



**Cape York Land Council Aboriginal Corporation
Annual Report 2016-17**



Cover Art

Title: Ganhaarr Story

Artist: Allison Michael

Clan: Balnggarrawarra / Thanil

Area: Battle Camp

Information about the Artist and her collection is available at:

Enterprise Management Group (My Pathways)

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The Cape York Land Council website address is <http://www.cylc.org.au/>. Copies of the 2016-17 Annual Report and previous reports may be found on the website.

Enquiries may be directed to the website manager. The website manager can be contacted by phone on (07) 4053 9222 or by email at info@cylc.org.au.



Cape York Land Council Aboriginal Corporation
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Contact: Richie Ah Mat
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The Hon Nigel Scullion MP
Minister for Indigenous Affairs
Department of Prime Minister and Cabinet

Dear Minister,

It is with pleasure that I present to you the Cape York Land Council Aboriginal Corporation's (CYLC) Annual Report for the period 1 July 2016 to 30 June 2017.

CYLC continues to build on its proud history of achievements. Every year CYLC staff and Board Members work on land and sea matters with Traditional Owners and other stakeholders across Cape York to increase positive outcomes for Aboriginal people. Foremost amongst CYLC's activities is effective delivery of Native Title Representative Body statutory functions as required under the *Native Title Act 1993* and your department's Program Funding Agreement. The past year has been no exception to CYLC's record of performance.

In partnership with the government and based on CYLC's past and future achievements, I look forward to progressively realising the long-held aspirations of the Aboriginal people of Cape York to regain and enjoy their rights to land and sea so they can preserve their culture and have increased opportunities to achieve a better future. I submit the CYLC 2016-17 Annual Report for your consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Rahmat', with a long horizontal stroke extending to the right.

Richie Ah Mat
Chairperson
Cape York Land Council





Contents

ACRONYMS	6
REPORT BY CHAIR	7
REPORT BY CEO	9
CAPE YORK LAND COUNCIL OVERVIEW	12
Background	13
Representative Area	14
Functions	14
Organisational Structure	15
REPORT ON PERFORMANCE	16
Native Title Unit	16
Cape-wide Report	16
Regional Reports	19
Agreements Database and Implementation	28
Future Acts Unit	28
State Land Dealings & National Park Transfers Unit	29
Summary of Cape York Determinations, NTDA's, ILUAs, FANs and SLD Transfers	32
Strategic Outcomes Unit	34
Community Relations Unit	35
PBC Support Unit	35
Performance Analysis	37
CORPORATE GOVERNANCE	39
Board of Directors	39
Senior Management Team	41
Risk Management	41
Corporate and Operational Planning	41
Financial Management	42
Ethical Standards	42
HUMAN RESOURCES	43
Corporate Services Report	43
Staff Overview	44
Future Direction	44
CONSULTANTS AND COMPETITIVE TENDERING	46



LIST OF FIGURES

Figure 1 - CYLC NTRB Representative Area showing determined, claimed and unclaimed areas	12
Figure 2 - CYLC Organisational Structure	15
Figure 3 - Cape York Research Regions	18
Figure 4 - Map showing Cape York Land Tenure, including State Land Dealings Transfers.	31
Figure 5 - CYLC Reporting Structure	43

LIST OF TABLES

Table 1 - Cape York Representative Area NTDA Status	32
Table 2 - Cape York Representative Area ILUAs Registered	32
Table 3 - Future Act Notices received	33
Table 4 - State Land Dealings transfers	33
Table 5 - Board Member meeting attendance 2016-17	40
Table 6 - Total Staff by Category as at 30 June 2017	44
Table 7 - 2016-17 Consultant Costs	46

LIST OF PHOTOS

Photo 1 – Flag raising at Lockhart River 1990	13
Photo 2 – Wuthathi Aboriginal Corporation RNTBC members at the Wuthathi Land Transfer ILUA authorisation	20
Photo 3– Wuthathi dancers preparing to celebrate the Shelburne Bay transfer	20
Photo 4 – Bromley Aboriginal Corporation RNTBC members at the Bromley and Boynton transfer	21
Photo 5 – Celebrating the Bromley and Boynton transfer	22
Photo 6 – Balnggarrawarra Aboriginal Corporation members at the Sandstone West Aggregate transfer	23
Photo 7 – Balnggarrawarra Aboriginal Corporation members receiving their Sandstone West Aggregate transfer certificates from Minister Pitt	24
Photo 8 – Smoking ceremony for Army personnel at Laura for the AACAP ILUA authorisation	25
Photo 9 – Pormpuraaw Traditional Owners at the Township Community Development ILUA authorisation meeting	26



Photo 10 – Kowanyama and Telstra representatives at a Cultural Heritage Agreement meeting for the optical fibre cable project	26
Photo 11 - Wik native title holders inspecting a section of Sudley/York Downs Station earmarked for gravel extraction by Cook Shire Council	27
Photo 12 – Ankamuthi, Gulf Alumina and CYLC representatives at signing of Bauxite Agreement	29
Photo 13 – Weipa wetlands	30
Photo 14 – Cape York bush	35
Photo 15 – Mokwiri RNTBC AGM	36
Photo 16 - Kuuku Ya'u Aboriginal Corporation RNTBC members at Rural Fire Brigade training	37
Photo 17 – CYLC Board of Directors 2016 - 17	39
Photo 18 – Wenlock River at Moreton Telegraph Station	42
Photo 19 – Weipa wetlands	45



Acronyms

ACHA	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
ALA	<i>Aboriginal Land Act 1991 (Qld)</i>
Balkanu	Balkanu Cape York Development Corporation
CATSIA	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)</i>
CEO	Chief Executive Officer
CYLC	Cape York Land Council Aboriginal Corporation
CYPAL	Cape York Peninsula Aboriginal Land
CYPHA	<i>Cape York Peninsula Heritage Act 2007 (Qld)</i>
CYWR	Cape York Welfare Reform
DOGIT	Deed of Grant in Trust
FAN	Future Act Notice
F/T	Full Time
ha	Hectares
ILUA	Indigenous Land Use Agreement
LHA	<i>Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld)</i>
NTA	<i>Native Title Act 1993 (Cth)</i>
NNTT	National Native Title Tribunal
NTDA	Native Title Determination Application
NTRB	Native Title Representative Body
NTU	Native Title Unit
ORIC	Office of the Registrar of Indigenous Corporations
P/T	Part Time
PBC	Prescribed Body Corporate
PFA	Program Funding Agreement
PLO	Principal Legal Officer
PM&C	Department of the Prime Minister and Cabinet
RNTBC	Registered Native Title Body Corporate
SLD	State Land Dealings
WCCCA	Western Cape Communities Co-existence Agreement 2001



Report by Chair



It has been another fulfilling year of achievements and progress as we at the Cape York Land Council (CYLC) continue to strive to live up to the expectations set by our Elders when they formed our organisation twenty-seven years ago.

Protecting and preserving Indigenous cultures and freedom from poverty and social disease by owning and developing ancestral lands was at the heart of our Elders' dreams. Realising those goals - and with it, economic independence and prosperity for all Cape York Bama - remains the lifeblood of the CYLC. Everything we do is aimed at improving the lives of communities through re-establishing rights and interests in our Elders' lands.

It is often a long and tough battle. For many communities, it has taken decades to have family and clan lands returned. The patience and persistence of the Cape's brave Indigenous families in pursuing their rightful claims to Elders' lands is one of the most inspiring aspects of working at the CYLC, but I often wonder why it has to be so hard.

In 2016-17 the Council continued to advance the *Cape York United Number 1 Claim*, known as "One Claim", covering almost all unclaimed Cape York land and waterways. The claim has been remarkable in its unity and purpose, joining a number of traditional owner groups in one of the largest and most powerful land claims in Australian history, and which will see native title determined over nearly all of Cape York.

Registered in February 2015, the determined claim will result in Cape York Bama holding native title rights and interests over more than 14.6 million hectares of land and waterways. This will be in addition to the extensive lands on Cape York where native title determinations have already been won for communities by the CYLC.

CYLC's dedicated officers continued this year to vigorously negotiate the One Claim with Queensland Government officials and other respondents, and we remain on track and excited about the prospect of this change-making determination being stamped within the next few years.

In tandem, the CYLC started conducting research to base one or a series of Native Title Determination Applications for the sea country surrounding Cape York. We expect a comprehensive information and authorisation process to happen next year.

The key to CYLC's goal to help our families and future generations live more prosperous, peaceful and fulfilling lives lies in the ability to use our lands for mainstream economic purposes. In addition to native title, Aboriginal freehold is critical to this goal, and CYLC works in partnership with Balkanu Cape York Development Corporation to deliver on these aspirations through the State Lands Dealings (SLD). The continuation of the SLD program is vital to the preservation of Indigenous culture and our mission of economic emancipation and equality of ownership opportunity.

Under the SLD program, land tenure of identified pastoral properties and national parks is transferred to Aboriginal freehold tenure under the ownership and management of Aboriginal land trusts and corporations.

During 2016-17, 315,572 hectares of land were returned to Aboriginal ownership through these processes. After many years of struggle, the transfer to the Wuthathi people of the historically important Shelburne Bay was a highlight; the Wuthathi, Kuuku Ya'u and Northern Kaanju peoples also took ownership of around 160,730 hectares through the Bromley Handover.

The transfer of ancestral lands to the Traditional Owners of the significant Battle Camp and Mount Jack properties – places of historical slaughter and terrible dispossession for so many families – was another notable milestone. But while a great victory, the ceremonial handover was bittersweet as we remembered the great loss and hardship suffered by our Elders.



Next year many thousands more hectares of land will be transferred to Aboriginal freehold tenure and into the hands of Traditional Owners. The committed team at CYLC and Balkanu is only able to achieve these great outcomes because of the close partnerships we form with our Traditional Owners.

It remains vitally important for Traditional Owners to be the masters of our own destinies. We must have the same rights as all other Australians to decide what happens on our lands, and not be treated unequally before the law or by governments.

I continued this year to forcefully make the point at forums that development cannot and will not occur unless Traditional Owners are partners in the development agenda and give consent to what happens on our lands. We will also continue to fight against the unfair and onerous imposition of regulations by Government on Aboriginal land, which hampers our ability to use our lands for economic development.

I posed these questions at an Indigenous Development Forum held in Cairns in June:

Why is it that Aboriginal and Torres Strait Islander peoples own 40% of the land mass of this country, and have native title claims and determinations over even more, but we still live in poverty?

How is it that \$34 billion of taxpayers' money is spent every year in the name of Indigenous lives, but we remain the most marginalised peoples in the lucky country?

Why is it that 25 years after the historic Mabo decision and 24 years after indigenous people were granted the legal right to reclaim our ancestral lands, we struggle against repressive government regulation to make a living on that land?

Cape York Bama want to live meaningful lives rich with the same opportunities as other members of society to provide for ourselves, families and communities - but we need to be able to use our main asset, our land, for sustainable economic purposes.

Legislation and plans are prepared by authorities without adequate information about the values and potentials of the land. On Cape York we've established the right model for managing Aboriginal land, but we often can't use it because of discriminatory land use regulations.

We say to government and stakeholders wanting to do business on our land that a partnership cannot exist if one party does not consent to what the other party plans to do. We cannot become economically empowered if Government regulations strangle that aspiration.

As another exciting new year unfolds, resolving these impasses and creating new opportunities for Bama will remain at the heart of the next phase of the Cape York Land Council's work. The CYLC is dedicated to continuing to creatively evolve and expand our services so we can continue to be effective advocates for the advancement of Cape York people.

I sincerely thank the hard-working CYLC staff and our committed Board members who do so much to advance the cause of Cape York Bama. We continue to be guided and inspired by our Elders who planted the flag at Lockhart River nearly thirty years ago, and hope they would be proud of our achievements for Cape York's Indigenous peoples.

Richie Ah Mat
Chair
Cape York Land Council



Report by CEO



Since 1990 the Cape York Land Council has operated true to the guiding vision of its founding Elders - to represent and support the Aboriginal peoples of Cape York to regain rights to land and sea, to preserve their culture, and make their own decisions to better their futures.

CYLC continues to deliver on this guiding vision by performing a broad range of functions as a Land Council, including through our role as the Native Title Representative Body (NTRB) for Cape York. Until 30 June 2018 the Australian Government recognises CYLC as the Cape York NTRB, and in this role CYLC is responsible for fulfilling statutory functions under the *Native Title Act 1993* (Cth) (NTA). These functions include facilitating and assisting the progress of native title claims and Indigenous Land Use

Agreements (ILUAs), and receiving and distributing Future Act Notices about activities that may affect the interests of native title parties. The Australian Government has announced that all NTRBs will be reviewed over the next three years, but the CYLC review date has not yet been advised.

CYLC is based on a corporate structure consisting of a Board of Directors, a Chief Executive Officer (CEO) and operational staff. The Board of Directors determine CYLC's strategic direction, and as CEO I then direct operational staff to achieve outcomes identified by the Board. Board members have been the backbone of CYLC since its inception, and we have been privileged that some of the most dedicated people from Cape York have sat over the years on our Board. The term of the current Board continues until November 2019.

CYLC's NTRB efforts over 2016-17 were very much about building a comprehensive platform of native title rights for Cape York's Aboriginal people for the future. We continued to progress the Cape York United Number 1 Claim that was registered on 6 February 2015. This is one of the largest current claims in Australia, and the first where a NTRB has claimed virtually all of the undetermined land and internal waters within its representative area. CYLC also continues to progress the Ankamuthi People, Ankamuthi People #2 and the Gudang Yadhaykenu People native title claims. Over 2017-18, CYLC aims to commence claims over the remaining unclaimed sea areas in our representative area.

CYLC was involved in the negotiation and registration of six ILUAs over 2016-17, including the Dinah Island ILUA, Kwokkunum Access ILUA, AACAP (Laura) ILUA, Sandstone East Land Transfer ILUA, Lockhart River Defence Facilities ILUA, and the Pormpuraaw Township Community Development ILUA. CYLC is also involved in the negotiation, or awaiting the registration, of other ILUAs across Cape York which are anticipated to be completed over 2017-18. These include the Ergon Energy and Ankamuthi People ILUA, Mapoon Township Community Development ILUA #2, Wuthathi Land Transfer ILUA, Lockhart River Township Community Development ILUA, Bromley Land Transfer ILUA, Sandstone West Land Transfer ILUA, Melsonby ILUA, Cooktown Foreshore Infrastructure ILUA, Hopevale Congress Aboriginal Corporation RNTBC ILUA, and the Laura Landfill ILUA.

During the year the *McGlade v Native Title Registrar [2017] FCAFC* decision questioned whether an ILUA is capable of being registered on the basis that not all registered claimants signed the ILUA. Amendments to the NTA were subsequently passed by Parliament to remedy this uncertainty, and CYLC was heavily involved in driving many of the amendments.

To assist informed engagement with Cape York's Traditional Owners about native title and other matters CYLC continues to develop a Cape York genealogical database. When completed, the genealogical database will provide comprehensive information about Traditional Owners for areas of country, and will greatly assist engagement with the right people in native title and other processes.

All activities on Cape York must now comply with the requirements of NTA because of the Cape York United Number 1 Claim, other claims and previous native title determinations. This includes that a Future Act Notice (FAN) must be provided to Traditional Owners for all activities that may impact on native title rights and interests. CYLC receives FANs from government on behalf of development proponents and then distributes them to the appropriate people. CYLC dealt



with 471 FANs over 2016-17. Although our FAN work has increased as a result of the determinations and claims, we're happy with this extra work because it means we're able to give more Traditional Owners a say about the activities that occur on their land.

CYLC strongly believes that our role is not finished upon determination of native title and the establishment of a Registered Native Title Body Corporate (RNTBC/PBC). Our PBC Support Unit continues to deliver support to RNTBCs so that they are able to fulfil their corporate responsibilities and provide ongoing benefits to the native title holders they represent. The PBC Support Unit offers a suite of tools aimed at strengthening the capacity of PBC Directors to capably manage their PBC, including corporate governance, financial management, strategic planning and statutory compliance. Our ultimate aim is to have as many of our PBCs and Traditional Owner groups as possible become self-governing, economically viable and self-sufficient.

From 5-7 June 2017 I attended the National Native Title Conference in Townsville marking the twenty five-year anniversary of the Mabo decision, which led to the development of the NTA. At the Conference, CYLC representatives showcased our great work and the outcomes we are achieving in native title determinations and the negotiation of ILUAs. I believe we are setting an example for a proactive and pragmatic approach to native title issues and how native title rights and interests can be used to leverage benefits for Traditional Owners, and the rest of Australia is starting to pay attention to how we are doing business.

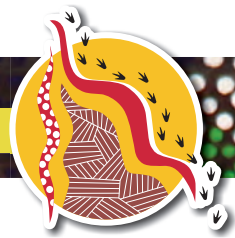
In addition to achieving native title outcomes, CYLC is also committed to securing Aboriginal freehold and other land rights for Cape York's Aboriginal people. To achieve this, CYLC shares legal expertise and other resources in a partnership with Balkanu Cape York Development Corporation to assist in State Lands Dealings (SLD) processes. Over 2016-17, 315,572 hectares of land were returned to Aboriginal ownership under SLD processes. For example, on 16 May 2017 I attended the Bromley Handover where 160,730 hectares of land were transferred to the ownership of the Bromley Aboriginal Corporation RNTBC. Some of this Aboriginal freehold land will be declared as a jointly managed National Park and the remainder will be available for economic uses such as grazing, tourism and other uses as Traditional Owners see fit.

Further SLD negotiations are ongoing and I expect that over 2017-18 many thousands more hectares of land will be transferred to Aboriginal freehold tenure and the ownership of Traditional Owners. As a result of CYLC's efforts and through partnerships with Balkanu and our Traditional Owners, Cape York's Aboriginal people hold native title and Aboriginal freehold land rights over increasingly large areas of the Cape and this provides them with the greatest possible range of rights, interests and opportunities.

CYLC shares many objectives in common with other organisations and we recognise that working in partnerships, sharing resources and developing common positions is often the most effective way of achieving progress. Over 2016-17, CYLC worked with other Queensland NTRBs and Service Providers, Cape York Regional Organisations, government agencies and others to advance our objectives. CYLC is a member of the Queensland Representative Body Alliance (QRBA) where NTRB/SP Chairs, CEOs, PLOs and relevant staff meet to share information and discuss issues of common interest, such as proposed amendments to legislation.

Ongoing delivery of CYLC's broad-ranging functions depends upon good internal governance, human resource management and financial accountability. CYLC strives to excel in these areas so that our service delivery is optimal. Over 2016-17, CYLC staff remain committed to achieving our ambitious objectives and continued to work hard to achieve outcomes despite diminishing resourcing, the ongoing challenges of working in remote areas, and dealing with competing interests that don't always respect the interests of Aboriginal people. As an example of staff commitment, in 2017 Deputy CEO Kirsty Broderick achieved 20 years' service with CYLC. Congratulations, Kirsty. With the support of the CYLC Board of Directors, CYLC operational staff will continue to develop our capacities to deliver services to Cape York Traditional Owner groups.

Over 2016-17, CYLC received \$6.3M in funding from the Department of the Prime Minister and Cabinet (PM&C), an additional \$1M from other sources, plus additional funding from PM&C for various projects. CYLC's financial



management continues to be transparent and accountable, and for the tenth successive year we received an unqualified audit report. CYLC continues to reduce our corporate deficit with a decrease from \$53,989 in 2015-2016 to \$21,733 in 2016-17.

CYLC also receives support from external partners such as Jawun who provide secondees from entities such as Westpac, QBE, KPMG and the Australian Government. We also receive support from Aurora secondees who provide good support to our legal and anthropological staff.

I consider that the future of CYLC primarily lies in the following areas:

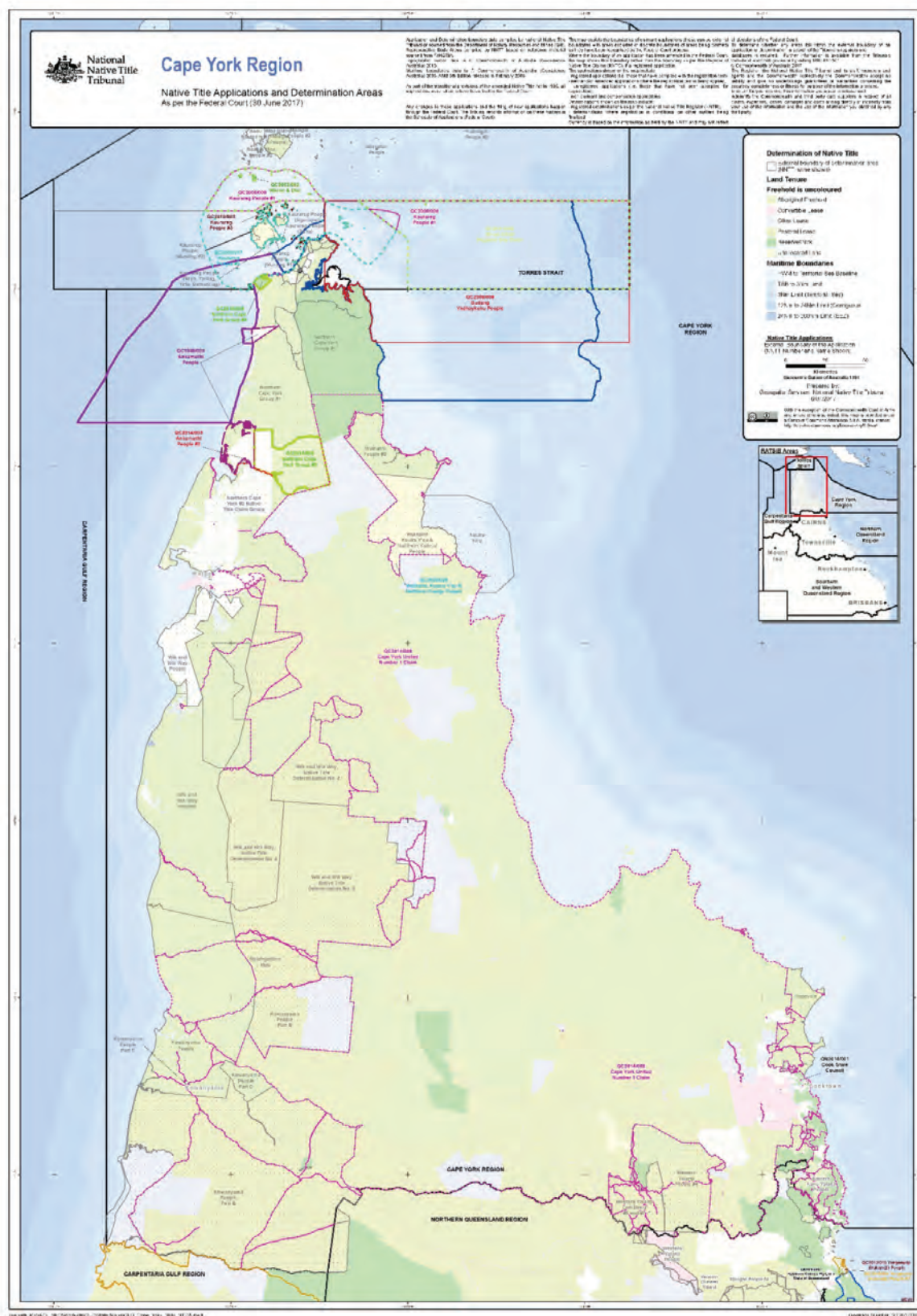
1. Creating and maintaining genealogical records for the CYLC representative area;
2. Supporting PBCs and Traditional Owner groups to progress their aspirations and desire to be self-governing and economically independent; and
3. Ensuring all Traditional Owners engage in and receive the full benefits to which they are entitled from future acts that occur on their country, including benefits from carbon.

Finally, but certainly not least, I want to thank the Cape York Elders, Traditional Owners, Chairman Richie Ah Mat, other members of the Board and the Aboriginal people of Cape York for their cooperative spirit, their respect for all those who have been before them, and their desire to work towards a better day for all those who will come after them.

Peter Callaghan
Chief Executive Officer
Cape York Land Council



Cape York Land Council Overview





BACKGROUND

Twenty-six years ago Cape York Land Council (CYLC) was established at the Cape York Land Summit and galvanised with the planting of the Aboriginal flag on a beach at Lockhart River in November 1990. Cape York Elders invested their personal resources to establish the CYLC to ensure Cape York's Aboriginal people had a strong voice to represent them in all matters relating to their traditional land and sea.

The original Charter of CYLC identified a number of objectives including:

- Providing a vehicle for self-determination for the Aboriginal peoples of Cape York;
- Providing a representative voice for the Aboriginal peoples of Cape York in relation to land issues;
- Respecting and recognising land rights and responsibilities of Traditional Owners of land in Cape York;
- Transparency and accountability to government and Traditional Owners and partners;
- Respecting the culture of the Aboriginal peoples of Cape York Peninsula; and
- Providing opportunities for Cape York Aboriginal people to acquire management skills appropriate to the needs of their communities.

CYLC's Mission Statement, as set down by Elders who may have now left us but whose vision remains amongst those who continue to fight to ensure that the objectives of the CYLC Charter are achieved, is to:

"Consult with and according to their directions, effectively represent the Aboriginal peoples of Cape York to regain rights to land and sea so we can preserve our culture and make our own decisions to achieve a better future."



Photo 1 – Flag raising at Lockhart River 1990

CYLC was recognised as the Native Title Representative Body (NTRB) for the Cooktown region by the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs in 1993. Since that time, CYLC has undergone numerous operational and re-recognition reviews and is currently recognised as the NTRB for the Cape York Representative Area until 30 June 2018.

CYLC is now recognised as a key link in a network of specialist community-based organisations representing the interests of the Aboriginal peoples of Cape York, focusing on achieving timely and meaningful outcomes for constituents on land and native title matters within the region.



REPRESENTATIVE AREA

Figure 1 (above) shows land and sea country included within CYLC's Representative Area (noting that sea country extends further east than shown).

FUNCTIONS

As required under the *Native Title Act 1993* (Cth) (NTA), CYLC undertakes statutory functions to fulfil its role as the Cape York NTRB. These include:

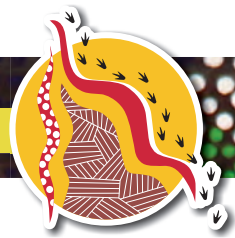
- Facilitation and assistance functions (s203BB);
- Certification functions (s203BE);
- Dispute resolution functions (s203BF);
- Notification functions (s203BG);
- Agreement-making functions (s203BH);
- Internal review functions (s203BI); and
- Other functions (s203BJ and s203AI).

CYLC has also established a Prescribed Body Corporate (PBC) Support Unit to provide support services to PBCs and Registered Native Title Bodies Corporate (RNTBCs) so that native title claimants and holders have legally compliant and capable organisations to represent their interests and achieve benefits from native title.

In addition to the statutory functions of a NTRB, CYLC also performs broader Land Council functions including:

- responding to the implementation of Queensland legislation which affects native title interests including the *Aboriginal Land Act 1991 (Qld)* (ALA), *Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld)* (LHA), *Aboriginal Cultural Heritage Act 2003 (Qld)* (ACHA), and *Cape York Peninsula Heritage Act 2007 (Qld)* (CYPHA);
- participation in policy reviews and legislative amendment processes which affect native title and Aboriginal interests;
- participation in policy implementation such as the Cape York Welfare Reform (CYWR) agenda;
- participation in cultural heritage mapping and protection;
- participation in land use planning and management;
- providing a centralised, secure repository for anthropological research and genealogies;
- providing a secure repository for backup copies of important documents such as PBC legal documents;
- involvement in resolving land administration and land tenure issues on Aboriginal land;
- promoting home ownership and economic development on Aboriginal land; and
- promoting economic development and healthier living.

Whilst performing its functions, CYLC operates in compliance with the guidelines of the Program Funding Agreement (PFA) and the requirements of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSIA). To balance competing priorities and demands on resources CYLC remains cognisant that its ultimate priority, consistent with NTA s203B(4), must be the protection of native title holders' interests. CYLC performs all its functions to achieve this crucial outcome.



ORGANISATIONAL STRUCTURE



Figure 2 – CYLC Organisational Structure



Report on Performance

NATIVE TITLE UNIT

CYLC's Native Title Unit (NTU) provides legal and anthropological services to support native title determination applications (NTDAs) (also known as "claims"), the negotiation of agreements, responses to future act notices and fulfilment of other NTA responsibilities. The NTU also supports the State Land Dealings and National Park Transfer programs and addresses other land matters of interest to the Aboriginal people of Cape York.

These services are provided by the NTU within the context of the regional research strategy adopted by CYLC in 2009 which identified six regions within the CYLC Representative Area. The regional research approach has assisted CYLC develop its Cape-wide regional approach to native title.

The six regions within the Cape York Representative Area are:

- North Cape;
- North East Cape;
- South East Cape;
- Central Cape;
- Kowanyama and Pormpuraaw; and
- Wik and Wik Way.

Figure 3 shows the regions within CYLC's Representative Area.

Cape-Wide Report

Cape York United Number 1 Claim

In 2014 CYLC undertook a comprehensive information and authorisation process across Cape York and regional Queensland to seek authorisation for the lodgement of a large regional native title determination application to cover the 55% (approximately) of claimable land within the Cape York Representative Area that was not already claimed or determined. The authorisation process overwhelmingly authorised CYLC to lodge the comprehensive regional claim.

The *Cape York United Number 1 Claim* (Federal Court No QUD673/2014) application was lodged on 12 December 2014 and registered on 6 February 2015. This claim is also referred to as One Claim. The outer boundary of the claim follows the southern boundary of the Cape York Representative Area and the coast of Cape York to the mean high water mark.

The claim excludes:

- areas that were subject to native title determinations at the time the claim was lodged;
- areas that were subject to other native title determination applications at the time the claim was lodged;
- freehold land;
- public works including dedicated roads;
- the area of the WCCCA (Indigenous Land Use Agreement (QIA2001/002); and
- other non-claimable lands and waters (for example, land under a validly granted previous exclusive possession act within the meaning of s23B of the *Native Title Act 1993* (Cth) (NTA).

The result is that almost all claimable land and inland waterways within the Cape York Representative Area is now either within a native title determination or included within a registered NTDA, except for an area around the Weipa peninsula.

The *Cape York United Number 1 Claim* is one of the largest of the current claims in Australia and the first where a Native Title Representative Body has claimed virtually all of the land and inland waterways within its representative area. The key principle of the *Cape York United Number 1 Claim* is that traditional owners for each area continue to speak for country according to their laws and customs. Any future acts and other activities occurring on Cape York must therefore comply with the relevant provisions of the NTA.



CYLC has engaged eight experienced consultant anthropologists to prepare connection materials for the *Cape York United Number 1 Claim*. Each anthropologist has conducted fieldwork and desktop research and a senior anthropologist is compiling an overarching society report using this material. The anthropological reports will be used in the determination process for the *Cape York United Number 1 Claim*.

Since 2015 CYLC has engaged an experienced historian as a consultant to compile a genealogical database for the whole of the CYLC's representative area. The work has progressed from consolidating existing databases and native title research materials to assisting in the process of preparing material as part of the *Cape York United Number 1 Claim*. The consultant historian is working with the consultant anthropologists to settle materials to be used in the determination process and is undertaking archival and other research to create a more detailed and comprehensive resource. The database will be a valuable resource for Traditional Owners and CYLC as it will enable a more streamlined and efficient process for dealing with future acts and other activities on Cape York.

CYLC, on behalf of native title parties for Cape York, is actively engaged in negotiations with the State of Queensland and other respondents to the *Cape York United Number 1 Claim* with a view to securing a consent determination of native title for this vast area. The Federal Court has set a timetable to enable a consent determination to be negotiated within five years from registration of the application.

Cape York Sea Claims

CYLC is currently conducting the necessary research to base one or a series of NTDAs for the sea country surrounding Cape York. It is anticipated that a comprehensive information and authorisation process will be undertaken in 2018.

ILUA negotiations

The large and comprehensive nature of the *Cape York United Number 1 Claim* has resulted in an increase in future acts and other activities requiring compliance with the NTA.

One significant activity that must now comply with the NTA is the upgrade of the Peninsula Developmental Road (PDR). The State of Queensland agreed to negotiate an ILUA that provided for compliance with the NTA and other relevant legislation including the *Aboriginal Cultural Heritage Act 2003* (Qld). PDR ILUA negotiations were completed over 2016-17 and it is anticipated that the ILUA will be placed on the NNTT ILUA register early in 2017-18.

Dispute Resolution Project

The *Cape York United Number 1 Claim* principle that only traditional owners for an area continue to speak for country according to their laws and customs means that there are no claim boundary disputes delaying progress of the claim in the Federal Court. The single claim without boundary disputes has altered the nature of the conversation amongst native title parties.

However, CYLC has developed dispute resolution procedures to assist native title parties resolve disputes in a culturally sensitive manner. These procedures will be utilised when disputes arise regarding rights to make decisions for land and waters, or other related issues.

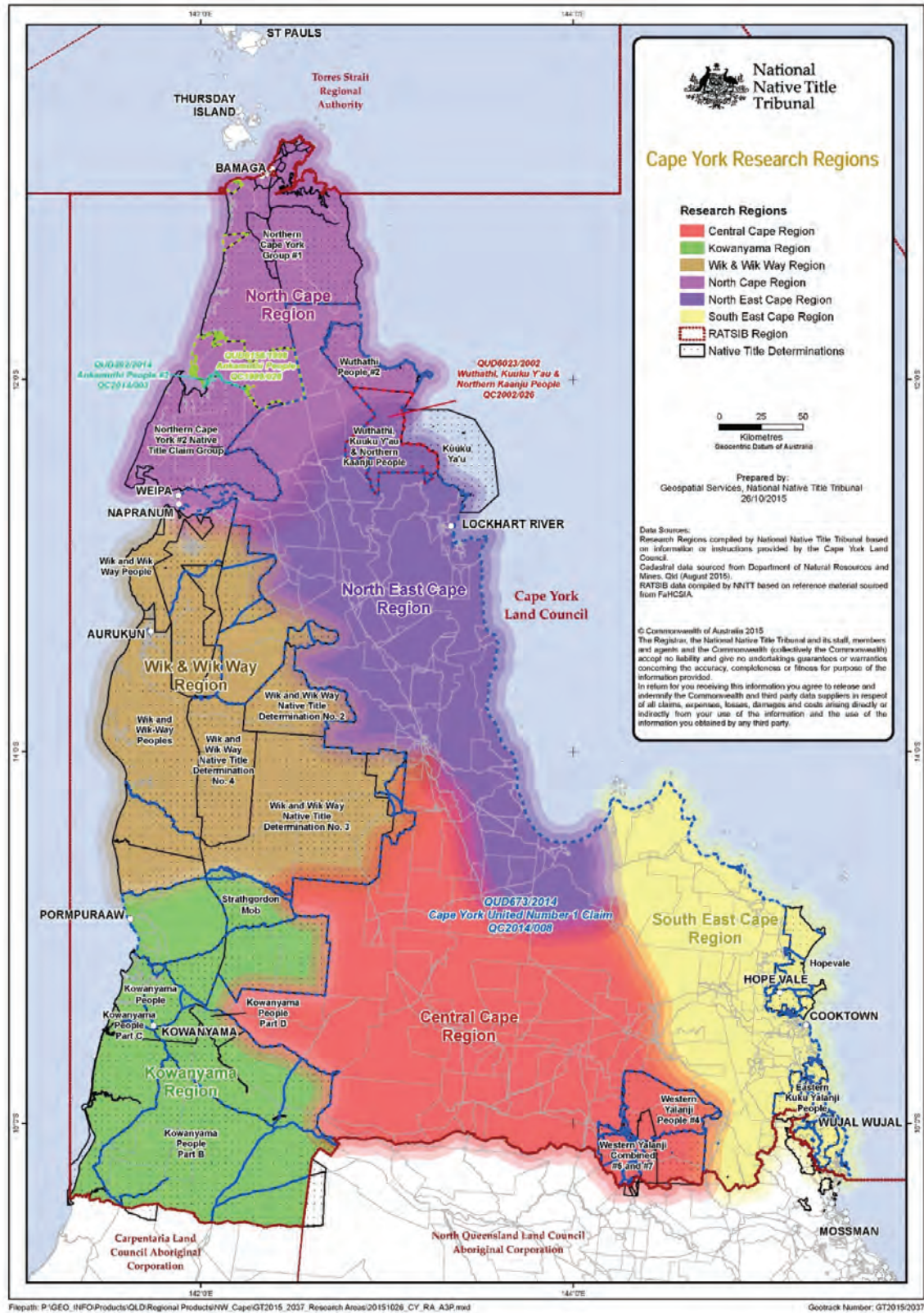


Figure 3 – Cape York Research Regions



Regional Reports

North Cape

Native title determinations

There were no native title determinations in the North Cape region over 2016-17.

Native title determination applications

Northern Peninsula Sea Claim (QUD114/2017) was filed on 27 February 2017. The application is over approximately 7,402 square kilometres of sea country off the west coast of Cape York extending from the Skardon River north to Gel Point (Injinoo).

North Eastern Peninsula Sea Claim Group (QUD115/2017) was filed on 27 February 2017. The application is over approximately 18,555 square kilometres of sea country off the east coast of Cape York extending northerly from Captain Billy Landing, around the Cape to Gel Point (Injinoo), and extending north easterly and easterly to Pandora Entrance. This application replaces the Gudang Yadhaykenu People Sea Claim (QUD269/08) which will be discontinued.

Ankamuthi People (QUD6158/98) was filed on 15 July 1999. This claim remained active over 2016 - 17 and is expected to be determined on 26 July 2017.

Ankamuthi People #2 (QUD392/14) was filed on 29 July 2014. This claim remained active over 2016 - 17 and is expected to be determined on 26 July 2017.

Northern Cape York Group #3 NTDA was filed on 7 October 2016. This claim remained active over 2016 - 17 and is expected to be determined on 26 July 2017.

Cape York United Number 1 Claim (QUD673/2014) was filed on 12 December 2014. All remaining claimable land and inland waterways within the North Cape region that is not part of one of the NTDAs listed above is now claimed as part of the *Cape York United Number 1 Claim*, except for the Weipa peninsula area. CYLC is currently considering the preparation of a claim for the unclaimed Weipa peninsula area.

ILUA registrations

No ILUAs were registered in the North Cape region over 2016 - 17.

The **Ergon Energy and Ankamuthi People ILUA (QI2017/007)** was lodged with the Tribunal on 16 June 2017. The ILUA is an Area Agreement and covers approximately 536 square kilometres. It is located 8 kilometres north-east of Mapoon, bordered on the south by the Ducie River and north to an area located approximately 40km south-west of Bamaga. The ILUA provides for the on-going relationship between Ergon Energy's interests in the Ankamuthi Peoples' native title determination area and the interests of the Ankamuthi People native title-holders, and consent for the doing of particular future acts by Ergon Energy within the determination area.

ILUA negotiations

Mapoon Township Community Development ILUA #2 negotiations between the Mapoon Aboriginal Shire Council, the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014) and the State of Queensland commenced in June 2016. This ILUA provides simplified native title consent processes and compensation for future acts which may occur in two town areas which were not part of the Mapoon Township Community Development ILUA area. The ILUA was authorised by Traditional Owners on 16 November 2016 and executed by the Mokwiri Aboriginal Corporation RNTBC on 15 December 2016. However the ILUA's placement on the NNTT Register is delayed as a result of the *McGlade v Native Title Registrar [2017] FCAFC 10* decision, which questioned whether an ILUA is capable of being registered on the basis that not all registered claimants signed the ILUA. CYLC anticipates that the ILUA will be registered by early 2018.



The **Wuthathi Land Transfer ILUA (QI2016/061)** was lodged with the NNTT on 22 December 2016. The ILUA is an Area Agreement and covers approximately 1,184 square kilometres, 200 kilometres north-west of Lockhart River, in the vicinity of Shelburne Bay. The ILUA provides for transfer of land as Aboriginal freehold tenure to Wuthathi Aboriginal Corporation RNTBC and the dedication and joint management of Wuthathi (Shelburne Bay) National Park (CYPAL), Sir Charles Hardy Group National Park (CYPAL) and Saunders Island National Park (CYPAL).



Photo 2 – Wuthathi Aboriginal Corporation RNTBC members at the Wuthathi Land Transfer ILUA authorisation

Land transfers

In December 2016, **Shelburne Bay** was transferred to the Wuthathi Aboriginal Corporation RNTBC as Aboriginal Freehold along with the **Saunders Islands and Sir Charles Hardy Group** National Parks (CYPAL).

Other

CYLC continues to assist the Ipima Ikaya Aboriginal Corporation RNTBC (for the NCY#1 determination), the Mokwiri Aboriginal Corporation RNTBC (for the NCY#2 determination) and Wuthathi Aboriginal Corporation RNTBC to fulfil their RNTBC responsibilities.



Photo 3– Wuthathi dancers preparing to celebrate the Shelburne Bay transfer



North East Cape

Native title determinations

There were no native title determinations in the North East Cape region over 2016-17.

Native title determination applications

Cape York United Number 1 Claim (QUD673/2014) was filed on 12 December 2014. All claimable land and inland waterways within the North East Cape region is now claimed as part of the *Cape York United Number 1 Claim*.

ILUA registrations

The Lockhart River Defence Facilities ILUA (QI2016/018) was placed on the NNTT ILUA register on 23 September 2016. The ILUA is an Area Agreement and covers approximately 941 square metres located on Twin Peaks Street, Lockhart River. The ILUA provides consent for the grant of a lease and the construction, development, operation and maintenance of the facilities by or on behalf of the Department of Defence.

ILUA negotiations

Lockhart River Township Community Development ILUA negotiations between the Lockhart River Aboriginal Shire Council, the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014) and the State of Queensland commenced in mid-2014, however negotiations were put on hold by the State in mid-2015. ILUA negotiations recommenced in February 2017, and it is anticipated that this ILUA will be registered by mid-2018.

The **Bromley Land Transfer ILUA** was negotiated in 2016-17 and is expected to be lodged and registered in 2017-18. The ILUA covers approximately 1,639 square kilometres, approximately 40 kilometres north-west of Lockhart River, in the vicinity of Temple Bay and the old Bromley and Boynton pastoral holdings. The ILUA provides for transfer of land as Aboriginal freehold tenure to Bromley Aboriginal Corporation RNTBC, and the dedication and joint management of Bromley (Ampulin) National Park (CYPAL) and Bromley (Kungkaychi) National Park (CYPAL).

Land transfers

In May 2017 the ex-Bromley and Boynton pastoral properties were transferred to the Bromley Aboriginal Corporation RNTBC.



Photo 4 – Bromley Aboriginal Corporation RNTBC members at the Bromley and Boynton transfer



Photo 5 – Celebrating the Bromley and Boynton transfer

Other

CYLC facilitated the negotiation of a Cultural Heritage Agreement (CHA) between Telstra Corporation and the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014) for the replacement of an optical fibre cable at Batavia. The CHA protects Aboriginal cultural heritage during the replacement of the cable. The CHA was authorised in February 2017. Replacement of the cable is now complete.

CYLC continues to assist the Kuuku Ya'u Aboriginal Corporation RNTBC and the Bromley Aboriginal Corporation RNTBC to fulfil their RNTBC responsibilities.

South East Cape

Native title determinations

There were no native title determinations in the South East Cape region over 2016-17.

Native title determination applications

Cape York United Number 1 Claim (QUD673/2014) was filed on 12 December 2014. All claimable land and inland waterways within the South East Cape region is now claimed as part of the *Cape York United Number 1 Claim*.

ILUA registrations

The **Sandstone East Land Transfer ILUA (QI2016/017)** was placed on the NNTT ILUA register on 23 September 2016. This ILUA is an Area Agreement and covers approximately 545.4 square kilometres located approximately 42 kilometres northwest of Cooktown. The ILUA provides consent for the grant of Aboriginal land to Aboriginal Corporations, the dedication and management of a Cape York Peninsula Aboriginal Land National Park, gravel extraction, the construction and maintenance of access tracks, the grant of a carbon abatement interest, and other land management acts.

The **Sandstone West Land Transfer ILUA (QI2016/048)** was lodged with the NNTT on 31 October 2016. The ILUA is an Area Agreement and covers approximately 367 square kilometres. It is located about 58 kilometres north-west of Cooktown. The ILUA provides for transfer of land as Aboriginal freehold tenure to Balnggarrawarra Aboriginal Corporation and the dedication and joint management of Ngaynggarr National Park (CYPAL).

The **Melsonby ILUA (QI2016/048)** was lodged with the NNTT on 31 October 2016. The ILUA is an Area Agreement and covers approximately 107 square kilometres. It is located about 52 kilometres north-west of Cooktown. The ILUA provides consent for the grant of an easement to each of the Department of National Parks, Sport and Racing (Qld) and Telstra Corporation.



ILUA negotiations

Negotiations are in progress for the **Cooktown Foreshore Infrastructure ILUA** between the Cook Shire Council and the Waymbuurr-Warra People and will later involve the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014). These negotiations commenced in February 2016. This ILUA seeks to provide native title consent and compensation for foreshore developments which are being progressed towards the 250th anniversary of the arrival of Captain Cook at the location of Cooktown in 1770.

CYLC is assisting with negotiation of the **Hopevale Congress Aboriginal Corporation RNTBC ILUA** which will provide simplified processes for native title consent for the grant of leases over Aboriginal freehold land in Hope Vale. In its capacity as the trustee of Aboriginal freehold land, this ILUA will facilitate Congress to grant leases for home ownership, commercial activity and other purposes outside of the town area.

Land transfers

In October 2016 the **Sandstone West Aggregate** (Battle Camp and Mount Jack properties) was transferred to Balnggarrawarra Aboriginal Corporation.

CYLC is assisting the Jabalbina Yalanji Aboriginal Corporation RNTBC (Jabalbina) and the Mossman Gorge community with the transfer of the Mossman Gorge Aboriginal reserve to Aboriginal freehold tenure held by an Aboriginal Land Trust. The transfer will be under the provisions of the *Aboriginal Land Act 1991 (Qld)*.

CYLC is assisting Hopevale Congress Aboriginal Corporation RNTBC and Dhubbi Warra Aboriginal Corporation RNTBC to initiate a transfer of the Hope Vale town area from Deed of Grant in Trust tenure held by the Hope Vale Aboriginal Shire Council to Aboriginal freehold tenure held by an Aboriginal Land Trust. The transfer will be under the provisions of the *Aboriginal Land Act 1991 (Qld)*.



Photo 6 – Balnggarrawarra Aboriginal Corporation members at the Sandstone West Aggregate transfer



Other

CYLC continues to assist the Jabalbina Aboriginal Corporation RNTBC, the Hopevale Congress Aboriginal Corporation RNTBC, the Dhubbi Warra Aboriginal Corporation RNTBC and the Walmbaar Aboriginal Corporation RNTBC to fulfil their RNTBC responsibilities.



Photo 7 – Balnggarrawarra Aboriginal Corporation members receiving their Sandstone West Aggregate transfer certificates from Minister Pitt

Central Cape

Native title determinations

There were no native title determinations in the Central Cape region over 2016-17.

Native title determination applications

Cape York United Number 1 Claim (QUD673/2014) was filed on 12 December 2014. All claimable land and inland waterways within the Central Cape region is now claimed as part of the *Cape York United Number 1 Claim*.

ILUA registrations

The **Army Aboriginal Community Assistance Program (AACAP) (Laura) ILUA (Q12016/026)** was placed on the NNTT ILUA register on 4 November 2016. This ILUA is an Area Agreement and covers approximately 3.1 square kilometres in the vicinity of Laura, 87 kilometres west of Cooktown. The ILUA provides consent for the grant of a tenure to the Commonwealth of Australia and the Cook Shire Council, and the construction of a waste water disposal system, multi-purpose facility, basketball court roof, footpath, picnic area infrastructure, temporary army camp, and other acts.



Photo 8 – Smoking ceremony for Army personnel at Laura for the AACAP ILUA authorisation

ILUA negotiations

Negotiations are in progress for the Laura Landfill ILUA between the Cook Shire Council and the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014). This ILUA may include native title consent and compensation for a lease over the existing landfill site near Laura.

Land transfers

No land was transferred to Aboriginal freehold tenure in the Central Cape region over 2016-17.

Pormpuraaw and Kowanyama

Native title determinations

There were no native title determinations in the Pormpuraaw and Kowanyama region over 2016-17.

Native title determination applications

Cape York United Number 1 Claim (QUD673/2014) was filed on 12 December 2014. All claimable land and inland waterways within the Pormpuraaw and Kowanyama region is now claimed as part of the *Cape York United Number 1 Claim*.

ILUA registrations

The **Dinah Island ILUA (QI2016/050)** was placed on the NNTT ILUA register on 24 January 2017. This is a Body Corporate ILUA and covers approximately 50 square kilometres about 100 kilometres south of Kowanyama. The ILUA provides consent for the Minister to approve the addition of low-key tourism to the purposes of an existing lease.

The **Pormpuraaw Township Community Development ILUA (QI2016/004)** was placed on the NNTT ILUA register on 29 August 2016. This ILUA is an Area Agreement and covers approximately 8.5 square kilometres in the vicinity of Pormpuraaw. The ILUA provides simplified processes for consent for the grant of leases for home ownership, social housing, State infrastructure, commercial activities and Council acts.



Photo 9 – Pormpuraaw Traditional Owners at the Township Community Development ILUA authorisation meeting

ILUA negotiations

No ILUA negotiations were in progress in the Pormpuraaw and Kowanyama region over 2016-17.

Land transfers

No land was transferred to Aboriginal freehold tenure in the Pormpuraaw and Kowanyama region over 2016-17.

Other

CYLC continues to assist the Abm Elgoring Ambung Aboriginal Corporation RNTBC and the Thaa-Nguigarr Strathgordon Aboriginal Corporation to fulfil their RNTBC responsibilities.

CYLC facilitated the negotiation of a Cultural Heritage Agreement (CHA) between Telstra Corporation and the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014) for the construction of an optical fibre cable from Kowanyama to Pormpuraaw. The CHA protects Aboriginal cultural heritage during the construction of the cable. The CHA was authorised in May 2017. It is anticipated that construction of the cable will be complete in October 2017.



Photo 10 – Kowanyama and Telstra representatives at a Cultural Heritage Agreement meeting for the optical fibre cable project



Wik and Wik Way

Native title determinations

There were no native title determinations in the Wik and Wik Way region over 2016-17.

Native title determination applications

Cape York United Number 1 Claim (QUD673/2014) was filed on 12 December 2014. All claimable land and inland waterways within the Wik and Wik Way region is now claimed as part of the *Cape York United Number 1 Claim*.

ILUA registrations

The **Kwokkunum Access ILUA (QI2016/038)** was placed on the NNTT ILUA register on 9 December 2016. This is a Body Corporate ILUA and covers approximately 4.3 square kilometres in a corridor north of the Aurukun Rd, approximately 38 kilometres southeast of Weipa. The ILUA provides consent for the use of the Kwokkunum Access Track for mining activities.

ILUA negotiations

No ILUA negotiations were in progress in the Wik and Wik Way region over 2016-17.

Land transfers

No land was transferred to Aboriginal freehold tenure in the Wik and Wik Way region over 2016-17.

Other

CYLC continues to assist the Ngan Aak-Kunch Aboriginal Corporation RNTBC to fulfil its RNTBC responsibilities.

CYLC also facilitated the negotiation of several other CHAs between:

- the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014) and Queensland Health;
- the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014) and the Department of Housing and Public Works;
- the Applicant in the *Cape York United Number 1 Claim* (QUD673/2014) and Cook Shire Council;
- the Ngan Aak-Kunch Aboriginal Corporation RNTBC and Rio Tinto Alcan Weipa; and
- the Ngan Aak-Kunch Aboriginal Corporation RNTBC and Black Dragon Energy (Aus) Pty Ltd.

CYLC also negotiated a compensation agreements between the Ngan Aak-Kunch Aboriginal Corporation RNTBC and Oresome Bauxite Pty Ltd and Ozone Resources Pty Ltd.



Photo 11 - Wik native title holders inspecting a section of Sudley/York Downs Station earmarked for gravel extraction by Cook Shire Council



Agreements Database and Implementation

The CYLC Agreements Database records 245 executed agreements including:

- 95 ILUAs;
- 39 conservation agreements and indigenous management agreements;
- 18 cultural heritage agreements;
- 26 mining tenement agreements; and
- 67 other agreements (lease, licence, MOU).

Over 2016-2017, six ILUAs were registered and five ILUAs were notified by the NNTT. Registered ILUAs are shown in Table 2. CYLC remains actively involved in the negotiation of other ILUAs and anticipates completion of several of these ILUAs in 2018.

CYLC's Agreement Coordinator is a legal officer who assists Traditional Owners to understand their rights and obligations under agreements and assists with minor dispute resolutions. Over 2016-17, the Agreement Coordinator assisted Traditional Owners and entitled bodies to invoice, follow up and recover outstanding payments associated with agreements and entitlements under the Native Title Protection Conditions. The Agreement Coordinator also assisted Traditional Owners to facilitate meetings of Traditional Owner Implementation Groups to ensure they were able to perform their obligations under agreements.

Future Acts Unit

CYLC receives future act notifications (FANs) from State and Commonwealth Government agencies and other authorities which propose future acts such as the grant of leases, permits, licenses, the construction of infrastructure or other acts which may impact on native title rights and interests. CYLC supports Traditional Owners to express their rights under the NTA in relation to proposed future acts.

FANs received are reviewed by a lawyer within the Future Acts Unit for impact on native title rights and interests before being sent to Traditional Owners. When requested, CYLC assists Traditional Owners to exercise their rights including the right to comment, to be consulted, to have objections heard, and to negotiate.

CYLC represents Traditional Owners in negotiations related to the proposed granting of mining leases which attract the right to negotiate, and large scale commercial mining or exploration negotiations involving the proposed grant or extension of mining or exploration rights on Aboriginal freehold land and non-freehold land. One example over 2016-17 was CYLC's support for Ankamuthi people in the negotiation of an agreement with Gulf Alumina for native title consent for a mining project. The agreement allowed for the subsequent amalgamation with an existing agreement between the Ankamuthi People and Metro Mining after a successful takeover by Metro Mining.

In order to provide advice on future acts to Traditional Owners, CYLC has developed expertise in mapping and GIS capabilities which enables it to provide extensive mapping and information services.

Over 2016-17 CYLC received 471 FANs for various proposed future acts. FANs received are shown in Table 3.

In addition to responding to FANs, over 2016-17 CYLC:

- refined and further developed detailed procedures and protocols for dealing with future act matters, and assisted Traditional Owners to exercise their rights with the view to obtaining the best possible outcome for Traditional Owners;
- represented Traditional Owners in exploration negotiations and for small-scale mining negotiations, e.g. section 31 NTA "good faith" negotiations;
- represented Traditional Owners in negotiations for the amalgamation of two major mining projects for the Cape Alumina and Gulf Alumina bauxite projects in the Skardon River area; and
- represented Traditional Owners in submissions made to government about environmental and cultural heritage concerns relating to mineral exploration and the grant of major mining projects.



Photo 12 – Ankamuthi, Gulf Alumina and CYLC representatives at signing of Bauxite Agreement

State Land Dealings & National Park Transfers Unit

During 2016-17 CYLC continued its role in support of the State Land Dealings and National Park Transfers programs, which are administered by Balkanu Cape York Development Corporation as Queensland State Government funded projects under the Cape York Peninsula Tenure Resolution Program. This project transfers the land tenure of identified pastoral properties and national parks to Aboriginal freehold tenure under the ownership and management of Aboriginal land trusts and corporations whilst also ensuring the protection of areas with high cultural and environmental values.

CYLC lawyers and Balkanu staff support the participation of native title parties in ILUA negotiations with the Queensland Government's Cape York Tenure Resolution Branch to enable land transfers to Aboriginal freehold tenure.

Figure 4 shows a map of completed State Land Dealings and National Park Transfers. In summary, under the State Land Dealing and National Park Transfers program since 2000:

- approximately 2,100,000ha of land has been transferred to jointly managed Cape York Peninsula Aboriginal Land (CYPAL) National Parks;
- approximately 1,500,000ha of land (mainly ex-pastoral leases) has been transferred to Aboriginal freehold outside of National Parks; and
- just over 300,000ha of land has been declared as Nature Refuges.

Aboriginal freehold outside of National Parks provides a secure tenure for Aboriginal land trusts to pursue economic development opportunities through land uses such as tourism, grazing and cropping.

Three transfers proceeded under the program in 2016-17, resulting in 315,572ha of land being transferred to Aboriginal corporations.

In October 2016, the Sandstone West Aggregate (Battle Camp and Mount Jack properties) transfer resulted in a total area of 36,710ha of land being transferred to Balnggarrawarra Aboriginal Corporation as Aboriginal freehold tenure, of which 20,220ha (55%) is unencumbered Aboriginal freehold, and 16,490ha (45%) was dedicated as the new Ngaynggarr National Park (CYPAL).



In December 2016, the Shelburne Bay transfer resulted in a total area of 117,989ha of land being transferred to the Wuthathi Aboriginal Corporation RNTBC as Aboriginal freehold tenure, of which 80,669ha (68%) is unencumbered Aboriginal freehold land, and 37,320ha (32%) was dedicated as the Wuthathi (Shelburne Bay) National Park (CYPAL). 143ha of Aboriginal freehold tenure underlying the Saunders Islands and Sir Charles Hardy Group National Parks (CYPAL) was also transferred to the Wuthathi Aboriginal Corporation RNTBC.

In May 2017, the Bromley transfer resulted in a total area of 160,730 ha of land being transferred to the Bromley Aboriginal Corporation RNTBC as Aboriginal freehold tenure, of which 65,731 ha (41%) is unencumbered Aboriginal freehold land, 51,030ha (32%) was dedicated as the new Bromley (Kungkaychi) and Bromley (Ampulin) National Parks (CYPAL), and 43,969 ha (27%) became the Minchingun Nature Refuge and the Bromley Yuuka Nature Refuge.

Negotiations over the transfer of other significant State land parcels continued throughout 2016-17.



Photo 13 – Weipa wetlands



Figure 4 – Map showing Cape York Land Tenure, including State Land Dealings Transfers. Aboriginal freehold land shown in yellow



Summary of Cape York Determinations, NTDAs, ILUAs, FANs and SLD Transfers

Native Title Determinations

Over 2016-17, no native title determinations were made in the CYLC Representative Area.

Native Title Determination Applications

Over 2016-17, CYLC commissioned anthropological research when necessary and provided legal services to manage the NTDAs active in the CYLC Representative Area (Table 1).

Application name	Date filed	Tribunal file number	Federal Court file number	Date claim entered on register
Cape York United Number 1 Claim	12/12/2014	QC2014/008	QUD673/2014	06/02/2015
Ankamuthi People	15/07/1999	QC1999/026	QUD6158/1998	21/09/1999
Ankamuthi People #2	29/07/2014	QC2014/003	QUD392/2014	26/02/2015
Northern Cape York Group #3	07/10/2016	QC2016/009	QUD780/2016	7/11/2016
Northern Peninsula Sea Claim	27/02/2017	QC2017/002	QUD114/2017	Not yet registered
North Eastern Peninsula Sea Claim Group	27/02/2017	QC2017/003	QUD115/2017	Not yet registered

Table 1 – Cape York Representative Area NTDA Status

Indigenous Land Use Agreements

Over 2016-17, six Indigenous Land Use Agreements (ILUAs) were registered with the National Native Title Tribunal (NNTT) for the Cape York Representative Area (Table 2). CYLC was involved in the negotiation of all of these ILUAs.

ILUA name	ILUA type	Subject matter(s)	Tribunal file number	Date registered
Dinah Island ILUA	Body Corporate	Access, Tourism	QI2016/050	24/01/2017
Kwokkunum Access ILUA	Body Corporate	Mining, Access	QI2016/038	09/12/16
AACAP (Laura) ILUA	Area Agreement	Tenure resolution, Access, Community Living Area, Infrastructure	QI2016/026	04/11/2016
Sandstone East Land Transfer ILUA	Area Agreement	Government, Co-management, Infrastructure, Tenure Resolution	QI2016/017	23/09/2016
Lockhart River Defence Facilities ILUA	Area Agreement	Government, Access	QI2016/018	23/09/2016
Pormpuraaw Township Community Development ILUA	Area Agreement	Community	QI2016/004	29/08/2016

Table 2 – Cape York Representative Area ILUAs Registered



Future Act Notices

Over 2016-17, 471 FANs were received by CYLC for the CYLC Representative Area (Table 3).

Future act	FANs Received
Marine permits for scientific research, conduct of tourist programs, fishing, construction of mooring facilities & private pontoon	360
Application for a water permit	7
Construction of low voltage power lines – electricity distribution facility	2
Scientific purposes permit under the <i>Nature Conservation Act 1992 (Qld)</i>	63
Construction of public works for staff housing	1
Construction of a road/road opening/road realignment	2
Exploration permits for mining	26
Mining leases	5
Construction of access track within national park	1
Road bridge and boat ramp reconstruction associated with sewage works	1
Social housing	1
Sales permit to sell quarry material	2
Total	471

Table 3 - Future Act Notices received

State Land Dealing Transfers

Over 2016-17, three transfers were made under the State Land Dealings program (Table 4).

Property	Date	Aboriginal Freehold (ha)	Regional Park (ha)	Jointly managed National Park (ha)	Nature Refuge (ha)	Total area (ha)
Battle Camp and Mount Jack (Sandstone West)	October 2016	20,220	0	16,490	0	36,710
Shelburne Bay and islands	December 2016	80,669	0	37,463	0	118,132
Bromley and Boynton	May 2017	66,004	0	51,030	43,696	160,730
Total		166,893		104,983	43,696	315,572

Table 4 – State Land Dealings transfers



Strategic Outcomes Unit

Over 2016-17 the CYLC Strategic Outcomes Unit continued to engage with legislative and procedural reforms that impact on Cape York Traditional Owners' native title rights and interests, or reforms that impact on CYLC's opportunity to protect native title and other Aboriginal rights and interests.

CYLC made numerous submissions in response to Commonwealth and State legislative and policy reforms. Where appropriate, CYLC liaised with the other Cape York regional organisations such as Balkanu and Cape York Partnerships, and other Queensland Native Title Representative Bodies, to ensure a coordinated approach and consensus position for submissions and representations made to the State and Commonwealth governments.

CYLC's policy engagement with the Queensland Government included:

- review and comment on the *Aboriginal Cultural Heritage Act 2003* (ACHA) Duty of Care Guidelines via written submission;
- review and comment on the *Eastern Cape York Water Quality Improvement Plan – Draft for Community Consultation* via written submission;
- comment on the conversion of the *Daintree National Park to National Park (Cape York Peninsula Aboriginal Land)*;
- participation in the preparation of the *Cape York Water Resource Plan* via written submission and membership of the stakeholder working group;
- review and comment on the *Green Paper on fisheries management reform in Queensland*;
- review and comment on the Great Artesian Basin and other regional aquifers draft water plan via written submission;
- review and comment on the *Infrastructure, Planning and Natural Resources Committee Inquiry into the long-term financial sustainability of local government* via written submission;
- review and comment to the *Agriculture and Environment Committee regarding the Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017* via written submission, appearance at the public hearing and ongoing actions;
- review and comment on the *Inquiry into service delivery in remote and discrete Aboriginal and Torres Strait Islander communities* via written submission and participation in consultations;
- review and comment on the *draft Terms of Reference (ToR) for the Cape York Regional Protected Area Management Committee*;
- ongoing engagement in working group to identify how to implement provisions of the *Planning Act 2015* relevant to Indigenous interests;
- participation in the review of the *Wet Tropics Management Plan 1998*; and
- ongoing identification of priority land for transfer to Aboriginal freehold under the *Aboriginal Land Act 1991*.

CYLC's policy engagement with the Commonwealth Government included:

- review and comment on the *Carbon Credits (Carbon Farming Initiative) Amendment Bill 2017* (Cth) and ongoing engagement with Aboriginal stakeholders and the Clean Energy Regulator to promote Aboriginal opportunities in carbon projects;
- review and comment on the Marine Reserves Management Planning process;
- participation at the *Developing Northern Australia Conference* and presentation of a session titled *Indigenous interests and involvement in developing northern Australia* which identified ways to enable development whilst providing opportunities for Aboriginal people;
- review and comment on the *EPBC Referral 2016/7751 regarding Clearing of Vegetation at Kingvale Station*;
- review and comment on the *Quinkan Country proposed National Heritage Listing* and facilitation of Traditional Owner participation in the listing process.



The Strategic Outcomes Unit also continued to provide proactive assistance to Traditional Owner and other Aboriginal groups and policy advice to government on a range of other issues including:

- improvement of the land administration system, land tenure, home ownership and related issues in Aboriginal local government areas;
- land arrangements to establish an effective platform for development including land tenure, land transfers and ownership, land use planning, native title consent and other issues;
- project management of CYLC's support for Traditional Owners in negotiation of Town ILUAs, which provide simplified processes for native title consent associated with development in Aboriginal towns;
- advice and assistance to resolve issues associated with the exercise of native title on Aboriginal freehold land;
- advocating for the transfer of transferrable land to Aboriginal freehold;
- the grant of leases under the *Aboriginal Land Act 1991* (Qld);
- the grant of lease entitlements under the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld); and
- support for Cape York Regional Organisations in the implementation of the Cape York Welfare Reform trial, particularly in relation to home ownership and economic development on Aboriginal land.



Photo 14 – Cape York bush



COMMUNITY RELATIONS UNIT

PBC Support Unit

Over 2016-17, the CYLC PBC Support Unit (PBCSU) continued to offer a suite of support services to Registered Native Title Bodies Corporate/Prescribed Bodies Corporate (RNTBCs/PBCs) across Cape York. These services assist the native title parties in establishing and maintaining their PBCs.

Native title determinations have resulted in the establishment of the following RNTBCs/PBCs in the Cape York Representative Area:

- Abm Elgoring Ambung Aboriginal Corporation RNTBC based in Kowanyama;
- Bromley Aboriginal Corporation RNTBC based in Lockhart River;
- Dhubbi Warra Aboriginal Corporation RNTBC based in Hope Vale;
- Hopevale Congress Aboriginal Corporation RNTBC based in Hope Vale;
- Ipima Ikaya Aboriginal Corporation RNTBC based in the Northern Peninsula Area;
- Jabalbina Yalanji Aboriginal Corporation RNTBC based in Mossman;
- Kuuku Ya'u Aboriginal Corporation RNTBC based in Lockhart River;
- Mokwiri Aboriginal Corporation RNTBC based in Weipa;
- Ngan Aak-Kunch Aboriginal Corporation RNTBC based in Aurukun;
- Thaa-Nguigarr Strathgordon Aboriginal Corporation RNTBC based in Pormpuraaw;
- Walmbaar Aboriginal Corporation RNTBC based in Hope Vale; and
- Wuthathi Aboriginal Corporation RNTBC for the Shelburne Bay area.

The PBCSU delivers a range of support to these RNTBCs/PBCs under the four key themes of:

- Compliance;
- Training;
- Financial Management; and
- Economic Development.

Actions within these themes include:

- Compliance assistance (e.g. Directors' meetings, AGMs and membership drives);
- Governance training;
- Constitutional advice;
- Day-to-day financial management;
- Financial management training;
- Assistance with auditing;
- Assistance with funding and economic development proposals;
- Access to legal and other accredited advisors;
- Access to Jawun secondees; and
- Mediation.

Throughout 2016-17 PBCs were supported to meet their compliance obligations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* administered by the Office of the Registrar of Indigenous Corporations (ORIC). Directors' Meetings and Annual General Meetings were held in various communities including Bamaga, Hope Vale, Kowanyama, Pormpuraaw and Weipa.

The PBCSU assisted the PBCs in setting up their offices by providing furniture, signage, equipment and telecommunications. The PBCs also had support with recruiting staff to enable them to be fully operational. There are only two PBCs that are yet to open their offices for business because they are newly incorporated.

With the need for strong governance within each of the Corporations, Shane Carroll was again enlisted to provide corporate training to many directors including those from Abm Elgoring Ambung, Bromley, Ipima Ikaya, Mokwiri, Thaa-Nguigarr Strathgordon and Wuthathi Aboriginal Corporation RNTBCs.



Photo 15 – Mokwiri RNTBC AGM

The PBCSU offers day-to-day financial support that provides PBCs with tools needed to meet ORIC's stringent compliance requirements. These tools include timesheets, purchase orders, invoices and MYOB. The PBCs are also supported with budget tracking for their allocated funds to allow a transparent relationship with their RNTBC.

The affiliation with the Jawun Corporate Partnerships Program, which provides strategic planning assistance, continued. Over 2016-17 Jawun secondees once again travelled to locations in Cape York, this time to Hopevale and Bamaga, supporting the aspirations of the mob.



Photo 16 - Kuuku Ya'u Aboriginal Corporation RNTBC members at Rural Fire Brigade training

Performance Analysis

The *Cape York United Number 1 Claim* will continue to be at the centre of CYLC's effort over 2017-18. To support and inform current NTDA's and the lodging of future NTDA's, CYLC continues with anthropological research. CYLC has developed arrangements with experienced native title consultant anthropologists who are conducting research and providing anthropological advice and assistance. CYLC will continue to collate Cape York anthropological information to inform future dealings on country.

Responding to future act notifications (FANs) is also an increasing activity for CYLC as a result of the *Cape York United Number 1 Claim*, as land users become increasingly compliant with NTA processes, as land use on Cape York intensifies,



and as more future acts are proposed. Correlated with this trend is the need for CYLC to become more involved in agreement-making through ILUAs and in cultural heritage protection and management processes, as cultural heritage clearance processes often accompany future acts.

However, as more claims are determined and RNTBCs established on Cape York, CYLC recognises that it must play an essential role to support RNTBCs' functionality so that native title-holders have legally compliant and capable organisations to represent their interests and achieve benefits from native title determinations. If RNTBCs are not functional there is a significant risk that determinations will not result in real, lasting benefits to native title-holders, and the substantial investment of effort and resources in native title determinations will not achieve the objective to improve the lives of Aboriginal people. CYLC continues to lead the trend towards support for RNTBCs in the post-determination environment, with delivery of this support through a dedicated PBC Support Unit.

There is also a significant social and political trend towards supporting Aboriginal people to escape welfare dependence and engage in Australia's mainstream economy, including in remote areas such as Cape York. Realising the economic potential of native title and Aboriginal land is considered one of the main mechanisms to achieve this outcome on Cape York. CYLC is ahead of this trend through its support for the Cape York Welfare Reform agenda, advocacy for policy reform to support economic participation such as through engaging in Developing Northern Australia activities, and working in partnership with organisations such as Balkanu Cape York Development Corporation.

CYLC will engage in processes to support economic activity on Cape York, including through sharing our understanding of the interactions between land tenure, land ownership, native title, land use planning, organisational and individual capacities and finance. CYLC is keen to continue to work with the Australian and Queensland Governments on land reform initiatives that provide economic development opportunities for Cape York Aboriginal people.

An emerging trend with potential to create a significant area of new service delivery for Cape York Traditional Owners is assistance with compensation claims for the loss or impairment of native title rights and interests. The Northern Territory's Timber Creek native title compensation decision in August 2016 provided an example of how invalid native title extinguishment or impairment may be compensated on just terms.

There are numerous acts on Cape York which may be compensable, such as future acts performed invalidly in the past by State and local governments and other land users, and the use of NTA s24JAA to create interests in land for the State. To date, CYLC has given NTDA's a higher priority than compensation claims. However, priorities may be reconsidered after further consideration of the potential for litigated claims for the loss or impairment of native title rights and interests, and the potential quantum of compensation that may be available.

The NTA and Program Funding Agreement provide CYLC with responsibilities and resources to adequately address most core activities such as supporting NTDA's, and responding to FANs. However, these core activities are on an increasing trend as native title momentum on Cape York increases. Additional resources will be required by CYLC to continue to provide adequate support and services.

More significantly, demand for CYLC functions which do not receive core funding, such as cultural heritage mapping and protection, participation in Aboriginal land transfers and management and participation in policy development, is also increasing. CYLC's performance of these functions must also be adequately supported if the full benefits of native title are to be achieved and the lives of Aboriginal people improved.

Despite these operational challenges CYLC's expenditure to perform its statutory functions was consistent with the outputs budget, and no significant variations were required between planned and actual budget expenditures. CYLC also remained compliant with all financial reporting requirements, and no formal complaints were received during 2016-17.



Corporate Governance

CYLC is incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The CYLC Constitution is registered with the Office of the Registrar of Indigenous Corporations (ORIC).

Good corporate governance is achieved through strong working relationships and the separation of powers between CYLC's elected arm - the Board of Directors and CYLC's executive arm - the CYLC employees. Corporate governance goals are also achieved by promoting fairness, transparency and accountability through clearly defined roles, responsibilities and reporting.

The Board of Directors is responsible for setting strategic direction, lobbying and leadership. The Board advises the Chief Executive Officer (CEO) of its decisions as appropriate. The CEO is responsible for the operations of CYLC and executes directions from the Board through the daily operations of CYLC.

BOARD OF DIRECTORS

There are 17 communities within the Cape York Representative Area and a representative from each community is elected as a Director to sit on the CYLC Board of Directors. Directors attend regular Board meetings to ensure that all 17 communities have a voice in setting the direction of CYLC's work. If a Director is unavailable for a Board meeting, an Alternate Director with the same powers and responsibilities acts on the Director's behalf.



Photo 17 – CYLC Board of Directors 2016 - 17

Sitting: Phyllis Yunkaporta

Standing L to R: Rhonda Parry, Moira Bosen, George Ropeyarn, Ron Harrigan, Richie Ah Mat, Timothy McGreen, Aileen Gayle, Gavin Bassani, Clara Day, Aaron Teddy, Allan Creek, Noel Accoom, Herbert Bally and Bernard Charlie

Absent: Karen Gibson and Frances Walker



In accordance with the CYLC Constitution, the Board of Directors has responsibility for:

- Receiving and considering reports from the CEO and other members of the Senior Management Team regarding CYLC operations;
- Being informed of changes or proposed changes to the way CYLC conducts its work;
- Setting policy; and
- Other functions as accepted from time to time.

The Board of Directors meets at least four times per year and receives presentations from the CEO and Senior Management Team about CYLC activities for the relevant period. Reporting on all areas of CYLC operations takes place at each Board meeting, including reports from the CEO, Deputy CEO, PLO and Finance Manager. After considering these reports the Board provides advice and direction to assist the Senior Management Team to set priorities and identify actions which contribute to achieving the aims of CYLC and the Aboriginal people of Cape York.

Over 2016-17 the Board met on five occasions:

- 16-18 August 2016;
- 17 October 2016 (meeting by teleconference);
- 21-22 December 2016;
- 21-23 March 2017; and
- 1-2 June 2017

Table 5 shows Directors' attendance at Board meetings.

Community	Meetings eligible to attend	Director	Meetings attended	Alternate Director	Meetings attended
Aurukun	5	Jonathan Korkaktain	5	Alternate Director position unfilled	-
Cairns	5	Richard Ah Mat	4	Fred Joseph	0
Coen	5	Allan Creek	4	Dion Creek	0
Cooktown	5	Director position unfilled	-	Alternate Director position unfilled	-
Hope Vale	5	Timothy McGreen	5	Alternate Director position unfilled	-
Injinoo	5	George Ropeyarn	4	Catherine Salee	0
Kowanyama	5	Aaron Teddy	5	Alternate Director position unfilled	-
Laura	5	Aileen Gayle	0	Tracey Lowdown	0
Lockhart River	5	Noel Accoom	0	Rodney Accoom	2
Mapoon	5	Rhonda Parry	4	Maggie Peter	0
Mossman Gorge	5	Karen Gibson	4	Alternate Director position unfilled	-
Napranum	5	Moiria Bosen	5	Sheridan Doyle	0
New Mapoon	5	Clara Day	3	Geraldine York	2
Pormpuraaw	5	Herbert Bally	1	Devon Tarpencha	1
Port Stewart	5	Gavin Bassani	3	Alison Liddy	0
Umagico	5	Bernard Charlie	3	Gwendolyn Toby	0
Wujal Wujal	5	Francis Walker	2	Gerhardt Pearson	0

Table 5 - Board Member meeting attendance 2016-17



Training and Development of Directors

In addition to the Code of Conduct, an important part of the induction for all Directors is training about CYLC Policy, Procedures and the Separation of Powers. As part of the election process, Directors are made aware of the responsibilities that accompany their position and further training is part of their ongoing development. Regular governance training is provided to assist the Directors to perform their duties in accordance with the principles of good governance and the responsibilities of an NTRB under the NTA, CATSIA, the CYLC Rule Book, and Program Funding Agreement.

SENIOR MANAGEMENT TEAM

- **The Chief Executive Officer (CEO), Mr Peter Callaghan**, is responsible for managing CYLC day-to-day operations. The CEO is assisted by the Senior Management Team, comprising the Deputy CEO, Principal Legal Officer, Finance Manager and PBC Unit Manager, as well as CYLC staff.
- **The Deputy CEO, Ms Kirstyne Broderick**, supports the CEO to manage CYLC day-to-day operations and maintain strong working relationships with community members through management of the Community Relations Unit. The Deputy CEO and Community Relations Unit support community members in areas of RNTBC compliance and capacity building, future acts management and public relations.
- **The Principal Legal Officer (PLO), Mr Graham O'Dell**, is responsible for the effective management of the NTU and its implementation of functions under the NTA, including NTDA's, FANs and ILUAs, and other functions, including State Land Dealings and National Park transfers.
- **The Finance Manager, Mr Darren Sullivan**, is responsible for the effective management of the Finance Unit. The Finance Manager also manages the CYLC vehicle fleet, information technology and supports Human Resource Management.
- **The Prescribed Body Corporate (PBC) Unit Manager, Mr Jim Davis**, is responsible for overseeing this unit is operating in accordance with its vision – to support Traditional Owners to protect country and culture through the creation and management of sustainable and enduring PBCs. In addition to this, the PBC Unit works closely with the Community Relations Unit to ensure community members are informed of matters affecting them after a native title determination.

RISK MANAGEMENT

To ensure a structured approach to managing uncertainty CYLC is vigilant with identifying, assessing, monitoring and implementing procedures to reduce the impact of risks to its operations. Risk management is vitally important to ensure CYLC continues to be in a position to effectively represent the Aboriginal peoples of Cape York.

To ensure circumstances that could lead to negative outcomes for CYLC's business do not occur, CYLC identifies possible risks as part of strategic planning and puts plans and strategies in place that minimise these risks.

CORPORATE AND OPERATIONAL PLANNING

Consistent with requirements of the Program Funding Agreement, and to implement strategic directions and achieve desired outcomes outlined by the Board of Directors, CYLC prepares Operational Plans that set targets, detail activities, allocate resources and provide performance information. All CYLC activities are related to the outcomes and outputs framework in the Operational Plans.

Preparation and implementation of CYLC Operational Plans are informed by the Federal Court Work Plans prepared by the CYLC Native Title Unit for each NTDA. The Work Plans identify objectives and outputs to be achieved, in timeframes agreed with the Court. The Work Plans are developed based on the priority status of each NTDA so that resources are



effectively and efficiently allocated.

FINANCIAL MANAGEMENT

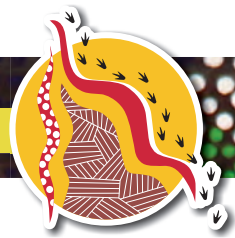
Financial management is the responsibility of the CYLC Finance Manager and CEO. Financial reports and matters of concern are routinely provided to the Board of Directors. In addition, an independent financial audit of CYLC is undertaken soon after the end of each financial year and reported to the Board of Directors and CYLC membership. CYLC is very proud of its record in obtaining clean audits for the past ten years.

ETHICAL STANDARDS

In addition to complying with the CYLC Code of Conduct, employees and Board of Directors follow other policies which reinforce the observation of high ethical standards. There is a high level of awareness amongst staff of ethical issues and good practical application of that knowledge. CYLC management also increases awareness of ethical behaviours by



Photo 18 – Wenlock River at Moreton Telegraph Station



Human Resources

As at 30 June 2017, Cape York Land Council employed 38 staff, with half of staff being Indigenous. The staff reporting structure of the Land Council is detailed in Figure 5.

Cape York Land Council Reporting Structure

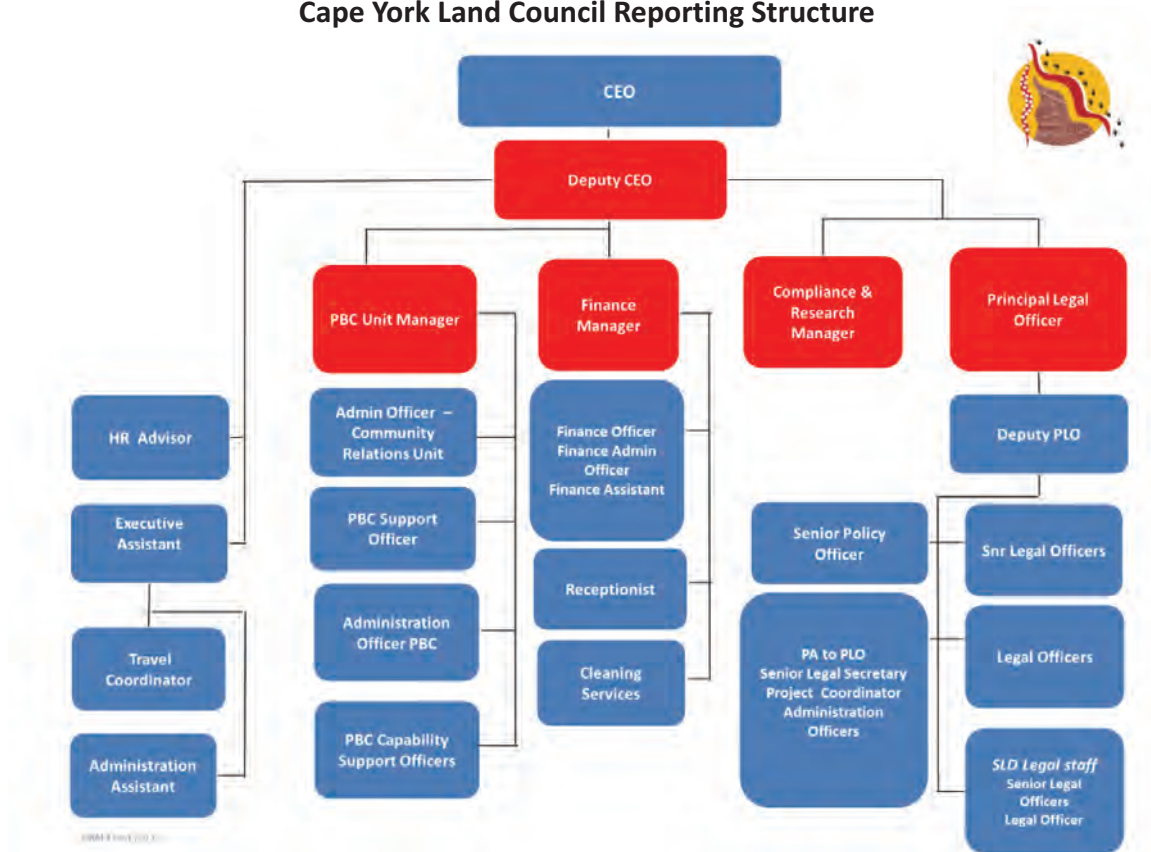


Figure 5 - CYLC Reporting Structure

CORPORATE SERVICES REPORT

The Deputy CEO, Kirstyne Broderick, supports the CEO and is responsible for the management of Corporate Services and the Community Relations Unit at the Land Council encompassing:

- recruitment, retention and development of staff; and
- the development and support of corporate and regional partnerships.

In addition, the Deputy CEO works closely with the CEO to guide the direction of CYLC, ensuring its visions and values are upheld and aligned to the current organisational commitments and priorities.

In the past year, there has been a focus on economic development and creating opportunities for Aboriginal people within the communities of Cape York, and as part of our training and development within CYLC. This has been a challenging environment, with great opportunities ahead of us; however, these are hindered by reduced operating budgets.



The development of staff (especially our emerging Cape York leaders) is always one of the highest priorities at CYLC. In the past year, this focus has been demonstrated with training programs aimed at our staff - building skills that will see clear career pathways for staff to move into management roles.

CYLC has begun the process of negotiating the new Single Enterprise Agreement, to come into effect in 2018. This involves staff and management representatives negotiating an agreement that recognises the reduced operating budget, but maintains CYLC's position to secure key personnel and remain competitive in the recruiting environment. The current agreement was endorsed and accepted in December 2015 and is current for a two year period.

STAFF OVERVIEW

Table 6 demonstrates CYLC's ongoing commitment to the employment and development of a diverse workforce. Note that employment figures for 2014-15 and 2015-16 are also included in Table 6 to show the trend in CYLC's workforce.

	Indigenous			Male			Female			Full Time / Part Time			Total		
YEAR	14-15	15-16	16-17	14-15	15-16	16-17	14-15	15-16	16-17	14-15	15-16	16-17	14-15	15-16	16-17
Senior Management Team	2	2	3	4	4	5	1	1	1	4	4	6	5	5	6
Professional Staff	0	0	0	4	5	6	5	3	4	8	6	9	9	8	10
Administrative Staff	12	13	16	1	0	2	19	17	20	15	11	14	20	17	22
Field Staff	0	1	0	0	0	0	0	1	0	0	1	0	0	1	0
Trainee Staff	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	14	16	19	9	9	13	25	22	25	34	31	38	34	31	38

Table 6 - Total Staff by Category as at 30 June 2017

FUTURE DIRECTION

Support opportunities for the future is a priority for the Corporate Services and Community Relations arm of the organisation. To achieve this, CYLC will work closely with Traditional Owner groups to identify future opportunities, and where possible support progress from ideas to economic opportunities that will see employment, training and growth for communities.



A key priority for 2017-18 will be working with community members to develop innovative approaches and deliver training that will result in clear career pathways to support the vision of Indigenous owned businesses across Cape York.

The *Cape York United Number 1 Claim* will put Traditional Owners in a position to control their future. CYLC has a responsibility to ensure it is supporting these Traditional Owners with business mentoring and training programs that will support the achievement of successful Indigenous owned businesses in each community.

We are confident that the discussions to date across the PDR and other ILUA negotiations demonstrates the State's commitment to this shared vision.



Photo 19 – Weipa wetlands



Consultants and Competitive Tendering

Over 2016-17 CYLC utilised the services of a wide range of legal, anthropological, land management and planning consultants to provide specific expert services and advice in relation to NTRB functions that were not otherwise available from CYLC staff.

The CEO approved the engagement of all consultants for native title work to ensure appropriate standards are maintained, that the consultants' service costs are within the budget, and that they represented good value for money.

The employment of consultants is documented by a Contract of Appointment, which sets out the services to be performed, payment rates, period of employment and the rights and responsibilities of the consultant. Copies of all contract records for each consultant engaged are maintained. If professional consultants, particularly anthropologists, have particular knowledge and expertise in a geographic area or in relation to a claimant group they are engaged directly and tenders are not called. Each consultant's performance is monitored by the PLO and the CEO who report on the effectiveness of consultancies to the Board of Directors.

Under the Program Funding Agreement CYLC is required to advertise annually for consultants and maintain a consultants' register.

CYLC engaged the services of 45 consultants on projects to a total value of \$1,217,000 over 2016-17. Table 7 shows a breakdown of 2016-17 consultant costs.

Payment Range	No. of Contracts	Total Cost
Less than \$30,000	19	\$ 262,477
More than \$30,000	26	\$ 954,523
Total	45	\$1,217,000

Table 7 – 2016-17 Consultant Costs



Cape York Land Council Aboriginal Corporation

ABN 22 965 382 70 ICN 1163

Annual financial report

For the year ended 30 June 2017



Contents

	Page
Directors' report	1
Auditor's independence declaration	4
Statement of comprehensive income	5
Statement of financial position	6
Statement of changes in equity	7
Statement of cash flows	8
Notes to the financial statements	9
Directors' declaration	22
Independent auditor's report	23

Directors' report

The directors present their report together with the financial statements of Cape York Land Council Aboriginal Corporation (the "Corporation") for the financial year ended 30 June 2017 and the auditor's report thereon.

Operating and financial review

The Corporation's operations involve the advocacy of land issues on behalf of the Aboriginal people in the Cape York Peninsula region. The Corporation's main projects during this financial year include land advocacy work in the North West Cape, Northern Peninsula Area in relation to the continuation and development of mining and exploration activities. The results from operations and financial position of the Corporation outlined in the financial statements are consistent with the expectations of directors.

The net deficit from ordinary activities amounted to \$115,589 (2016: surplus \$199,546).

State of affairs

There were no significant changes in the Corporation's state of affairs during the year.

Principal activities

The principal activities of the Corporation during the course of the financial year continue to be the advocacy of land issues on behalf of Aboriginal people in the Cape York Peninsula region.

There were no significant changes in the nature of the activities of the Corporation during the year.

Events subsequent to reporting date

There has not arisen in the interval between the end of the financial year and the date of this report any matter or circumstance that has significantly affected or may significantly affect the operations of the Corporation, the results of those operations, or the state of affairs of the Corporation, in future financial years.

Likely developments

The directors envisage that the Corporation will continue its existing operations, subject to the receipt of future funding from government and other sources.

Environmental regulation

The Corporation's operations are not subject to any particular and significant environmental regulations under either Commonwealth or State legislation. However, the Board believes that the Corporation has adequate systems in place for the management of its environmental requirements and is not aware of any breach of those environmental requirements as they apply to the Corporation.

Distributions

The Corporation's constitution precludes it from distributing any surpluses to members. Accordingly, no distributions were paid, recommended or declared by the Corporation during the year.

Directors' meetings

The number of directors' meetings and number of meetings attended by each of the directors of the Corporation during the financial year are:

Community	Name	Special responsibilities	No of meetings attended	No of meetings held*
Cairns	Richard Ah Mat	Chairperson	4	5
Cairns	Fred Joseph	Alternate Director	0	5
Injinoo	George Ropeyarn	Deputy Chairperson	4	5
Aurukun	Jonathan Korkaktain	Director	5	5
Aurukun	Phyllis Yunkaporta	Outgoing director	0	5
Coen	Allan Creek	Director	4	5
Coen	Dion Creek	Alternate Director	0	5
Cooktown	Ron Harrigan	Director	0	5
Hope Vale	Gerhardt Pearson	Alternate Director	0	5
Hope Vale	Tim McGreen	Director	5	5
Injinoo	Catherine Salee	Alternate Director	0	5
Kowanyama	Aaron Teddy	Director	5	5
Laura	Aileen Gale	Director	0	5
Laura	Tracey Lowdown	Alternate Director	0	5
Lockhart River	Noel Accoom	Director	0	5
Lockhart River	Rodney Accoom	Alternate Director	2	5
Mapoon	Rhonda Parry	Director	4	5
Mapoon	Maggie Peter	Alternate Director	0	5
Mossman	Karen Gibson	Director	4	5
Napranum	Moiria Bosen	Director	5	5
Napranum	Sheridan Doyle	Alternate Director	0	5
New Mapoon	Clara Day	Director	3	5
New Mapoon	Geraldine Yorke	Alternate Director	2	5
Pormpuraaw	Devon Tarpencha	Alternate Director	1	5
Pormpuraaw	Herbert Bally	Director	1	5
Port Stewart	Gavin Bassani	Director	4	5
Port Stewart	Alison Liddy	Alternate Director	0	5
Umagico	Bernard Charlie	Director	2	5
Umagico	Gwen Toby	Alternate Director	0	5
Wujal Wujal	Francis Walker	Director	2	5

*Reflects the number of meetings held during the time the director held office during the year.

Secretary

Kirstyne Broderick was appointed to the position of secretary on 1 July 2007.

Proceedings on behalf of the Corporation

During the year, no person has made application for leave in respect of the Corporation under section 169-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the "Act").

During the year, no person has brought or intervened in proceedings on behalf of the Corporation with leave under section 169-5 of the Act.

Auditor's independence declaration

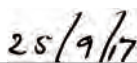
At no time during the financial year ended 30 June 2017 was an officer of the Corporation the auditor, a partner in the audit firm, or a director of the audit company that undertook the audit of the Corporation for that financial year.

The auditor's independence declaration is set out on the following page and forms part of the directors' report for the financial year ended 30 June 2017.

This report is made out in accordance with a resolution of the directors:



Richie Ah Mat
Chairperson



Date

Auditor's independence declaration

Cairns Corporate Tower
15 Lake Street
Cairns QLD 4870

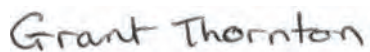
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E info.cairns@au.gt.com
W www.grantthornton.com.au

Auditor's independence declaration to the directors of Cape York Land Council Aboriginal Corporation

In accordance with the requirements of section 339-50 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, as lead auditor for the audit of Cape York Land Council Aboriginal Corporation for the year ended 30 June 2017, I declare that, to the best of my knowledge and belief, there have been:

- No contraventions of the auditor independence requirements as set out in the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* in relation to the audit; and
- No contraventions of any applicable code of professional conduct in relation to the audit.



GRANT THORNTON AUDIT PTY LTD
Chartered Accountants



H.A Wilkes
Principal – Audit & Assurance

Cairns, 25 September 2017

grantthornton.com.au

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Statement of comprehensive income

For the year ended 30 June 2017

	Note	2017 \$	2016 \$
Income			
Revenue from government sources	5(a)	6,334,383	6,163,997
Revenue from non-government sources	5(b)	990,937	1,149,279
		<u>7,325,320</u>	<u>7,313,276</u>
Expenses			
Employee expenses	6	3,592,018	3,646,911
Supplier expenses	6	3,693,125	3,363,914
Depreciation and amortisation expenses	6	176,959	149,040
Net (gain) / loss on disposal of fixed assets		-	(13,261)
		<u>7,462,102</u>	<u>7,146,604</u>
Results from operating activities		(136,782)	166,672
Finance income		21,193	32,874
Net surplus / (deficit) before tax		(115,589)	199,546
Income tax expense	4e	-	-
Net surplus / (deficit)		(115,589)	199,546
Other comprehensive income		-	-
Total comprehensive income		<u>(115,589)</u>	<u>199,546</u>

This statement should be read in conjunction with the notes to the financial statements.

Statement of financial position

As at 30 June 2017

	Note	2017 \$	2016 \$
Assets			
Cash and cash equivalents	7	5,187,291	2,223,928
Trade and other receivables		271,559	160,511
Prepayments		42,919	28,377
Total current assets		5,501,769	2,412,816
Property, plant and equipment	8	511,031	676,372
Total non-current assets		511,031	676,372
Total assets		6,012,800	3,089,188
Liabilities			
Trade and other payables			
Suppliers and employees	9	1,340,892	1,205,044
Employee benefits	11	138,780	84,306
Grants		4,043,830	1,177,455
Total current liabilities		5,523,502	2,466,805
Employee benefits	11	15,140	32,636
Total non-current liabilities		15,140	32,636
Total liabilities		5,538,642	2,499,441
Net assets		474,158	589,747
Equity			
Revaluation reserve	13	482,739	482,739
Retained surplus		(8,581)	107,008
Total equity		474,158	589,747

This statement should be read in conjunction with the notes to the financial statements.

Statement of changes in equity

For the year ended 30 June 2017

	Revaluation reserve \$	Retained surplus \$	Total equity \$
Attributable to members of the Corporation			
Balance at 1 July 2015	482,739	(92,538)	390,201
Total comprehensive income			
Net surplus	-	199,546	199,546
Total other comprehensive income	-	-	-
Total comprehensive income	-	199,546	199,546
Balance at 30 June 2016	482,739	107,008	589,747
Balance at 1 July 2016	482,739	107,008	589,747
Total comprehensive income			
Net deficit	-	(115,589)	(115,589)
Total other comprehensive income	-	-	-
Total comprehensive income	-	(115,589)	(115,589)
Balance at 30 June 2017	482,739	(8,581)	474,158

This statement should be read in conjunction with the notes to the financial statements.

Statement of cash flows

For the year ended 30 June 2017

	Note	2017 \$	2016 \$
Cash flows from operating activities			
Cash receipts from funding bodies		9,200,758	5,978,100
Cash receipts from services provided		865,348	1,440,896
Cash paid to suppliers and employees		<u>(7,112,318)</u>	<u>(6,818,579)</u>
Cash generated from operating activities		2,953,788	600,417
Interest received		<u>21,193</u>	<u>32,874</u>
Net cash from operating activities	14	<u>2,974,981</u>	<u>633,291</u>
Cash flows from investing activities			
Acquisition of property, plant and equipment		(11,618)	(130,715)
Proceeds from sale of fixed assets		<u>-</u>	<u>27,104</u>
Net cash used in investing activities		<u>(11,618)</u>	<u>(103,611)</u>
Net increase (decrease) in cash and cash equivalents		2,963,363	529,680
Cash and cash equivalents at 1 July	7	<u>2,223,928</u>	<u>1,694,248</u>
Cash and cash equivalents at 30 June	7	<u>5,187,291</u>	<u>2,223,928</u>

This statement should be read in conjunction with the notes to the financial statements.

Notes to the financial statements

1 Reporting entity

Cape York Land Council Aboriginal Corporation (the "Corporation") is domiciled in Australia. The Corporation's registered office is at 32 Florence Street, Cairns, Queensland. The Corporation is a not-for-profit entity and primarily is involved in indigenous land advocacy matters.

2 Basis of accounting

a Statement of compliance

The financial statements are general purpose financial statements which have been prepared in accordance with Australian Accounting Standards – Reduced Disclosure Requirements ("AASBs") adopted by the Australian Accounting Standards Board ("AASB") and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The financial statements of the Corporation do not comply with International Financial Reporting Standards ("IFRSs") adopted by the International Accounting Standards Board. They were authorised for issue by the Board of Directors on the date shown on the directors' declaration.

b Basis of measurement

The financial statements have been prepared on the historical cost basis.

c Functional and presentation currency

These financial statements are presented in Australian dollars, which is the Corporation's functional currency.

d Use of judgements and estimates

In preparing these financial statements, management has made judgements, estimates and assumptions that affect the application of the Corporation's accounting policies and the reported amounts of assets, liabilities, income and expenses. Actual results may differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to estimates are recognised prospectively.

Judgements

Information about judgements made in applying accounting policies that have the most significant effect on the amounts recognised in the financial statements are included in Note 5a – Revenue from government sources.

Assumptions and estimation uncertainties

Management is not aware of any assumptions and estimation uncertainties that have a significant risk of resulting in a material adjustment within the next financial year.

e Economic dependency and going concern

The financial statements have been prepared on a going concern basis, which contemplates continuity of normal business activities and the realisation of assets and settlement of liabilities in the ordinary course of business.

At 30 June 2017, current liabilities amounted to \$5,523,502 (2016: \$2,466,805) and current assets amounted to \$5,501,769 (2016: \$2,412,816) leaving a deficit in working capital of \$21,733 (2016: \$53,989).

As at 30 June 2017, the Corporation had total assets of \$6,012,800 (2016: \$3,089,188) and total liabilities of \$5,538,642 (2016: \$2,499,441) such that the total assets exceeded total liabilities by \$474,158 (2016: \$589,747). Therefore, the Corporation had sufficient assets, although not in liquid form, to cover any shortfall in working capital should no other alternative be available. However, any solution involving the sale of property, plant and equipment would be subject to restrictions which apply to the sale of assets purchased with grant funds and would reduce or curtail existing operations.

The majority of the working capital shortfall arose some years ago. Because the Corporation is a not-for-profit entity and the majority of its revenues are derived from grants which must be expended on specific future projects, there is little opportunity for the Corporation to remedy its working capital shortfall. The Corporation's working capital showed an improvement as at 30 June 2017 and on 11 August 2017, the Corporation received approval from DPM&C to exclude revenues and expenses relating to non-DPM&C funded activities from its 2016-17 financial reporting and so apply any surplus to improve the Corporation's liquidity position. Management plan to ask DPM&C to do the same for the 2017-18 financial year and in future years thereafter until a positive working capital position is restored. In the circumstances, the Corporation is able to meet its debts as and when they are payable out of grant funds for future projects.

Accordingly, the ability of the Corporation to continue its operations at current levels and continue as a going concern is dependent upon future ongoing funding and support being provided by government funding bodies. Such funding and support from DPM&C, the Corporation's main funding provider, has been secured at least until the year ending 30 June 2018. The Corporation has no reason to believe that funding will not continue after this date. Therefore, the directors are confident that the Corporation will continue as a going concern for the foreseeable future.

3 New and amended accounting standards

a New and amended standards adopted

The Corporation has adopted all the amendments to Australian Accounting Standards issued by the AASB which are relevant to, and effective for, the Corporation's financial statements for the annual period beginning 1 July 2016. None of the amendments have had a significant impact on the Corporation.

b Standards issued but not yet effective

A number of new standards and amendments to standards are effective for annual periods beginning after 1 July 2016, and have not been applied in preparing these financial statements. The following new standards may have an impact on the Corporation's financial statements, although any such impact has not yet been assessed:

- AASB 9 *Financial Instruments* becomes mandatory for annual periods beginning on or after 1 January 2018 (with early adoption permitted) and includes revised guidance on the classification and measurement of financial instruments, a new revised credit loss model for calculating impairment on financial assets and new general hedge accounting requirements. It also carries forward the guidance on recognition and derecognition of financial instruments from AASB 139.
- AASB 15 *Revenue from Contracts with Customers*, AASB 1058 *Income of Not-for-profit Entities* and AASB 2016-8 *Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-profit Entities* become mandatory for annual periods beginning on or after 1 January 2019. AASB 15 will replace AASB 118 *Revenue*, AASB 111 *Construction Contracts* and a number of Interpretations. AASB 2016-8 sets out Australian requirements and provides guidance for not-for-profit entities in applying AASB 9 and AASB 15, and AASB 1058 will replace AASB 1004 *Contributions*. Together, they establish a comprehensive framework for determining whether, how much and when revenue is recognised.
- AASB 16 *Leases* becomes mandatory for annual periods beginning on or after 1 January 2019 (with early adoption permitted) and in essence requires a lessee to:
 - recognise all lease assets and liabilities (including those currently classed as operating leases) on the statement of financial position, initially measured at the present value of unavoidable lease payments;
 - recognise amortisation of lease assets and interest on lease liabilities as expenses over the lease term; and

- separate the total amount of cash paid into a principal portion (presented within financing activities) and interest (which entities can choose to present within operating or financing activities consistent with presentation of any other interest paid) in the statement of cash flows.

The Corporation does not plan to adopt these standards early.

4 Significant accounting policies

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

a Revenue from non-government sources

Revenue from rendering of services is recognised in proportion to the stage of completion of the transaction at the reporting date. The stage of completion is assessed based on surveys of work performed.

b Government grants and other contributions of assets

Government grants and other contributions of assets are accounted for in accordance with AASB 1004 *Contributions* based on whether they are reciprocal or non-reciprocal in nature and are measured at the fair value of the contributions received or receivable.

Reciprocal transfers are those where approximately equal value is exchanged in the transfer between the transferor (grantor) and the transferee (grantee). Non-reciprocal transfers are those where equal value is not exchanged.

i Reciprocal transfers

Where grants and other contributions are received that are reciprocal in nature, revenue is recognised over the term of the funding arrangements. The Corporation currently does not have any reciprocal grants.

ii Non-reciprocal transfers

Revenue from a non-reciprocal grant that is not subject to conditions is recognised when the Corporation obtains control of the funds, economic benefits are probable and the amount can be measured reliably. Where a grant may be required to be repaid if certain conditions are not satisfied, a liability is recognised at year end to the extent that conditions remain unsatisfied.

Where the Corporation receives a non-reciprocal contribution of an asset from a government or other party for no or nominal consideration, the asset is recognised at fair value and a corresponding amount of revenue is recognised.

c Finance income and finance costs

Finance income includes interest income which is recognised using the effective interest method.

d Employee benefits

i Short-term benefits

Short-term employee benefits are expensed as the related service is provided. A liability is recognised for the amount expected to be paid if the Corporation has a present legal or constructive obligation to pay this amount as a result of past service provided by the employee and the obligation can be estimated reliably.

ii Defined contribution plans

Obligations for contributions to defined contribution plans are expensed as the related service is provided. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in future payments is available.

iii Other long-term employee benefits

The Corporation's net obligation in respect of long-term employee benefits is the amount of future benefit that employees have earned in return for their service in the current and prior periods. That benefit is discounted to determine its present value. Remeasurements are recognised in expenses in the period in which they arise.

e Income tax

The Corporation has been granted exemption from income tax under Division 50 of the *Income Tax Assessment Act 1997*.

f Property, plant and equipment

i Recognition and measurement

Each class of property, plant and equipment is stated at cost or fair value less, where applicable, any accumulated depreciation and accumulated impairment losses.

Items of property, plant and equipment are initially measured and recognised at cost. Cost includes expenditures that are directly attributable to the acquisition of the asset.

Purchased software that is integral to the functionality of the related equipment is capitalised as part of the equipment.

If significant parts of an item of property, plant and equipment have different useful lives, then they are accounted for as separate items (major components) of property, plant and equipment.

Plant and equipment and motor vehicles are subsequently measured on the revaluation basis, at fair value, in accordance with AASB 116 *Property, Plant and Equipment*. Leasehold improvements are measured at cost.

Property, plant and equipment assets measured at fair value are revalued, with sufficient regularity, so as to ensure that the carrying amount of each class of asset does not materially differ from its fair value at the reporting date. This is achieved by engaging independent, professionally qualified valuers to determine the fair value for each class of property, plant and equipment assets. This process involves the valuer physically sighting a representative sample of the Corporation's assets across all asset classes and making their own assessments of the condition of the assets at the date of inspection. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Further details in relation to valuers, the methods of valuation and the key assumptions used are disclosed in Note 8.

Any revaluation increment arising on the revaluation of an asset is credited to the appropriate class of the revaluation reserve, except to the extent it reverses a revaluation decrement for the class previously recognized as an expense. A decrease in the carrying amount on revaluation is charged as an expense to the extent it exceeds the balance, if any, in the revaluation reserve of that asset class.

Any gain or loss on disposal of an item of property, plant and equipment (calculated as the difference between the net proceeds from disposal and the carrying amount of the item) is recognised in income or expenses.

ii Subsequent expenditure

Subsequent expenditure is capitalised only when it is probable that the future economic benefits associated with the expenditure will flow to the Corporation.

iii Depreciation

Depreciation is calculated to write off the cost of property, plant and equipment less their estimated residual values using the straight line basis over their estimated useful lives and is generally recognised in expenses. Leased assets are depreciated over the shorter of the lease term and their useful lives unless it is reasonably certain that the Corporation will obtain ownership by the end of the lease term.

The estimated useful lives of property, plant and equipment are as follows:

- Leasehold improvements 5 - 10 years
- Plant and equipment 4 years
- Motor vehicles 5 years

Depreciation methods, useful lives and residual values are reviewed at each reporting date and adjusted if appropriate.

g Financial instruments

i Non-derivative financial assets and financial liabilities – Recognition and derecognition

The Corporation initially recognises loans and receivables on the date that they have originated. All other financial assets and financial liabilities are initially recognised on the trade date.

The Corporation derecognises a financial asset when the contractual rights to the cash flows from the asset expire, or it transfers the rights to receive the contractual cash flows in a transaction in which substantially all of the risks and rewards of ownership of the financial asset are transferred, or it neither transfers nor retains substantially all of the risks and rewards of ownership and does not retain control over the transferred asset. Any interest in transferred financial assets that is created or retained by the Corporation is recognised as a separate asset or liability.

The Corporation derecognises a financial liability when its contractual obligations are discharged or cancelled, or expire.

Financial assets and financial liabilities are offset and the net amount presented in the statement of financial position when, and only when, the Corporation has a legal right to offset the amounts and intends either to settle on a net basis or to realise the asset and settle the liability simultaneously.

ii Non-derivative financial assets – Measurement

Loans and receivables

Loans and receivables are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, they are measured at amortised cost using the effective interest method.

iii Non-derivative financial liabilities – Measurement

Non-derivative financial liabilities are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, these financial liabilities are measured at amortised cost using the effective interest method.

h Impairment

i Non-derivative financial assets

Financial assets are assessed at each reporting date to determine whether there is any objective evidence of impairment.

Objective evidence that financial assets are impaired can include default or delinquency by a debtor, restructuring of an amount due to the Corporation on terms that the Corporation would not consider otherwise, or indications that a debtor or issuer will enter bankruptcy.

The Corporation considers evidence of impairment for financial assets measured at amortised cost (loans and receivables) at a specific asset level.

An impairment loss in respect of a financial asset measured at amortised cost is calculated as the difference between its carrying amount and the present value of the estimated future cash flows discounted at the asset's original effective interest rate. Losses are recognised in expenses and reflected in an allowance account. When the Corporation considers that there are no realistic prospects of recovery of the asset, the relevant amounts are written off. If the amount of impairment loss subsequently decreases, and the decrease can be related

objectively to an event occurring after the impairment was recognised, the previously recognised impairment loss is reversed through other income.

ii Non-financial assets

At each reporting date, the Corporation reviews the carrying amounts of its non-financial assets, to determine whether there is any indication of impairment. If any such indication exists then the asset's recoverable amount is estimated.

The recoverable amount of an asset is the greater of its value in use and its fair value less costs to sell. As the Corporation is a not-for-profit entity, value in use is the depreciated replacement cost of an asset as the future economic benefits of the asset are not primarily dependent on the asset's ability to generate net cash inflows and as the entity would, if deprived of the asset, replace its remaining future economic benefits.

An impairment loss is recognised if the carrying amount of an asset exceeds its recoverable amount.

Impairment losses are recognised in expenses.

An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

i Provisions

Provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the liability. The unwinding of the discount is recognised as finance costs.

j Leases

i Determining whether an arrangement contains a lease

At inception of an arrangement, the Corporation determines whether the arrangement is or contains a lease.

At inception or on reassessment of an arrangement that contains a lease, the Corporation separates payments and other consideration required by the arrangement into those for the lease and those for other elements on the basis of their relative fair values. If the Corporation concludes for a finance lease that it is impracticable to separate the payments reliably, an asset and a liability are recognised at an amount equal to the fair value of the underlying asset. Subsequently the liability is reduced as payments are made and an imputed finance cost on the liability is recognised using the Corporation's incremental borrowing rate.

ii Leased assets

Assets held by the Corporation under leases which transfer to the Corporation substantially all of the risks and rewards of ownership are classified as finance leases. The leased assets are measured at an amount equal to the lower of their fair value and the present value of the minimum lease payments. Subsequent to initial recognition, the assets are accounted for in accordance with the accounting policy applicable to that asset.

Assets held under other leases are classified as operating leases and are not recognised in the Corporation's statement of financial position.

iii Lease payments

Payments made under operating leases are recognised in expenses on a straight-line basis over the term of the lease. Lease incentives received are recognised as an integral part of the total lease expense, over the term of the lease.

Minimum lease payments made under finance leases are apportioned between the finance costs and the reduction of the outstanding liability. The finance costs are allocated to each period during the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability.

	2017 \$	2016 \$
5 Revenue		
a Revenue from government sources		
Grants received – DPM&C	9,200,758	5,978,100
Grant balances at 1 July	1,177,455	1,363,352
Grant balances at 30 June	(4,043,830)	(1,177,455)
	<u>6,334,383</u>	<u>6,163,997</u>
b Revenue from non-government sources		
Recoverable income	740,178	802,504
Reimbursements received – State land dealings	245,259	220,519
Donations	5,500	-
Wild River court settlement	-	126,256
	<u>990,937</u>	<u>1,149,279</u>
6 Expenses		
Employee expenses		
Wages and salaries	2,486,153	2,549,691
Superannuation	361,392	361,229
Leave and other entitlements	591,432	626,431
Staff professional development	60,184	39,541
Fringe benefits tax	6,034	6,809
Other employee expenses	86,823	63,210
	<u>3,592,018</u>	<u>3,646,911</u>
Supplier expenses		
Motor vehicle	157,617	116,498
Rent and occupancy costs	182,127	136,653
Service expenses	2,066,249	1,931,119
Supplies	325,369	293,274
Travel expenses	961,763	886,370
	<u>3,693,125</u>	<u>3,363,914</u>
Depreciation and amortisation expenses		
Leasehold improvements	69,029	67,657
Plant and equipment	41,117	30,334
Motor vehicles	66,813	51,049
	<u>176,959</u>	<u>149,040</u>

	2017 \$	2016 \$
Bank balances	5,184,291	2,220,928
Cash on hand	3,000	3,000
Cash and cash equivalents in the statement of cash flows	<u>5,187,291</u>	<u>2,223,928</u>

8 Property, plant and equipment

a Reconciliation of carrying amount

	Leasehold improvements <i>Cost</i> \$	Plant and equipment <i>Fair value</i> \$	Motor vehicles <i>Fair value</i> \$	Total \$
Gross asset value				
Balance at 1 July 2015	567,499	131,572	254,700	953,771
Additions	7,671	43,680	79,364	130,715
Disposals	-	(2,522)	-	(2,522)
Balance at 30 June 2016	<u>575,170</u>	<u>172,730</u>	<u>334,064</u>	<u>1,081,964</u>
Balance at 1 July 2016	575,170	172,730	334,064	1,081,964
Additions	-	11,618	-	11,618
Disposals	-	-	-	-
Balance at 30 June 2017	<u>575,170</u>	<u>184,348</u>	<u>334,064</u>	<u>1,093,582</u>
Depreciation and impairment				
Balance at 1 July 2015	248,494	8,737	-	257,231
Depreciation for the year	67,657	30,334	51,049	149,040
Disposals	-	(613)	(66)	(679)
Balance at 30 June 2016	<u>316,151</u>	<u>38,458</u>	<u>50,983</u>	<u>405,592</u>
Balance at 1 July 2016	316,151	38,458	50,983	405,592
Depreciation for the year	69,029	41,117	66,813	176,959
Disposals	-	-	-	-
Balance at 30 June 2017	<u>385,180</u>	<u>79,575</u>	<u>117,796</u>	<u>582,551</u>
Carrying amounts				
At 1 July 2015	319,005	122,835	254,700	696,540
At 30 June 2016	<u>259,019</u>	<u>134,272</u>	<u>283,081</u>	<u>676,372</u>
At 30 June 2017	<u>189,990</u>	<u>104,773</u>	<u>216,268</u>	<u>511,031</u>

b Fair value measurements

The following table presents the Corporation's assets measured and recognised at fair value.

	2017 \$	2016 \$
Recurring fair value		
Plant and equipment	104,773	134,272
Motor vehicles	<u>216,268</u>	<u>283,081</u>
	<u>321,041</u>	<u>417,353</u>

The most recent comprehensive valuation of plant and equipment and motor vehicles was carried out as at 30 June 2015. The valuation was conducted by Mr Matthew Currie of Grays Asset Services, a registered, independent appraiser having an appropriate recognised qualification and recent experience in the location and category of the property being valued. Fair values were determined on the basis of market value.

As at 30 June 2017, the directors of the Corporation are of the opinion that in all material respects, the carrying amounts for plant and equipment and motor vehicles represent fair values at that date.

9 Trade and other payables

Trade creditors	470,187	389,550
Accruals	106,144	209,373
GST (receivable) / payable	170,569	(92,859)
PAYG payable	58,197	68,362
Salaries and wages accrued	43,000	40,311
Liability for annual leave	236,090	253,422
Liability for sick leave	198,894	245,690
Liability for TOIL	<u>57,811</u>	<u>91,195</u>
	<u>1,340,892</u>	<u>1,205,044</u>

10 Other employee benefits

The Corporation makes contributions to defined contribution plans. The amount recognised as an expense was \$361,392 for the year ended 30 June 2017 (2016: \$361,229).

11 Provisions – employee benefits

Current

Long service leave	<u>138,780</u>	<u>84,306</u>
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Non-current

Long service leave	<u>15,140</u>	<u>32,636</u>
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Long service leave

The provision for long service leave represents the Corporation's best estimate of the future benefit that employees have earned. The amount and timing of the associated outflows is uncertain and dependent on employees attaining the required years of services. Where the Corporation no longer has the ability to defer settlement of the obligation beyond 12 months from the reporting date, liabilities are presented as current. This would usually occur when employees are expected to reach the required years of service in the 12 months from reporting date.

12 Operating leases

a Leases as lessee

The Corporation leases its Cairns office from Cape York Building Pty Ltd under an operating lease. The lease runs for a period of five years, expiring on 31 March 2020, with an option to renew the lease after that date for a further five years. Lease payments are increased every year to reflect market rentals.

The Corporation leases two photocopiers from Canon Finance under an operating lease. The lease runs for a period of five years, expiring on 31 March 2018, with an option to renew the lease after that date for a further five years.

None of the leases include contingent rentals.

At reporting date, the future minimum lease payments under non-cancellable leases were payable as follows:

	2017 \$	2016 \$
Less than one year	118,786	120,583
Between one and five years	203,922	329,821
More than five years	-	-
	<u>322,708</u>	<u>450,404</u>

During the year ended 30 June 2017, \$135,355 was recognised as an expense in respect of operating leases (2016: \$129,692).

13 Capital and reserves

a Revaluation reserve

The revaluation reserve relates to the revaluation of property, plant and equipment.

Movements in the revaluation reserve were as follows:

Balance at beginning of financial year	482,739	482,739
Net adjustment to non-current assets at end of period to reflect a change in current fair value:		
Plant and equipment	-	-
Motor vehicles	-	-
	<u>-</u>	<u>-</u>
Balance at end of financial year	<u>482,739</u>	<u>482,739</u>

Revaluation reserve analysis

The closing balance of the revaluation reserve comprises the following asset categories

Plant and equipment	146,022	146,022
Motor vehicles	336,717	336,717
	<u>482,739</u>	<u>482,739</u>

	2017 \$	2016 \$
14 Reconciliation of cash flows from operating activities		
Net surplus / (deficit)	(115,589)	199,546
<i>Adjustments for:</i>		
Depreciation	176,959	149,040
(Gain) / loss on disposal of fixed assets	-	(13,261)
	<u>61,370</u>	<u>335,325</u>
<i>Changes in:</i>		
Trade and other receivables	(111,048)	273,976
Trade and other payables - grants	2,866,375	17,641
Trade and other payables – suppliers and employees	190,322	175,807
Prepayments	(14,542)	(185,897)
Employee benefits	<u>(17,496)</u>	<u>16,439</u>
Net cash from operating activities	<u>2,974,981</u>	<u>633,291</u>

15 Related parties

a Transactions with key management personnel

i Loans to directors

No loans have been made to directors during the year ended 30 June 2017 (2016: nil).

ii Key management personnel compensation

Key management personnel compensation	<u>592,300</u>	<u>730,151</u>
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Compensation of the Corporation's key management personnel includes salaries, non-cash benefits and contributions to a post-employment defined contribution plan.

iii Loans to key management personnel

No loans have been made to key management personnel during the year ended 30 June 2017 (2016: nil).

iv Key management personnel and director transactions

A number of key management personnel and directors, or their related parties, hold positions in other entities that result in them having control or significant influence over these entities.

A number of these entities transacted with the Corporation during the year. The terms and conditions of the transactions were no more favourable than those available, or which might reasonably be expected to be available, in similar transactions with non-key management personnel related entities on an arm's length basis.

- Aak Puul Ngantam – Jonathan Korkaktain was a director during the financial year.
- Balkanu Cape York Development Corporation Pty Ltd – Richie Ah Mat, Dion Creek, Allan Creek and Gerhardt Pearson were directors during the financial year.
- Bama Cape York Services Limited – Richie Ah Mat and Dion Creek were directors during the financial year.
- Cape York Corporation Pty Ltd as trustee for the Cape York Aboriginal Charitable Trust – Richie Ah Mat was a director during the financial year. Cape York Corporation Pty Ltd as trustee for the Cape York Aboriginal Charitable Trust owns 100% of the shares of the following entities:

- Cape York Building Pty Ltd as trustee for the Cape York Building Unit Trust
- Balkanu Cape York Development Corporation Pty Ltd
- Adai Cape York Investments Pty Ltd
- Cape York Digital Network Pty Ltd
- Cape York Properties Pty Ltd – Richie Ah Mat was a director during the financial year.
- The Cape York Partnership Group Ltd – Richie Ah Mat was a director during the financial year.
- Ngan Aak Kunch – Jonathan Korkaktain and Phyllis Yunkaporta were directors during the financial year.
- Thaa Nguigarr Strathgordon – Herbert Bally was a director during the financial year.

The aggregate value of transactions and outstanding balances relating to key management personnel and entities over which they have control or significant influence were as follows:

	Transaction values for the year ended 30 June		Balance outstanding as at 30 June	
	Income \$	Expenses \$	Debtors \$	Creditors \$
2017				
Balkanu Cape York Development Corporation Pty Ltd	282,688	45,546	18,674	30,984
Bama Cape York Services Limited	3,694	-	-	-
Cape York Corporation Pty Ltd	22,593	-	-	-
Ngan Aak Kunch Aboriginal Corporation	6,170	-	5,090	-

	Transaction values for the year ended 30 June		Balance outstanding as at 30 June	
	Income \$	Expenses \$	Debtors \$	Creditors \$
2016				
Balkanu Cape York Development Corporation Pty Ltd	220,519	79,446	21,849	47,486
The Cape York Partnership Group Ltd	6,613	-	-	-
Cape York Institute	-	1,463	-	1,609
Pormpuraaw Aboriginal Shire Council	-	9,709	-	1,400
Thaa-Nguigarr Aboriginal Corporation	25,176	-	-	-
Ngan Aak Kunch Aboriginal Corporation	-	10,216	-	-
Kuuku Y'au Aboriginal Corporation	41,065	-	-	-

2017
\$

2016
\$

16 Auditor's remuneration

Audit services

Auditors of the Corporation – Grant Thornton

Audit of financial statements for 30 June 2016

Audit of financial statements for 30 June 2017

-	25,000
25,000	-
25,000	25,000

Other services

Auditors of the Corporation – Grant Thornton

In relation to other assurance, taxation and due diligence services
for 30 June 2015

In relation to other assurance, taxation and due diligence services
for 30 June 2016

In relation to other assurance, taxation and due diligence services
for 30 June 2017

-	12,500
12,100	25,260
5,270	-
17,370	37,760

17 Contingent liabilities

Claims

A claim was lodged with the Fair Work Commission against the Corporation during the financial year ended 30 June 2017 in relation to unfair dismissal. The Corporation has disclaimed liability and is defending the claim. The Corporation considers it to be probable that the judgement will be in its favour and has therefore not recognised a provision in relation to this claim. The potential undiscounted amount the Corporation could be liable for if an adverse decision is realised, is estimated to be \$20,000.

Directors' declaration

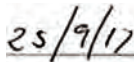
In the opinion of the directors of Cape York Land Council Aboriginal Corporation (the "Corporation"):

- a the financial statements and notes are in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007*, including:
 - giving a true and fair view of the Corporation's financial position as at 30 June 2017 and of its performance for the financial year ended on that date; and
 - ii complying with Australian Accounting Standards – Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and any applicable determinations made by the Registrar of Aboriginal Corporations under Division 336 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; and
- b there are reasonable grounds to believe that the Corporation will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the directors:



Richie Ah Mat
Chairperson



Date

Independent auditor's report

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Independent Auditor's Report to the members of Cape York Land Council Aboriginal Corporation

Opinion

We have audited the financial report of Cape York Land Council Aboriginal Corporation (the "Corporation"), which comprises the statement of financial position as at 30 June 2017, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the directors' declaration.

In our opinion, the accompanying financial report of Cape York Land Council Aboriginal Corporation is in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, including:

- a giving a true and fair view of the Corporation's financial position as at 30 June 2017 and of its financial performance for the year then ended; and
- b complying with Australian Accounting Standards – Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and any applicable determinations made by the Registrar of Aboriginal Corporations under Division 336 of the Act.

Basis for opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial report* section of our report. We are independent of the Corporation in accordance with the auditor independence requirements of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the "Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

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Information other than the financial report and auditor's report thereon

The directors are responsible for the other information. The other information comprises the information included in the Corporation's annual report for the year ended 30 June 2017, but does not include the financial report and the auditor's report thereon.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the directors for the financial report

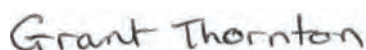
The directors of the Corporation are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the directors are responsible for assessing the Corporation's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Corporation or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the financial report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian 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 this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: http://www.auasb.gov.au/auditors_responsibilities.ar4.pdf. This description forms part of our auditor's report.



GRANT THORNTON AUDIT PTY LTD
Chartered Accountants



H A Wilkes
Principal – Audit & Assurance

Cairns, 25 September 2017



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Annual Report 2016-17

