <b>272</b>        | <b>(52)</b>  | <b>272</b>   | <b>(52)</b>  |
|                                              |                   |              |              |              |
| <b>CLOSING BALANCE AS AT 30 JUNE</b>         | <b>1,401</b>      | <b>1,129</b> | <b>1,401</b> | <b>1,129</b> |

The above statement should be read in conjunction with the accompanying notes.

**CASH FLOW STATEMENT**

for the year ended 30 June 2017

|                                                                    | NOTES     | 2017           | 2016           |
|--------------------------------------------------------------------|-----------|----------------|----------------|
|                                                                    |           | \$'000         | \$'000         |
| <b>OPERATING ACTIVITIES</b>                                        |           |                |                |
| <b>Cash received</b>                                               |           |                |                |
| Sales of goods and rendering of services                           |           | 390            | 518            |
| Receipts from Government                                           |           | 4,575          | 5,454          |
| Interest                                                           | 4B        | 42             | 52             |
| <b>TOTAL CASH RECEIVED</b>                                         |           | <b>5,007</b>   | <b>6,024</b>   |
|                                                                    |           |                |                |
| <b>Cash used</b>                                                   |           |                |                |
| Employees                                                          |           | (2,388)        | (2,753)        |
| Suppliers                                                          |           | (2,670)        | (2,686)        |
| Net GST paid                                                       |           | (87)           | (496)          |
| <b>Total cash used</b>                                             |           | <b>(5,144)</b> | <b>(5,935)</b> |
| <b>Net cash from /(used by) operating activities</b>               |           | <b>(138)</b>   | <b>89</b>      |
| <b>Net increase/(decrease) in cash held</b>                        |           | <b>(138)</b>   | <b>89</b>      |
| Cash and cash equivalent at the beginning of the reporting period  |           | 2,401          | 2,311          |
| <b>CASH AND CASH EQUIVALENT AT THE END OF THE REPORTING PERIOD</b> | <b>6A</b> | <b>2,263</b>   | <b>2,401</b>   |

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 (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. 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 or land subject to a registered native title claim)
- provide claimants with legal representation e.g. negotiations for Indigenous Land Use Agreements (ILUAs)
- 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 Prime Minister & Cabinet (PMC) 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)* 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 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 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 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 executor 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 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 except doubtful debts for which provision of \$220,609 has been made in the current year.

### 1.4 New Accounting Standards

#### Adoption of New Australian Accounting Standard Requirements

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.

#### Future Australian Accounting Standard Requirements

The following new/revised/amending standards and/or interpretations were issued by the Australian 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/<br>INTERPRETATION                                                                                                                                                                                                   | APPLICATION<br>DATE | NATURE OF IMPENDING CHANGE/S<br>IN ACCOUNTING POLICY AND LIKELY<br>IMPACT ON INITIAL APPLICATION                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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          | 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: Recognition and Measurement. This version adds a new expected loss impairment model and limited amendments to classification and measurement for financial assets. The standard does not impact the financial statements.                            |
| AASB 15 Revenue from Contracts with Customers, AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15                                                                                                 | 1 Jan 2018          | AASB 15 outlines a single comprehensive model for entities to use in accounting for revenue arising from contracts with customers. It replaces several Standards and Interpretations, including AASB 111 Construction Contracts, AASB 118 Revenue, Interpretation 15 Agreements for the Construction of Real Estate, and Interpretation 18 Transfers of Assets from Customers.<br><br>The standard does not impact the financial statements. |
| AASB 1058 Income of Not-for-Profit Entities                                                                                                                                                                                   | 1 Jan 2019          | Income of Not-for-Profit Entities<br>AASB 1058 will replace 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.<br><br>NTRB is still reviewing the way that income is measured and recognised to identify whether there will be any material impact arising from these standards    |



| STANDARD/<br>INTERPRETATION | APPLICATION<br>DATE | NATURE OF IMPENDING CHANGE/S<br>IN ACCOUNTING POLICY AND LIKELY<br>IMPACT ON INITIAL APPLICATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. 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 over 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 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 will adopt this standard from 1 July 2019 but the impact of its adoption is yet to be assessed by NTRB.</p> |

All other new/revised/amending standards and/or interpretations that were issued prior to the sign-off date and are applicable to future reporting period(s) are not expected to have a future material impact on the NTRB's financial statements.

## 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 2016/17 Financial Report.

## Note 3: Expenses

|                                                      | 2017         | 2016         |
|------------------------------------------------------|--------------|--------------|
|                                                      | \$'000       | \$'000       |
| <b>NOTE 3A: EMPLOYEE BENEFITS</b>                    |              |              |
| Wages and salaries                                   | 1,891        | 2,134        |
| <b>Superannuation</b>                                |              |              |
| Defined contribution plans                           | 209          | 261          |
| Leave and other entitlements                         | (9)          | 179          |
| <b>TOTAL EMPLOYEE BENEFITS</b>                       | <b>2,091</b> | <b>2,575</b> |
|                                                      |              |              |
| <b>NOTE 3B: SUPPLIERS</b>                            |              |              |
| <b>Goods and services supplied or rendered</b>       |              |              |
| Consultants                                          | 1,321        | 1,713        |
| Stationery                                           | 63           | 69           |
| Travel                                               | 490          | 495          |
| Vehicles                                             | 122          | 115          |
| Training                                             | 41           | 32           |
| IT/Communications                                    | 167          | 76           |
| Other                                                | 581          | 493          |
| <b>TOTAL GOODS AND SERVICES SUPPLIED OR RENDERED</b> | <b>2,784</b> | <b>2,993</b> |
|                                                      |              |              |
| <b>OTHER SUPPLIERS</b>                               |              |              |
| <b>Operating lease rentals</b>                       |              |              |
| Minimum lease payments                               | 51           | 79           |
| Workers compensation expenses                        | 36           | 32           |
| <b>Total other suppliers</b>                         | <b>87</b>    | <b>110</b>   |
| <b>TOTAL SUPPLIERS</b>                               | <b>2,871</b> | <b>3,104</b> |
|                                                      |              |              |
| <b>NOTE 3C: WRITE-DOWN AND IMPAIRMENT OF ASSETS</b>  |              |              |
| Impairment on financial Instruments                  | 2            | 306          |
| <b>TOTAL WRITE-DOWN AND IMPAIRMENT OF ASSETS</b>     | <b>2</b>     | <b>306</b>   |

## Note 4: Own-Source Income

|                                                                                                                                                                                                                                                                                                     | 2017       | 2016       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
|                                                                                                                                                                                                                                                                                                     | \$'000     | \$'000     |
| OWN-SOURCE REVENUE                                                                                                                                                                                                                                                                                  |            |            |
| <b>NOTE 4A: SALE OF GOODS AND RENDERING OF SERVICES</b>                                                                                                                                                                                                                                             |            |            |
| Rendering of services - external parties                                                                                                                                                                                                                                                            | 481        | 518        |
| <b>TOTAL SALE OF GOODS AND RENDERING OF SERVICES</b>                                                                                                                                                                                                                                                | <b>481</b> | <b>518</b> |
| <b>ACCOUNTING POLICY</b>                                                                                                                                                                                                                                                                            |            |            |
| Revenue from the sale of goods is recognised when:                                                                                                                                                                                                                                                  |            |            |
| 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:                                                                                                                                        |            |            |
| 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. |            |            |
|                                                                                                                                                                                                                                                                                                     |            |            |
| <b>NOTE 4B: INTEREST</b>                                                                                                                                                                                                                                                                            |            |            |
| Deposits                                                                                                                                                                                                                                                                                            | 42         | 52         |
| <b>TOTAL INTEREST</b>                                                                                                                                                                                                                                                                               | <b>42</b>  | <b>52</b>  |

|                                                                                                                                                                                                                                                                   |              |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|
| <b>ACCOUNTING POLICY</b>                                                                                                                                                                                                                                          |              |              |
| Interest revenue is recognised using the effective interest method as set out in AASB 139 Financial Instruments: Recognition and Measurement.                                                                                                                     |              |              |
|                                                                                                                                                                                                                                                                   |              |              |
| <b>NOTE 4C: REVENUE FROM GOVERNMENT - DEPARTMENT OF THE PRIME MINISTER &amp; CABINET (PM&amp;C)</b>                                                                                                                                                               |              |              |
| Native Title Program                                                                                                                                                                                                                                              | 4,575        | 4,958        |
|                                                                                                                                                                                                                                                                   | <b>4,575</b> | <b>4,958</b> |
| <b>ACCOUNTING POLICY</b>                                                                                                                                                                                                                                          |              |              |
| 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. |              |              |
|                                                                                                                                                                                                                                                                   |              |              |
| <b>NOTE 4D: REVERSALS OF PREVIOUS ASSET WRITE-DOWNS AND IMPAIRMENTS</b>                                                                                                                                                                                           |              |              |
| Reversal of Impairment losses                                                                                                                                                                                                                                     | (139)        | (404)        |
| <b>TOTAL REVERSALS OF PREVIOUS ASSET WRITE-DOWNS AND IMPAIRMENTS</b>                                                                                                                                                                                              | <b>(139)</b> | <b>(404)</b> |

### 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.

|                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ACCOUNTING POLICY</b>                                                                                                                                          |
| <b>Taxation</b>                                                                                                                                                   |
| 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.                                                                                                                                  |
| <b>Competitive Neutrality</b>                                                                                                                                     |
| 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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2017         | 2016         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | \$'000       | \$'000       |
| <b>NOTE 6A: CASH AND CASH EQUIVALENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |              |              |
| Cash on deposit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2,263        | 2,401        |
| <b>TOTAL CASH AND CASH EQUIVALENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>2,263</b> | <b>2,401</b> |
| <p>Accounting policy</p> <p>Cash is recognised at its nominal amount. Cash and cash equivalents include:</p> <p>a) cash on hand</p> <p>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.</p> <p>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.</p> |              |              |
| <b>NOTE 6B: TRADE AND OTHER RECEIVABLES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |              |
| Goods and Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |              |              |
| Goods and Services - External parties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 221          | 583          |
| <b>TOTAL GOODS AND SERVICES RECEIVABLE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>221</b>   | <b>583</b>   |
| Less impairment allowance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |              |              |
| Goods and services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (221)        | (358)        |
| <b>Total impairment allowance</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>(221)</b> | <b>(358)</b> |
| <b>TOTAL TRADE AND OTHER RECEIVABLES (NET)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>-</b>     | <b>225</b>   |
| Trade and other receivables (net) expected to be recovered:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |              |
| No more than 12 months                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | -            | 225          |
| <b>TOTAL TRADE AND OTHER RECEIVABLES (NET)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>-</b>     | <b>225</b>   |



**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.

|                                                                                   | GOODS AND<br>SERVICES 2017 | TOTAL<br>2017 |
|-----------------------------------------------------------------------------------|----------------------------|---------------|
|                                                                                   | \$'000                     | \$'000        |
| <b>NOTE 6B: TRADE AND OTHER RECEIVABLES (CONT.)</b>                               |                            |               |
| Reconciliation of the impairment allowance:<br>Movements in relation to 2017      |                            |               |
| Opening balance                                                                   | 358                        | 358           |
| Amounts recovered and reversed                                                    | (139)                      | (139)         |
| Impairment of assets                                                              | 2                          | 2             |
| <b>CLOSING BALANCE</b>                                                            | <b>221</b>                 | <b>221</b>    |
|                                                                                   |                            |               |
|                                                                                   | GOODS AND<br>SERVICES 2016 | TOTAL<br>2016 |
|                                                                                   |                            |               |
| Movements in relation to 2016                                                     |                            |               |
| Opening balance                                                                   | 457                        | 457           |
| Amounts recovered and reversed                                                    | (404)                      | (404)         |
| Impairment of assets                                                              | 306                        | 306           |
| <b>CLOSING BALANCE</b>                                                            | <b>358</b>                 | <b>358</b>    |
| <b>ACCOUNTING POLICY</b>                                                          |                            |               |
| Financial assets are assessed for impairment at the end of each reporting period. |                            |               |

## Note 7: Payables

|                                                                      | 2017       | 2016         |
|----------------------------------------------------------------------|------------|--------------|
|                                                                      | \$'000     | \$'000       |
| <b>NOTE 7A: INTER-ENTITY PAYABLE</b>                                 |            |              |
| Payable to Northern Land Council                                     | 458        | 910          |
|                                                                      |            |              |
| <b>NOTE 7B: OTHER PAYABLES</b>                                       |            |              |
| Trade Payables                                                       | 134        | 173          |
| Salaries and wages                                                   | 15         | 10           |
| Accruals                                                             | 10         | 48           |
| <b>Total other payables</b>                                          | <b>159</b> | <b>231</b>   |
| <b>TOTAL PAYABLES</b>                                                | <b>617</b> | <b>1,141</b> |
|                                                                      |            |              |
| <b>Total payables expected to be settled</b>                         |            |              |
| All payables are expected to be settled<br>in no more than 12 months |            |              |
| Settlement was usually made within 30 days.                          |            |              |

## Note 8: Employee provisions

|                                                   | 2017       | 2016       |
|---------------------------------------------------|------------|------------|
|                                                   | \$'000     | \$'000     |
| Annual leave                                      | 130        | 184        |
| Long service leave                                | 115        | 172        |
| <b>TOTAL EMPLOYEE PROVISIONS</b>                  | <b>245</b> | <b>356</b> |
|                                                   |            |            |
| <b>Employee provisions expected to be settled</b> |            |            |
| No more than 12 months                            | 161        | 235        |
| More than 12 months                               | 84         | 121        |
| <b>TOTAL EMPLOYEE PROVISIONS</b>                  | <b>245</b> | <b>356</b> |

**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. The entity makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by the EBA. The liability of superannuation recognised as at 30 June represents outstanding contributions.

## Note 9: Contingent Assets & Liabilities

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | CLAIMS FOR DAMAGES<br>OR COSTS |          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2017                           | 2016     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$'000                         | \$'000   |
| <b>Contingent Liabilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                |          |
| Balance from previous period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | -                              | -        |
| New contingent liabilities recognised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 20                             | -        |
| <b>TOTAL CONTINGENT LIABILITIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>20</b>                      | <b>-</b> |
| <b>QUANTIFIABLE CONTINGENCIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                |          |
| <p>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.</p> <p>The above table contains \$20,000 of contingent liabilities disclosed in respect to potential liability arising out of litigation (2016: Nil). The amount represents an estimate of the Northern Land Council as NTRB's liability based on precedent cases. The NTRB is defending the claims.</p> <p>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.</p> |                                |          |
| <b>ACCOUNTING POLICY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                |          |
| <p>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.</p>                                                                                                                                                                                                                                                                           |                                |          |

## 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.

## Note 11: Remuneration of Auditors

|                                                                                                                                     | 2017      | 2016     |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
|                                                                                                                                     | \$'000    | \$'000   |
| Financial statement audit services provided to the Northern Land Council in regard to NTRB by the Australian National Audit Office: |           |          |
| <b>Fair value of the services provided</b>                                                                                          |           |          |
| Financial statement audit services                                                                                                  | 10        | 9        |
| <b>TOTAL</b>                                                                                                                        | <b>10</b> | <b>9</b> |

No other services were provided by the ANAO.

## Note 12: Financial Instruments

|                                                                                                                             | 2017         | 2016         |
|-----------------------------------------------------------------------------------------------------------------------------|--------------|--------------|
|                                                                                                                             | \$'000       | \$'000       |
| <b>12A CATEGORIES OF FINANCIAL INSTRUMENTS</b>                                                                              |              |              |
| <b>Financial Assets</b>                                                                                                     |              |              |
| <b>Loans and receivables:</b>                                                                                               |              |              |
| Cash on deposit                                                                                                             | 2,263        | 2,401        |
| Trade and other receivables                                                                                                 | -            | 225          |
| <b>TOTAL FINANCIAL ASSETS</b>                                                                                               | <b>2,263</b> | <b>2,625</b> |
|                                                                                                                             |              |              |
| <b>Financial Liabilities</b>                                                                                                |              |              |
| <b>Amortised Cost:</b>                                                                                                      |              |              |
| Inter-entity payable                                                                                                        | 458          | 910          |
| Other payables                                                                                                              | 159          | 231          |
| <b>TOTAL CARRYING AMOUNT OF FINANCIAL LIABILITIES</b>                                                                       | <b>617</b>   | <b>1,141</b> |
|                                                                                                                             |              |              |
| <b>12B GAINS OR LOSSES ON FINANCIAL ASSETS</b>                                                                              |              |              |
| <b>Loans and receivables</b>                                                                                                |              |              |
| Interest revenue                                                                                                            | 42           | 52           |
| <b>NET GAIN/(LOSS) LOANS AND RECEIVABLES</b>                                                                                | <b>42</b>    | <b>52</b>    |
|                                                                                                                             |              |              |
| <b>12C FAIR VALUES OF FINANCIAL INSTRUMENTS</b>                                                                             |              |              |
| The carrying amount of the financial instruments are reasonable approximation of fair value due to their short term nature. |              |              |



## COMMONWEALTH COMPLIANCE INDEX

### PUBLIC GOVERNANCE, PERFORMANCE AND ACCOUNTABILITY RULE 2014

| REQUIREMENT                                                                      | PGPA RULE 2014    | PAGE        |
|----------------------------------------------------------------------------------|-------------------|-------------|
| Approval of Annual Report by Accountable Authority                               | s.17BB            | vii         |
| Enabling legislation                                                             | s.17BE(a)         | 158         |
| Summary of objects and functions of the NLC                                      | s17BE(b)(i)       | 14          |
| Purposes of the NLC included in the corporate plan                               | s17BE(b)(ii)      | 42, 173–177 |
| Responsible Minister                                                             | s.17BE(c)         | 158         |
| Ministerial directions                                                           | s.17BE(d)         | 158         |
| General Policy Orders                                                            | s.17BE(e)         | 3           |
| 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)         | 173         |
| Statement of significance compliance with finance law                            | s.17BE(h) and (i) | 2–3         |
| Information about Accountability Authority                                       | s.17BE(j)         | 2           |
| Organisational Structure                                                         | s.17BE(k)         | 35          |
| Board Committees and their main responsibilities                                 | s.17BE(m)         | 161         |
| Corporate governance practices                                                   | s.17BE(m)         | 158         |
| Related Entity Transaction                                                       | s.17BE(n) and (o) | 208         |
| Key changes to the authority's state of affairs or principal activities          | s.17BE(p)         | NIL         |
| Amendments to authority's enabling legislation                                   | s.17BE(p)         | NIL         |

|                                                           |                   |        |
|-----------------------------------------------------------|-------------------|--------|
| Significant judicial or administrative tribunal decisions | s.17BE(q)         | NIL    |
| Reports made about the authority                          | s.17BE(r)         | 3      |
| Obtaining information from subsidiaries                   | s.17BE(s)         | NIL    |
| Indemnities and insurance premiums                        | s17BE(t)          | 158    |
| Operational and financial results                         | s.46PGPA Act 2013 | 3, 179 |

## OTHER REPORTING OBLIGATIONS

| REQUIREMENT                                                        | PAGE |
|--------------------------------------------------------------------|------|
| Work Health and Safety                                             | 164  |
| Ecologically sustainable development and environmental performance | 161  |
| Advertising and Market Research                                    | 155  |

## ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976

| REQUIREMENT                                                                                                                                                                                                                                                                                                                                                                                                | REFERENCE        | PAGE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------|
| <b>FEES</b><br>Specify the total fees received for services provided<br>By the land council:<br>a) Under Part IV (Mining); and<br>b) Under s33A for services prescribed by the regulations that it provides in performing any of its functions, whether in the reporting year or the previous year.<br>Specify total fees received under s33B (other fees Charged to the Commonwealth                      | s37(2) 18        | 3    |
| <b>SECTION 35 DETERMINATIONS</b><br>Include details of payment by the council under s35 (2) or (3) and any determinations made by the Minister under s35(6) 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, the section under which the amount was paid, and the total. | s37(3)<br>s37(4) | 211  |
| <b>DETAILS OF AMOUNTS HELD IN TRUST</b><br>In respect of amounts paid to the council and held in trust at the end of the year, provide details of the amount paid, the amount held in trust and the mining operation concerned.                                                                                                                                                                            | s37(5)           | 156  |
| <b>COMMITTEES</b><br>If a committee has been appointed under s29(A) to assist the council 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  |
| <b>CONSULTANTS</b><br>Specify consultants engaged by the council during the year and the amount paid to each.                                                                                                                                                                                                                                                                                              | s37(8)           | 159  |



# 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                                                                                                                                                                                                                                                                                                                    |
| ABS             | Australian Bureau of Statistics                                                                                                                                                                                                                                                                                                                |
| 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 <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> . Section 5 sets out the functions of Land Trusts. Section 7 deals with membership of Land Trusts |
| ALC             | Aboriginal Land Commissioner, a statutory officer of the Commonwealth appointed to perform functions outlined in section 50 of the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> .                                                                                                                                               |
| ALRA            | <i>Aboriginal Land Rights (Northern Territory) Act 1976</i>                                                                                                                                                                                                                                                                                    |
| APO NT          | Aboriginal Peak Organisations Northern Territory, an alliance among the Northern Land Council (NLC), Central Land Council (CLC), Aboriginal Medical Services Alliance of the NT (AMSANT), North Australian Aboriginal Justice Agency (NAAJA), and Central Australian Aboriginal Legal Aid Service (CAALAS)                                     |
| ANAO            | Australian National Audit Office                                                                                                                                                                                                                                                                                                               |
| ATSI            | Aboriginal and Torres Strait Islander                                                                                                                                                                                                                                                                                                          |
| CDP             | Community Development Program                                                                                                                                                                                                                                                                                                                  |



|         |                                                                                                         |
|---------|---------------------------------------------------------------------------------------------------------|
| CFI     | Carbon Farming Initiative                                                                               |
| CLC     | Central Land Council, established under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> |
| CP&D    | Community Planning and Development                                                                      |
| CSIRO   | Commonwealth Scientific and Industrial Research Organisation                                            |
| DPMC    | Department of the Prime Minister and Cabinet                                                            |
| EL      | Exploration Licence                                                                                     |
| ELA     | Exploration Licence Application                                                                         |
| FEP     | Flexible Employment Program                                                                             |
| 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                                                                                 |
| 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                                        |
| NLC     | Northern Land Council established under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> |
| NTA     | <i>Native Title Act 1993</i> (Cth)                                                                      |
| NTG     | Northern Territory Government                                                                           |

|                                             |                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NTRB</b>                                 | Native Title Representative Body                                                                                                                                                                                                                                                                        |
| <b>OCR</b>                                  | Optical Character Recognition                                                                                                                                                                                                                                                                           |
| <b>PBC</b>                                  | Prescribed Body Corporate, a corporation that holds or manages native title for a native title-holding group                                                                                                                                                                                            |
| <b>PGPA</b>                                 | Public Governance, Performance and Accountability Act 2013                                                                                                                                                                                                                                              |
| <b>P&amp;W</b>                              | Parks and Wildlife Service                                                                                                                                                                                                                                                                              |
|                                             | Principal Legal Officer                                                                                                                                                                                                                                                                                 |
| <b>PLO</b>                                  | Sea Country working Group                                                                                                                                                                                                                                                                               |
| <b>SCWG</b>                                 | 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                                                                                 |
| <b>TNRM</b>                                 | 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 |
| <b>Traditional Aboriginal Owners (TAOs)</b> | Working on Country funding initiative of the Department of the Prime Minister and Cabinet                                                                                                                                                                                                               |
| <b>WoNS</b>                                 | Weeds of National Significance                                                                                                                                                                                                                                                                          |



Cover image, inside front cover and full page  
images on pages 12, 16-17, 40, 44, 76, 89, 117,  
141, 169, 172, 178 and 216 by Glenn Campbell



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