

# **Cape York Land Council Aboriginal Corporation**

**Annual Report 2008 – 2009**



# CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION ANNUAL REPORT



**2008 – 2009**

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2 October 2009

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The Hon Jenny Macklin MP  
Minister for Indigenous Affairs  
Suite MG 51  
Parliament House  
**CANBERRA ACT 2600**

Dear Minister

It is with pleasure that I present you with the Annual Report of the Cape York Land Council Aboriginal Corporation (CYLC). This Annual Report covers the period from 1 July 2008 until 30 June 2009.

CYLC continues to strive to achieve the goals set down by the Aboriginal Elders of Cape York at the time of its incorporation. We do this while adhering to the requirements of our funding agreement and the current legislation.

Yours sincerely,

Michael Ross  
Chairperson  
Cape York Land Council





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## ABBREVIATIONS

Balkanu	Balkanu Cape York Development Corporation
Board	Board of Directors
<i>CATSI Act</i>	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)</i>
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CYLC	Cape York Land Council Aboriginal Corporation
DOGIT	Deed of Grant in Trust
FaCSIA (now FaHCSIA)	Department of Families, Community Service and Indigenous Affairs
FANs	Future Act Notices
ILUA	Indigenous Land Use Agreement
JCC	Joint Consultative Committee
Native Title Act	<i>Native Title Act 1993 (Cth)</i> (as amended)
NQLC	North Queensland Land Council Native Title Representative Body Aboriginal Corporation
NNTT	National Native Title Tribunal
NTDA	Native Title Determination Application
NTRB	Native Title Representative Body
NTU	Native Title Unit
P/T	Part Time
PBC	Prescribed Body Corporate
PLO	Principal Legal Officer
Snr	Senior



## CHAIRPERSON'S REPORT

The past 12 months have been a busy and exciting period for Cape York Land Council. I have been actively involved in directing CYLC's strategic and political development through engagement with individuals, communities, land trusts, councils and government representatives. We have continued to work closely with other regional bodies to achieve land outcomes for traditional owners on Cape York.

The Land Council celebrated the end of a successful year on 25 June 2009 with the Kuuku Ya'u Native Title Determination at Portland Roads on Eastern Cape York. This marked the end of a 14 year battle by the traditional owners when they won their battle for recognition of their traditional lands in Far North Eastern Cape York. CYLC continued to progress Native Title negotiations with all of its claims.



Michael Ross  
Chairperson  
Cape York Land Council

Fundamental to the success of the Land Council has been the commitment of the Board of Directors and staff. The Board has been pleased with the work progressed by the staff and worked closely with the management team to receive updates and provide direction to the organisation.

The Board of Directors has worked with a Consultant to prepare a Strategic Plan for 2009-2013. This final draft, endorsed by the Board at its meeting in April, is being provided to Community members to obtain feedback about the work of CYLC. Community consultation is an important part of the role of our Board and I am pleased that the Board has actively sought assistance and advice on improving this over the past year.

CYLC has used considerable resources in this reporting period to undertake community consultations and attend meetings with relevant authorities over the Wild Rivers legislation imposed on us by the State government. CYLC represents the concerns of our members about the lack of consultation undertaken before implementing rules that control the future development around rivers in Cape York. In short, this takes away opportunities for the future. This control will affect the economic development and rights of Aboriginal people in Cape York to use these water systems. This use is vital when traditional owners practice ceremony and culture and allows us to plan for ways to create opportunities for future generations. This is an issue that I have spoken strongly about for seven years and am proud to be standing beside leaders, young and old, to ensure that consultation and consent is given by those affected before it is forced upon us with consultation the State government considers adequate.

CYLC will embark on community elections for the new Board of Directors later this year. I am pleased that a Code of Conduct outlining the roles and responsibilities of Board



members was endorsed earlier this year. As we near the end of the term for the current Directors, I would like to thank each of them for their support.

I look forward to continuing to support the Land Council and its work in the future. It is with pride that I present the operations of CYLC in the following report.



## CHIEF EXECUTIVE OFFICER'S REPORT



Peter Callaghan  
Chief Executive Officer  
Cape York Land Council

I am pleased to report another successful year for Cape York Land Council, but despite the organisation facing further challenges I am still able to report a number of successes for our members.

During the year, CYLC has used considerable resources to ensure that the State government does not impose further boundaries on Aboriginal people of Cape York with the introduction of rules with inadequate consultation and consent. It is important that CYLC cements itself as the representative of traditional owners to ensure that their rights now and into the future, are not lost or adversely changed. This will allow community members to look forward to being able to take their place as business owners, entrepreneurs and the creators of their own future.

I make note of the contribution of the Board of Directors during this year who have assisted in guiding the organisation on the path it is now. The Strategic Plan, workshopped and currently being disseminated to our membership via the Board, will be endorsed as we welcome a new Board later this year. This document guides the Land Council in its work and sets goals for the management and staff in areas such as targeted recruitment, development of both the organisation and our staff; and sets strategies for changing the future of Native Title and how it affects people in our NTRB area.

As noted, the Board of Directors will hold office until late 2009 when the community elections are completed and the AGM considers acceptance of the newly elected Board members. With this we will possibly welcome new members and their enthusiasm coupled with an endorsed Strategic Plan and updated Policy and Procedures Manual. For the first time, the Board will be welcomed with a week-long induction to the Land Council, and training to further understand the rules governing our operations, and the roles and responsibilities of the Board of Directors.

On 25 June 2009 CYLC joined the Kuuku Ya'u traditional owners to celebrate the recognition of Native Title on their traditional lands. The celebrations, held at Portland Roads near Lockhart River, were attended by Justice Greenwood, traditional owners, departmental representatives, Board and staff of CYLC.

During the reporting period the management team and I were pleased to hear that the Federal government is providing an increase in funding to NTRBs in the future. This move was welcomed by the Board and management as recognition by the Federal government that NTRBs play a vital role in the struggle for Indigenous people to move forward through achieving recognition of their traditional lands.



As we look to the future the Land Council is excited about the following:

- Refurbishment of our offices creating more office space and meeting facilities for our Cairns' operations.
- An increased budget allowing us to assist our members further with their Native Title aspirations.
- Development of a Prescribed Body Corporate Unit to assist traditional owners to meet their reporting requirements and move into the future once their Native Title is recognised.
- Federal Court in Aurukun on Wednesday, 29 July 2009 recognises Native Title over Rio Tinto Aluminium Limited's bauxite mining leases to the south of the Embley River.
- Further two possible determinations of Native Title in Cape York.
- Re-recognition of CYLC as the NTRB for the Cooktown Region.

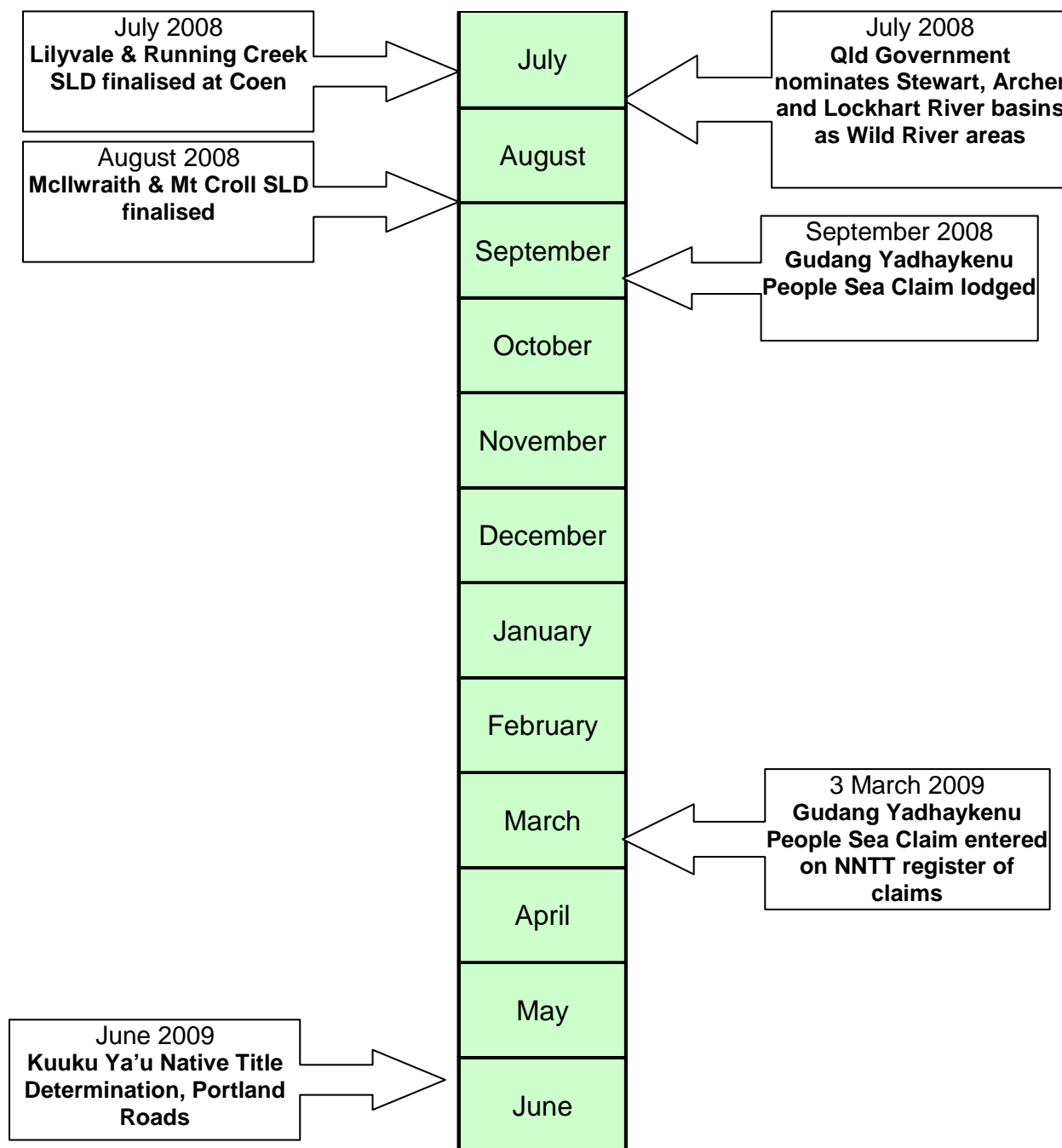
As you can see, the 2008-2009 reporting period has been a successful time for the Land Council. I take this opportunity to thank the Chairperson, Michael Ross, and the members of the Board of Directors who have held office for the past two years and supported me and the organisation as we strive to meet the goals and visions of Cape York Land Council. I note the commitment and hard work of the management team and staff of the Land Council in achieving another unqualified audit and ending a successful year with notable achievements to look forward to over the next twelve months.



## Timeline of Significant Events During the Financial Year

Some significant events occurring in the 2008/2009 financial year are listed on a timeline below.

**Figure 1: Timeline of significant events during the Financial Year.**





## CYLC OVERVIEW

Aboriginal people representing the communities of Cape York formed the CYLC in 1990. CYLC's original Charter of Aims was set down at an inaugural Land Summit held at Lockhart River that year. CYLC was incorporated under the *Aboriginal Councils and Associations Act 1976 (Cth)*, or ACA Act. CYLC was first recognised as a NTRB for the Cooktown region by the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs in 1993. It was re-recognised as an NTRB under the 1998 amendments to the *Native Title Act* on 15 January 2001.

CYLC is currently incorporated under the Corporations (*Aboriginal and Torres Strait Islanders*) Act 2006, known as CATSI Act, which replaced the ACA Act when it came into effect on 1 July 2007. It is CYLC's vision to be recognised as a key part of 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.

To this end, the CYLC's mission 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."*

The original Charter of CYLC, resolved at the inaugural Land Summit, identified a number of aims including:

- Providing a vehicle for self-determination for the Aboriginal peoples of Cape York;
- Providing a representative voice for 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;
- Respecting the culture of the Aboriginal peoples of Cape York Peninsula;
- Transparency and accountability to Government and traditional owners and partners; and
- Providing opportunities to Cape York people to acquire management skills appropriate to their communities' needs.

## Role and Functions

As a NTRB under the *Native Title Act*, CYLC undertakes a range of statutory functions in connection with Native Title. The statutory functions of CYLC are set out at s203B in Part 11, Division 3 of the *Native Title Act*:

- 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).

Several general requirements exist in relation to the performance of these functions. Except in certain circumstances, the NTRB must perform its statutory functions personally (s203B(3)). A NTRB must use its best efforts to perform its functions in a timely manner, having particular regard to statutory timeframes (s203BA(1)). Finally, a NTRB must perform its functions in a manner that maintains organisational structures and administrative processes which promote satisfactory representation of Native Titleholders and effective consultation with Aboriginal and Torres Strait Islanders within their region (s203BA(2)(a), (b)). These structures and processes must also operate in a fair manner (s203BA(2)(c)). The organisational structure of CYLC is represented at Figure 5.

Irrespective of any prioritisation of functions or allocation of resources that a NTRB may be required to determine, their ultimate priority must be the protection of Native Titleholders' interests (s203B(4)). See Figure 2 for a map of the CYLC NTRB 'Cape York Region', including the current Native Title determination applications.



Applicants in attendance at the Kuku Ya'u Native Title Determination on 25 June 2009



**Figure 2: CYLC NTRB Boundary Area Map provided by NNTT.**





## **Corporate Governance Policies**

The CYLC is incorporated under the *Corporations (Aboriginal and Torres Strait Islanders) Act 2006*, known as *CATSI Act*, which was passed by the Australian Parliament on 18 October 2006 and introduced into effect on 1 July 2007. The *CATSI Act* replaced the *Aboriginal Councils and Associations Act 1976 (Cth)*, or *ACA Act*, and CYLC registered a new *CATSI Act* compliant Constitution (or Rule Book) with the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations (ORATSIC). ORATSIC granted an exemption to allow CYLC to have a Board of 17 Directors. Governance of the Corporation is the responsibility of the Board of Directors.

The CYLC requires its Directors to observe the highest standards of conduct and ethical behaviour in all of their activities. On 22 April 2009 the CYLC Board of Directors passed a resolution approving a 'Code of Conduct for CYLC Board of Directors'. The purpose of the code is to assist the Directors in carrying out their duties under the *CATSI Act*, the *Native Title Act 1993* and other legislation and the CYLC Rule Book.

The Board of Directors are made up of one representative from each of the 17 Cape York communities, see Figure 3. The nominations for the Board are endorsed by the members of CYLC at the Annual General Meeting and at the first meeting on 29 November 2007 the new Board elected Michael Ross as its Chairman and Josie Dixon as its Deputy Chairperson for its two year term 2007-2009. The full Board of Directors meets four times a year and the elected Sub-committee meets as necessary between those meetings. The Board and Sub-committee guide the policies and direction of CYLC, receive reports from Senior Management and make decisions on the activities of CYLC after consideration of these reports and other advice provided by the Management team. The Board of Directors operate under a Code of Conduct and attend regular training to allow them to perform in their role as a Director.



**Figure 3: 17 Communities of Cape York from which representatives are elected to the Board of Directors and location of the CYLC Cairns Office.**





Set out in the tables below are the Board of Directors for 2007-2009.

**Table 1: Board of Directors 2007 – 2009**

<b>COMMUNITY</b>	<b>REPRESENTATIVES</b>	<b>ALTERNATES/RESERVES</b>
<b>Aurukun</b>	Lionel Ngakyunkwokka	Douglas Ahlers
<b>Coen</b>	Patricia Claremont	Lutonya Creek
<b>Cooktown</b>	Michael Ross	Ron Harrigan
<b>Hopevale</b>	Graham Woibo	Jason Woibo
<b>Kaurareg</b>	Isaac Savage	Garragu Kanai
<b>Injinoo</b>	Robbie Salee	Meun Lifu
<b>Kowanyama</b>	Darby Horace	Colin Lawrence
<b>Laura</b>	Fred Coleman	Felicity Bowen
<b>Lockhart River</b>	Toby Accoom	Cecol Macumboy
<b>Mapoon</b>	Josey Dickson	William Busch
<b>Mossman</b>	Hazel Douglas	Jason Port
<b>Napranum</b>	Donald Callope	Priscilla Blanco
<b>New Mapoon</b>	John Mark	Alison Sailor
<b>Pormpuraaw</b>	John Clark	Isabel Coleman
<b>Port Stewart</b>	Gavin Bassani	Karen Liddy
<b>Umagico</b>	Charles Woosup	Patricia Young
<b>Wujal Wujal</b>	Doreen Jones	Carol Toby

1. Please note that the Mossman representatives have both resigned with no replacements made.
2. Changes were also made in July 2008 to the Representative for Coen with Patricia Claremont being replaced by Lutonya Creek.



**Table 2: Executive Committee (2007-2009).**

<b>NAME</b>	<b>POSITION ON THE BOARD</b>	<b>COMMUNITY</b>
Michael Ross	Chairperson	Cooktown
Josey Dickson	Deputy Chairperson	Mapoon
Toby Accoom	Executive Committee Member	Lockhart River
Graham Woibo	Executive Committee Member	Hopevale
Isaac Savage	Executive Committee Member	Kaurareg
Darby Horace	Executive Committee Member	Kowanyama



Board members Robbie Salee, Toby Accoom and Gavin Bassini attending the Native Title Conference in June 2009.





## **Strategic and Operational Plans**

CYLC's mission is the return of land in Cape York to traditional owners and CYLC has worked under the strategic direction given by the Board of Directors to achieve that end. At a three-day Strategic Planning Workshop conducted in November 2008 the Board of Directors and CYLC management developed a draft Strategic Plan and the Directors are in the process of consulting their respective communities over the content before it is ratified by the Board. In early 2009, the Directors participated in Governance Training into their roles and responsibilities and this has assisted their task of communicating the plan to members of the corporation. The strategic plan will provide direction and allow the management team to set targets which will achieve the wishes of our communities.

One way the CYLC sets targets is through the process of preparing Operational Plans for FaHCSIA. CYLC management is particularly guided by the Federal Court Work Plan for each Native Title Determination Application (NTDA). CYLC's Work Plans identify objectives and outputs to be achieved in the agreed Court timeframe and are developed based on priority status so that resources are not wasted. CYLC is addressing this claim by claim through a strategy that focuses attention on sub-regions and is designed to potentially consolidate claims, resolve overlaps and inter-intra Indigenous disputes and, when the other parties agree, reduce the volume of research and negotiation required leading towards consent determinations and other tenure outcomes. These Work Plans and claim strategies are articulated in the CYLC Operational Plan and document how FaHCSIA funding is allocated.



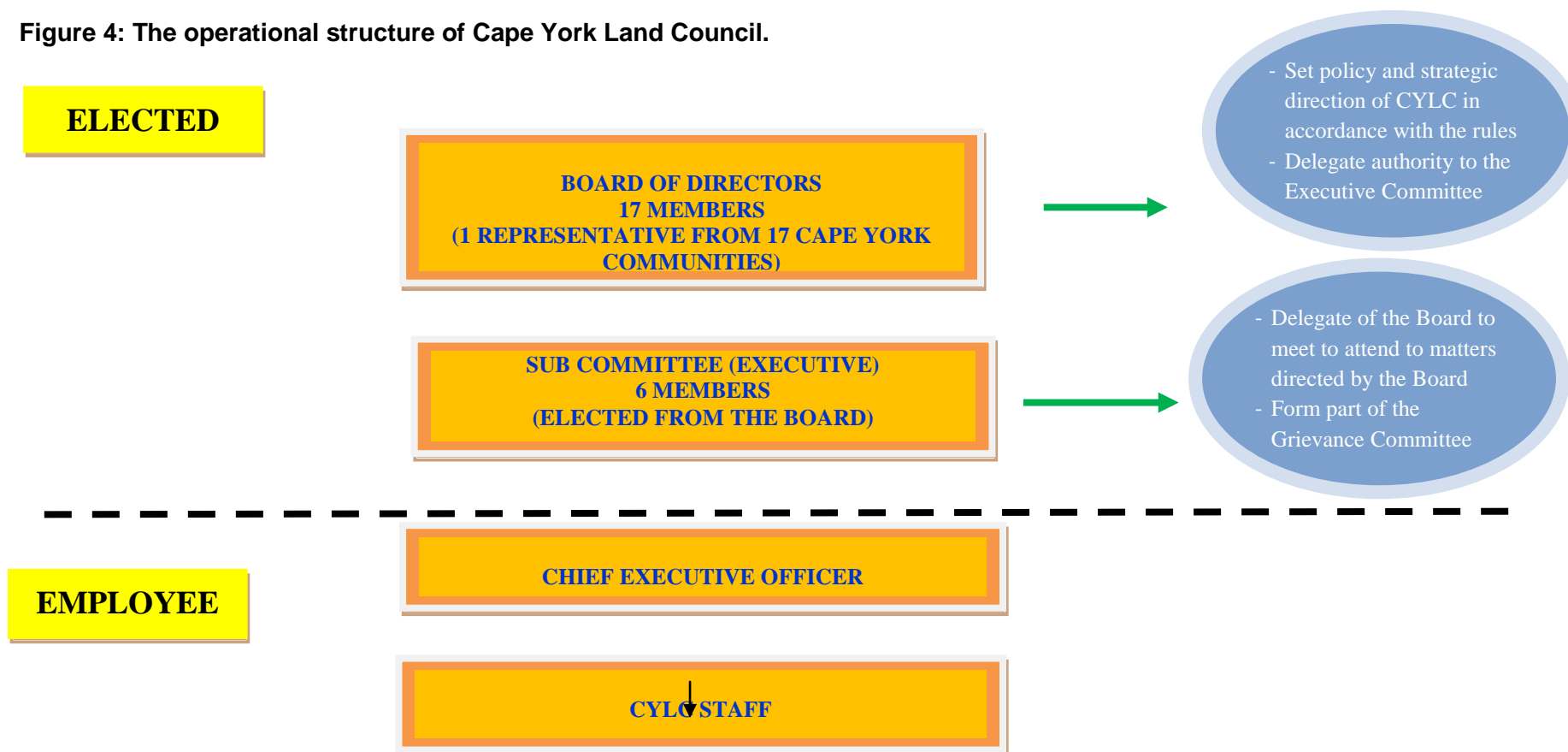
Chilli Beach, North Eastern Cape York



## Governance Structure

The board comprises 17 elected members from Cape York communities. Board members hold office for a two year period and undertake training to assist them to provide direction to the Management team of CYLC in accordance with the original charter of the Land Council established 18 years ago.

**Figure 4: The operational structure of Cape York Land Council.**

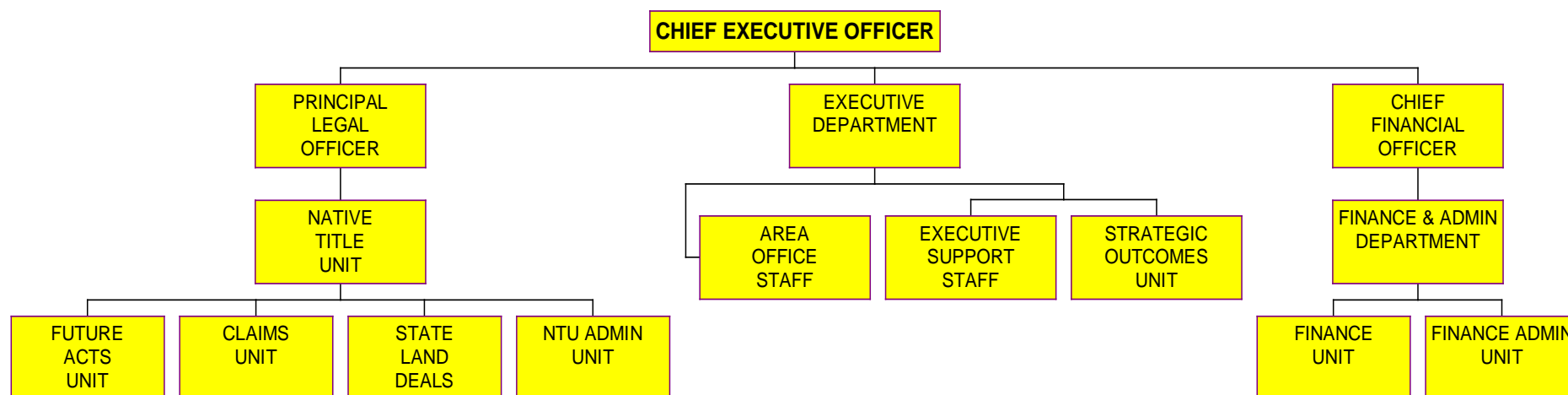




## Organisational Structure

Cape York Land Council employed an average of 37 employees during the 2008-2009 financial year and is committed to the development of all staff within the organisation.

**Figure 5: The organizational structure of Cape York Land Council.**







## **Senior Management Staff and their Responsibilities**

As outlined in Figure 5 of this report, the CYLC Management structure consists of the Chief Executive Officer and is supported by the management team consisting of the Principal Legal Officer and Chief Financial Officer. The roles are discussed further below.

Peter Callaghan, the CEO of CYLC, is responsible for the daily management of CYLC and oversees the day-to-day functions of the organisation. The CEO is responsible for personnel, financial and operational matters and for achieving Native Title outcomes. The CEO provides regular reports at each Board meeting on the operations and details of the CYLC operating environment. The CEO has two support staff and the work of the Human Resource Officer has since been included in the duties of one of these support staff members. The CEO also manages the staff in the two Regional offices of Cooktown and Weipa and the Strategic Outcomes Unit.

Ann Daniel, the Principal Legal Officer (PLO) of CYLC, is responsible for the effective running of the Native Title Unit (NTU). The NTU consists of five separate Units - Future Acts Unit, Claims Unit and State Land Dealings Unit. Each Unit has a Team Leader who is responsible for ensuring the performance of their Unit and reporting this to the PLO.

Keith Tooke, the Chief Financial Officer (CFO) of CYLC, is responsible for the effective running of the Finance Unit. The CFO is also responsible for managing the Information Technology Resources and the Motor Vehicles at CYLC.

The PLO and the CFO report to the CEO.

## **Roles of the Board of Directors**

Members of the Board of Directors are shown earlier in this report in the section titled CYLC Overview.

During 2008/2009 financial year, the Board of Directors met five times in total and the Executive Committee held an additional meeting in June 2009. Details of meeting attendance are shown at Table 3 below. Attendance was high at all meetings, demonstrating a clear commitment by the CYLC Board of Directors. The current Chairperson of the Board of Directors is Mr Michael Ross and Ms Josie Dickson is the Deputy Chairperson.



## Attendance by Committee Members

**Table 3: Attendance by Board members (Board of Directors and Executive Sub Committee 2007-2009), at Committee Meetings from 1 July 2008 to 30 June 2009.**

Community	Board of Director	7, 8 Oct 2008	9–12 Dec 2008	25, 26 Feb 2009	4 April 2009	21, 22 April 2009	18 June 2009 (sub com'tee)
Aurukun	Lionel Ngakyunkwokka	NO	YES	NO	NO	NO	
Coen	Patricia Claremont Latonya Creek	1 day	NO	NO	NO	NO	
Cooktown	Michael Ross	YES	YES	YES	YES	YES	YES
Hopevale	Graham Woibo	YES	YES	YES	YES	YES	NO
Kaurareg	Isaac Savage	YES	½ day	YES	NO	½ day	YES
Injinoo	Robbie Salee	NO	YES	YES	YES	YES	YES
Kowanyama	Darby Horace	YES	NO	YES	YES	YES	NO
Laura	Fred Coleman	YES	YES	YES	YES	YES	
Lockhart River	Toby Accoom	YES	YES	NO	YES	YES	YES
Mapoon	Josey Dickson	YES	YES	YES	YES	YES	YES (by phone)
Mossman	Hazel Douglas (Resigned August 08)	-	-	-	-	-	-
Napranum	Donald Callope	NO	YES	NO	YES	NO	
New Mapoon	John Mark	NO	NO	NO	YES	NO	
Pormpuraaw	John Clark	1 day	YES	YES	YES	YES	
Port Stewart	Gavin Bassani	YES	YES	YES	YES	YES	
Umagico	Charles Woosup	NO	NO	YES	YES	NO	
Wujal Wujal	Doreen Jones	1 day	NO	YES	YES	YES	

*Lutonyah Creek held office as the Coen Board of Director from July 2008.*

## Training and Development of Board Members

Board Members are made aware of the responsibilities that accompany their positions on the Board as part of the election process and as part of the Board Induction given at the start of their term. Further training and workshops are also part of ongoing development.



During this year the Board members attended Governance training provided by FaHCSIA in February 2009 and endorsed a Code of Conduct, with the assistance of legal representative Ms Tracy Fantin, in April 2009.

## **Corporate and Operational Planning**

During the year in review the relevant Operational Plan provided the means of directing work, reporting to the Board of Directors, measuring performance and managing finances.

An Operational Plan for the following year was drawn up during the year in review and all project staff were involved in its drafting and its use as a guide to expenditure and to direct workflow towards prioritised outcomes.

## **Risk Management**

During the year in review the financial affairs of the CYLC have continued to be monitored closely by the CFO and the CEO. Regular reports are provided and matters of concern are taken to the Board of Directors.

The use of the financial data recording set in place during the previous year has been a key factor in ensuring that budgets are adhered to.

The extent to which this approach has been sufficient to manage risks to date is illustrated by the positive outcomes in the year under review, including our third successive unqualified audit.

External audits also assist in risk management and highlight the control features in place.

The Board is kept aware of CYLC operations through regular reporting from Senior Management staff.

## **Ethical Standards**

In addition to the CYLC Code of Conduct, employees and Board Members have undertaken Governance training. There is a high level of awareness amongst staff of ethical issues and good practical application of that knowledge. CYLC management has taken further action to increase awareness of these standards by encouraging the learning and development of all staff to assist in making staff aware of their duties and obligations at CYLC to our funding body, peers, constituents and to ensure compliance with relevant legislation.

In relation to Lawyers employed by CYLC, rules made by the Queensland Law Society under authority of the *Legal Profession Act 2004 (Qld)*, require all Lawyers to undertake compulsory professional development in ethics annually.

The Aurora Project team provides further training to NTRB staff to ensure that staff are well informed of recent standards.



In addition to this, Lawyers with up-to-date knowledge can provide in-house training for staff and Board Members. This will be utilised further in future with the development of in house training programs to provide information to staff by using in-house knowledge held by Land Council staff.

During the past year the corporate knowledge and skills of Land Council staff has assisted with the development of a number of administrative staff into more senior roles within CYLC. This demonstrates the commitment of the Board and management team, in line with the CYLC Employee Collective Agreement to develop and train its staff.

## **Remuneration for Senior Management**

CYLC negotiates Senior Management salaries on an individual basis with reference to the market and other NTRB pay scales as reviewed by an independent Assessor. Prior to appointment, the Board members and FaHCSIA approve all senior management positions and salaries.



## NATIVE TITLE UNIT PERFORMANCE REPORT

During the reporting period, CYLC's Native Title Representative Body area had 26 Native Title Determination Applications (NTDAs) that were all at different stages of the Federal Court claims process. While the Native Title Unit (NTU) was involved in all of these, CYLC was the legal representative for the Applicant in 21 of those NTDAs. Of the other five NTDAs, CYLC facilitated HWL Ebsworth Lawyers to represent the Applicants for Wik and Wik Way People #2 NTDA (QUD6029/01) and Wik and Wik Way People Part B NTDA (QUD6001/98). CYLC also provided assistance under section 203B of the *Native Title Act 1993 (Cth)* to resolve intra-Indigenous overlap issues for Thanakwithi People NTDA (QUD6014/00), Thanakwithi People #2 NTDA (QUD6011/02) and Ankamuthi People NTDA (QUD6158/98). In addition, CYLC was the legal representative for Indigenous respondents to both the Walmbaar Aboriginal Corporation Native Title Compensation Application (QUD469/06) and the Torres Strait Regional Sea Claim (QUD6040/01).

The NTU is divided internally into four Units: The Future Acts Unit, Strategic Outcomes Unit, Claims Unit and State Land Dealings. Each Unit comes under the direction of the Principal Legal Officer (PLO) and the PLO holds regular NTU meetings to ensure effective performance and progress across the range of roles and responsibilities expected of staff in each team. The following provides a description of main functions.

- **The Claims Unit** focuses on CYLC's functions as set out in Part 11, Division 3 of the *Native Title Act 1993 (Cth)*. This work includes two core and related legal functions. Firstly, the making of new Native Title Determination Applications (NTDAs) and the provision of advice and assistance for applicants and Native Title claim groups to deal with matters arising in relation to the current NTDAs in CYLC's NTRB area. Secondly, the negotiation of Indigenous Land Use Agreements (ILUAs) on behalf of traditional owners and Native Title claim groups throughout the NTRB area.
- **The Strategic Outcomes Unit (SOU)** co-ordinate CYLC's engagement in the legislative and procedural reforms that impact on CYLC's capacity to deliver services to traditional owners in protecting their Native Title rights and interests. It contributes to ongoing capacity development of the NTU and assists the Claims Unit on high and medium priority claims with the provision of information and updates on practice and procedure from various training, workshop and information sessions. Other functions include the process of developing research projects, securing funding and contributing to the development of effective relationships with CYLC's clients, stakeholders and partners.
- **The Future Acts Unit (FAU)** deals with notifications received from State and Federal Governments and other authorities which propose to grant permits, licenses or other rights to people which may have an impact on Native Title rights. Dependent upon the type of right the authority is seeking to grant, Aboriginal people have a right to be notified, or to comment, or to be consulted, or to negotiate in relation to the grant of that proposed right by the relevant authority. The FAU receives these notifications and distributes them with an explanatory letter to affected traditional owner groups so



they can take the action necessary to protect their Native Title rights, either directly with the relevant authority or through CYLC. These functions include, in particular, the administration of the Future Act regime which is applicable to the grant of mineral exploration permits and other mining tenements.

- **State Land Dealings** is a State-funded project involving the resolution of tenure on a number of properties in the region through negotiated ILUAs. CYLC and Balkanu Cape York Development Aboriginal Corporation facilitate the participation of Native Titleholders in negotiations with the State's Cape York Tenure Resolution Task Force. CYLC's clients seek land under secure tenure, whilst the State seeks to protect high conservation areas by creating new National Parks or Nature Refuges by way of Conservation Agreements with Native Title holders under the *Nature Conservation Act 1992 (Qld)*.

In an attempt to achieve more timely and efficient Native Title determinations CYLC has recently provided a number of policy submissions to the Minister for FaHCSIA and the Commonwealth Attorney-General on the issue of fast-tracking Native Title and addressing land aspirations on Cape York Peninsula. These submissions focussed on a broader Native Title settlement strategy aimed at delivering timely Native Title determinations, tenure resolution options and broader social and economic outcomes through high-level collaborative engagement and negotiations with the Commonwealth Government and the State of Queensland.

The broader settlement strategy is being approached by the NTU on a sub-regional basis beginning with Kowanyama, the North West Cape and Olkola sub-regions. On 20 August 2008, the Commonwealth Attorney-General release a Joint Communiqué on behalf of itself, the Queensland Minister for Natural Resources and Water and the Chairperson of CYLC that reflected the commitment of the parties to sub-regional negotiations addressing tenure issues and Native Title. Approaching these NTDAs on a sub-regional basis provides CYLC with the potential to variously resolve inter-intra Indigenous disputes and issues, resolve overlapping claims and consolidate and amend applications to provide better Native Title outcomes.

In the CYLC Annual Report for 2007-2008 the NTU provided an outlook for 2008-2009 year, reporting that the NTU expected to achieve up to three Native Title determinations by consent in the following: NTDAs Wuthathi People #2 (QUD6022/02), Kuuku Ya'u People #1 (QUD6016/98) and Wik and Wik Way Peoples #2 (QUD6029/01). On 25 June 2009, the Federal Court of Australia recognised Native Title rights and interests for Kuuku Ya'u People #1 at a consent determination hearing held at Lockhart River. The Wuthathi #2 NTDA remains in the mediation phase and the Wik and Wik Way Peoples #2 NTDA has had a consent determination date set by the Federal Court for 29 July 2009. In addition to commenting on the progress of these matters the following provides an analysis of the performance for each NTU Unit and includes a history and yearly review of each Native Title determination application (NTDA) represented by CYLC. The section concludes with the NTU Outlook for 2009-2010.





## **Claims Unit**

### **Wuthathi People #2 (QUD6022/02)**

The Wuthathi People #2 NTDA was lodged in 2002 and entered on the NNTT Register of Claims on 10 February 2003. The claimants have been engaged in substantive mediation with all parties towards a consent determination of exclusive Native Title over the application area, Shelburne Bay. Intra-Indigenous issues have been mediated by the NNTT on a number of occasions and issues were resolved at a meeting of the claim group held at Lockhart River end June 2008. Wuthathi authorised an ILUA with Cook Shire Council in November 2008, which was subsequently lodged for registration with the National Native Title Tribunal. The ILUA was successfully registered in June 2009. The Wuthathi Aboriginal Corporation was registered by the Office of the Registrar of Indigenous Corporations in December 2008, and the first general meeting held in April 2009. The parties have almost concluded negotiations regarding the terms of a consent determination however further intra-Indigenous mediation has been required that has delayed setting a date for the consent determination hearing.



Anthropologist, David Thompson with Wuthathi traditional owners

### **Kuuku Ya'u People #1 (QUD6016/98)**

The Kuuku Ya'u People #1 NTDA was lodged in 1999 and entered on the NNTT Register of Claims on 15 May 2003. Substantive mediation meetings with all respondent parties for the purpose of reaching a consent determination were concluded. A Federal Court of Australia consent determination of Native Title hearing was held at Lockhart River 25 June 2009.



Kuuku Ya'a Applicants with Justice Greenwood at the Native Title Determination on 25 June 2009

### **Wik & Wik Way People #1 (QUD6001/98) & Wik & Wik Way Peoples #2 (QUD6029/01)**

Mediation has been ongoing for the Wik and Wik Way Peoples' two NTDA's, following the making of the consent determinations in October 2001 and 2004. The focus of the mediation has been on the Wik and Wik Way Peoples' #2 NTDA over Rio Tinto Aluminium's bauxite mining leases to the south of the Embley River, which was commenced in 2001 in accordance with the WCCCA. In June 2008 agreement in principle was reached as between the claimants, the State of Queensland and Rio Tinto Aluminium Limited as to the terms of the consent determination of Native Title for those areas. The remaining parties to this application have since given their consent. Two ILUAs were authorised by the Native Title claim group in June 2009 and lodged for registration with the claim area for the application amended to enable the consent determination to be made. In June 2009, the Federal Court fixed the date of 29 July 2009 for the making of this further consent determination in Aurukun. In the event that this consent determination is made, the focus of mediation will return to the remaining areas covered by the Wik and Wik Way Peoples' #1 NTDA and a work program has been agreed to enable mediation to be progressed. CYLC has also assisted the Wik and Wik Way Peoples and their PBC, Ngan Aak-Kunch Aboriginal Corporation RNTBC, respond to an increasing level of Future Act activity in the Wik region, particularly with applications for exploration permits, with a number of exploration agreements negotiated with mining companies during this period. CYLC has also assisted Ngan Aak-Kunch Aboriginal Corporation RNTBC to meet its regulatory compliance obligations under the *CATSI Act* and to obtain income tax exempt status as a charitable institution.





### **Kowanyama People (QUD6119/98)**

The Kowanyama People NTDA was lodged in 1997 and was entered onto the NNTT Register of Claims in 2001. In July 2008 a Township Land Working Group was established by traditional owners and facilitated by CYLC, with Kowanyama Aboriginal Shire Council, Commonwealth and Queensland government attendees. The first of a four phase project was undertaken between December 2008 and July 2009. The project is designed to resolve tenure and Native Title in the township to facilitate community housing and essential infrastructure. Tenure resolution and ILUA negotiations are continuing and are to include terms relating to a determination of Native Title for the township. Claim group consultations were held to December 2008 to settle key priorities and objectives for an agreed set of land tenure and Native Title outcomes. A set of objectives for settlement of the application was agreed with the State and Commonwealth governments in January 2009. In June 2009 a draft consent determination of Native Title for a priority Part A of this claim comprising the Kowanyama DOGIT and a coastal section was proposed at negotiator level between the six parties to that Part A.

### **Angkamuthi People #2 (QUD6008/02)**

Angkamuthi People #2 (QUD6008/02) NTDA was lodged by CYLC in 2002 however it was not accepted for registration by the NNTT. While CYLC is not the legal representative for Ankamuthi People #1 (QUD6158/98) NTDA, as the NTRB it is working with the Applicant as one of the NTDAs in the North West Cape (NWC) region and is being assisted as part of a staged regional approach to resolving overlapping claim issues for six NTDAs. In addition to the above two matters the other four NTDAs involved in the six claim NWC regional approach include Weipa Peninsula People (QUD6009/02), Thanakwithi People (QUD6014/00), Thanakwithi People #2 (QUD6011/02) and Mapoon People (QUD6010/02). CYLC does not act for the two Thanakwithi matters however, as with Ankamuthi People #1, it is providing NTRB assistance to the Applicants in the regional approach to Native Title issues. The six NTDAs (Mapoon, Thankawithi #1 & Thankawithi #2, Ankamuthi #1 & Angkamuthi #2 and Weipa) have been in NNTT mediation in 2009 as part of a strategy to address inter-intra Indigenous issues and resolve overlapping claims. CYLC has engaged consultant anthropologists to prepare connection material to be used in mediating these issues and for amending and authorising claims as required.

### **Mapoon People (QUD6010/02)**

Mapoon People (QUD6010/02) NTDA was lodged in 2002 and was accepted for registration on the NNTT Register of Claims. This claim was lodged in part to comply with the Western Cape Communities Co-existence Agreement (WCCCA) 2001. As one of the six NTDAs (Mapoon, Thankawithi #1 & Thankawithi #2, Ankamuthi #1 & Angkamuthi #2 and Weipa) that have been identified as part of the NWC regional approach this claim is part of a strategy to address inter-intra Indigenous issues and resolve overlapping claims. CYLC has engaged consultant anthropologists to prepare connection material to be used in mediating these issues and for amending and authorising claims as required.



### **Weipa Peninsula People (QUD6009/02)**

The Weipa Peninsula People (QUD6009/02) NTDA was lodged in 2002 and was entered on the NNTT Register of Claims on 22 April 2004. This claim was lodged in part to comply with the WCCCA 2001. This claim forms part of the NWC regional approach however the NTDA does not overlap other claims. The claim area is also the subject of WCCCA related land transfers involving Rio Tinto Alcan and CYLC is working with the State to assist in this tenure resolution and transfer process. CYLC has engaged consultant anthropologists to prepare connection material to be used in mediating these issues and for amending and authorising claims as required.



Area Office Manager, Maleta West attending meetings with traditional owners in Weipa

### **Ayaputhu & Oikola (QUD6012/03), Oikola Fairlight (QUD6010/03), Oikola People (QUD6008/03), Oikola People #2 (QUD1/05), Oikola Thaypan (QUD6009/03) and Oikola / Strathleven / King Junction (QUD6013/03)**

The above six NTDA's were lodged in 2003 and 2004 in response to Future Act Notices pursuant to s29 of the *Native Title Act 1993 (Cth)*. The six claims have remained in place following those initial notices to preserve the right to negotiate with the Future Act proponents. As outlined above, these claims have been identified as a sub-region in CYLC's priority setting and land tenure resolution approach attempting to progress broader Native Title settlement of NTDA's. Discussions considering possible amalgamations and/or restructures of the six NTDA's are ongoing. As part of this process, meetings with the claimants were convened in Laura and Cairns in late 2008 and 2009.

### **Wuthathi, Kuuku Ya'u and Northern Kaanju (QUD6023/02)**

The Wuthathi, Kuuku Ya'u and Northern Kaanju NTDA was lodged in 2002 and was entered on the NNTT Register of Claims on 26 May 2003. While the State accepted connection and the application of s47B Native Title Act over part of the NTDA area it has further engaged the Applicant in discussions concerning connection issues. The State sought clarification of a number of issues regarding connection and responding to these issues is ongoing.



### **Juunyuwarra People(QUD6014/99)**

The Juunyuwarra People NTDA was lodged in 1999 and was entered on the NNTT Register of Claims on 19 April 1999. A connection report was provided to the State in June 2007. The State provided a response to connection material in late November 2007. CYLC is reviewing the State's response and is to provide additional supplementary connection material to State. It is anticipated that NNTT mediation between the Applicant and the State will commence in late 2009.

### **Northern Kaanju People and Yianh People (QUD6152/98)**

The Northern Kaanju and Yianh People NTDA was lodged in 1997 and was entered on the NNTT Register of Claims on 16 October 1997. Based on anthropological research conducted to date by two consultant anthropologists, amendments to the NTDA are required. Progress has been made in discussing connection issues at a claim group meeting held at Coen late August 2007 where draft connection material was presented and discussed. Required amendments to the application are being considered and meetings are to be scheduled to discuss claim issues.

### **Kalpowar Holdings (QUD6155/98)**

The Kalpowar Holdings (QUD6155/98) NTDA was lodged in 1997 and was entered on the NNTT Register of Claims on 30 August 2000. The claim was amended during 2006 following a SLD ILUA outcome in 2005 and the creation of the Kalpowar Land Trust. The application is being considered and meetings are to be scheduled with the group to discuss claim issues.

### **Kaanju / Umpila People (QUD6236/98) & Kaanju Umpila Lamalama and Ayapathu People #2 (QUD6117/98)**

It is proposed that the two claims be withdrawn and a new single NTDA be lodged on behalf of the combined claimant groups following the resolution of the SLD for Mt Croll. Filing of new claims delayed due to negotiations of the *Cape York Peninsula Heritage Act* and State Land Dealings ILUA negotiations. A preservation of evidence hearing was held on country before Justice Greenwood in July 2007. A meeting with the relevant claim group was held in Lockhart River to discuss lodgement issues in October 2007. The applications are being considered and meetings are to be scheduled with the groups to discuss issues with the proposed single NTDA.

### **Archer Point People (QUD352/06)**

The Archer Point People (QUD352/06) NTDA was lodged in September 2006 and was entered on the NNTT Register of Claims on 26 July 2007. Applicant advised of result by correspondence in August 2007. The claim was filed to pursue the recognition of Native Title rights and interests and claim the benefit of Section 47B of the *Native Title Act 1993* over the area to become national park and reserves as part of the executed SLD ILUA on 18 August 2006 and registered on 5 July 2007. This claim has low priority status, however negotiations continue with the Queensland government relating generally to connection



material requirements. The outcome of those negotiations will inform further work on connection material in support of this claim.

### **Melsonby (Gaarraay) People (QUD452/06)**

The Melsonby (Gaarraay) People (QUD452/06) NTDA was lodged in 2006 and was entered on the NNTT Register of Claims on 6 Aug 2007. The claim was filed to pursue the recognition of Native Title rights and interests under the *Native Title Act 1993* over the Melsonby Station area that was the subject of a SLD ILUA that was executed on 16 November 2006 and registered on 5 July 2007. This claim has low priority status, however negotiations continue with the Queensland government relating generally to connection material requirements. The outcome of those negotiations will inform further work on connection material in support of this claim.

### **Gudang Yadhaykenu People Sea Claim (QUD269/08)**

The Gudang Yadhaykenu People Sea Claim (QUD269/08) NTDA was lodged in September 2008 and was entered on the NNTT Register of Claims on 3 March 2009. The claim was filed to pursue the recognition of Native Title rights and interests under the *Native Title Act 1993*.

### **Walmbaar Aboriginal Corporation Compensation Claim (QUD469/06)**

CYLC acted for the Indigenous respondents in this Native Title compensation application. On 24 June 2008 the Indigenous respondents, with the support of the State, sought the Court to exercise its power under provisions of the *Native Title Act 1993* to strike out the application. The strike out application was heard by Justice Greenwood on 5 September 2009 and judgement handed down on 29 May 2009. Justice Greenwood upheld the Indigenous respondents' strike out application on a number of grounds, including that the corporation did not comply with its own rules in lodging the compensation application. This matter is now concluded.

### **Western Yalanji #7 (QUD3/05)**

CYLC is on the Federal Court record as the Applicant's legal representative. CYLC and North Queensland Land Council (NQLC) have executed a Memorandum of Understanding (MOU) providing for continued management of the application and other applications covering areas within both the CYLC and NQLC NTRB regions. NQLC have proposed that this NTDA (wholly within the CYLC NTRB region) will be combined with the Western Yalanji #4 NTDA (which is partially within both NTRB regions and presently managed by NQLC). The combined applications will become the Western Yalanji #4 (combined NTDA). It has been agreed NQLC will take carriage of the combined application. CYLC is currently a respondent party to Western Yalanji #4 and represents Olkola people Native Title rights and interests in the claim area. Discussions have taken place between Western Yalanji and Olkola People and further discussions are expected.



## Strategic Outcomes Unit

The SOU has continued to respond to State and Federal Government legislation and policy reforms that impact on Native Titleholders' rights and interests and CYLC has made numerous submissions urging reform to be more workable and beneficial for Cape York's Native Title holders. The SOU made several submissions and comments on Commonwealth, State and Local Government reforms. For example submissions and comments were provided on Amendments to *Land Act 1994 (Qld)*; Amendments to *Water and Other Legislation amendments Bill (Qld)*; Review of *Aboriginal Land Act 1991 (Qld)*; Review of *Coastal Management Plan (Qld)*; Amendments to *Fisheries Act (Qld)*; the Mineral Council's Native Title guide; the NGO Report on the Human Rights Committee on Australia's compliance with its obligation under the International Covenant on Civil and Political Rights (ICCPR); on Australian Government discussion Paper Response to Native Title payments Working Group Report; and on the Human Rights Commission position for a Human Rights Act. The following outlines some examples of the work performed by the SOU in negotiating the legislative and policy environment that affected Native Title holders and CYLC's ability to perform the roles and responsibilities expected of a NTRB.

### Review of Aboriginal Land Act 1991 (Qld) & Amendments to Fisheries Act (Qld)

CYLC made further submissions in response to the State Government amendments to each of these pieces of legislation. Although some minor changes were negotiated with the State in relation to the *Aboriginal Land Act 1991 (ALA)* the State's consultation process has failed to address many of the concerns raised by CYLC. The ALA is to be further amended in 2009/2010, and CYLC is again seeking to pursue issues of concern to Cape York traditional owners.

### Review of Aboriginal Cultural Heritage Act 2003 (Qld)

The State Government requested submissions regarding the efficiency of the *Aboriginal Cultural Heritage Act 2003* and CYLC was a member of the Consultative Committee. CYLC provided detailed submissions outlining concerns with the inadequate traditional owner consultation process as well as the workability of the legislation. Stakeholders were advised not to expect any major changes to the legislation, and to date none have occurred. The Federal Government is now reviewing the Commonwealth's *Aboriginal and Torres Strait Islander Heritage Protection Act*, and CYLC will seek to raise concerns about this legislation and continue to pursue changes to Qld's *Aboriginal Cultural Heritage Act*.

### Bertiehaugh Pastoral Station

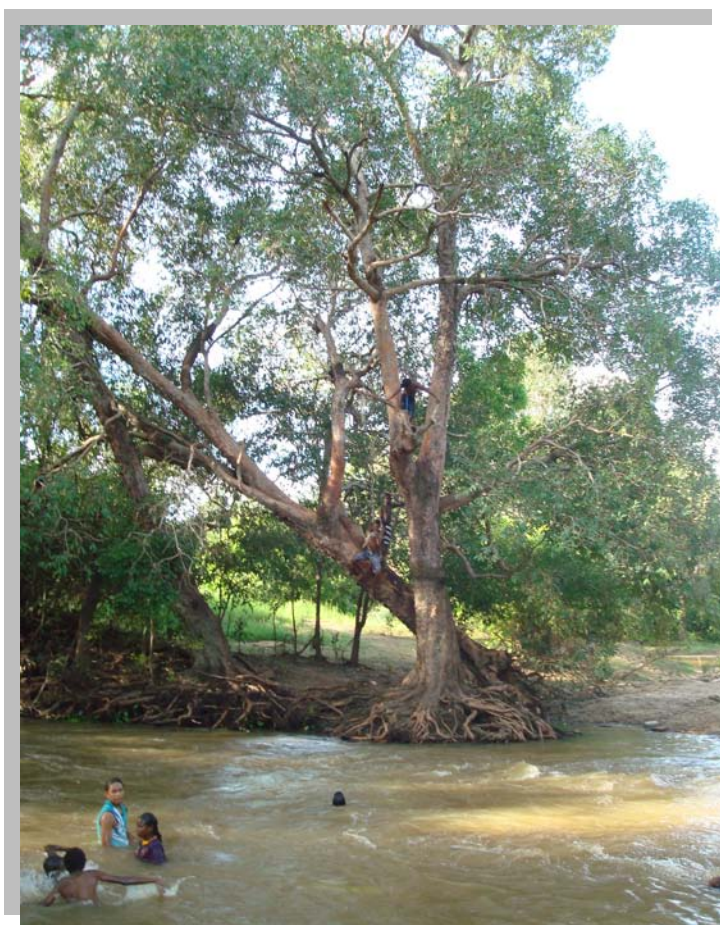
Traditional owners of the Bertiehaugh Pastoral Station articulated dissatisfaction with the lack of consultation provided by the Commonwealth Government on the purchase of the property, now known as the Steve Irwin Wildlife Reserve, for the Terri Irwin Family Trust. The SOU continues to provide strategic advice to traditional owners on the engagement process with the State and Commonwealth Governments and assisted them in lobbying the Commonwealth for traditional owner recognition and support for an ILUA to be negotiated.





## **Wild Rivers Act 2005**

Throughout the year, CYLC and Balkanu continued to actively lobby on concerns surrounding the *Wild Rivers Act 2005*. Issues raised included concerns over Native Title implications, the potential adverse impact of the legislation on potential economic development, the terminology used in the legislation (such as the use of “Wild” and “preservation”) and other issues of concern to the Cape York Indigenous people. In July 2008, the Queensland Government nominated the first three Cape York River basins as Wild Rivers areas – those being the Stewart, the Archer and the Lockhart River basins. CYLC assisted Balkanu with consultations with Traditional Owners about the implications of the legislation and policy. CYLC assisted Traditional Owners with the preparation of submissions to the government. Despite our efforts to amend the proposals, three basins were declared as Wild River Areas in April 2009. The Wenlock River has now been nominated as a Wild River area, and CYLC has been actively lobbying the state Government to ensure that no further declarations occur on Cape York without the consent of Traditional Owner groups.



Children enjoying a local waterhole at Kowanyama



## Future Acts Unit

The process of advising Traditional Owners and their representatives of Future Acts Notices (FANs) has been ongoing and during the reporting period a total number of 665 non-mining FANs were processed (see Table 4 below). To improve efficiency, a database for mining Future Acts is being developed and updated. In addition to working on the Cape Alumina Pisolite Hills Project, Gulf Alumina Pty Ltd and negotiations with Cape Flattery Silica Mines, quarterly meeting were also attended pertaining to Alcan and the WCCCA.

**Table 4: Future Act Notices 2008-2009.**

Date Received	Agency	NT Section	Total Rec'd
1/7/08 - 30/6/09	Dept. of Environmental & Resource Management	S24	24
1/7/08 - 30/6/09	Great Barrier Reef Marine Park Authority	S24	272
1/7/08 - 30/6/09	Environmental Protection Agency	S24	35
29/05/2009	Ergon Energy	S24	1
1/7/08 - 30/6/09	Department of Primary Industries	S24	163
15/06/2009	Australian Fisheries Management	S24	2
16/03/2009	Telstra		1
19/10/2008	Telstra		1
19/02/2009	Department of Main Roads	24KA	3
1/7/08 - 30/6/09	Qld Parks & Wildlife Services	S24	163
	Total Received for 08/09		665



Capacity Development Officer, Margaret Ross-Kelly with traditional owners  
Simpson Yam and Paddy Yam

## **State Land Dealings**

Highest-priority State Land Dealings (SLD) in 2008-2009 were Lilyvale, Running Creek, McIlwraith Range and Mt Croll properties. The Lilyvale and Running Creek SLD were finalised by the authorisation and signing of ILUAs and the handover of land to the Lamalama People at a ceremony held at Coen in July 2008. Resolution of this negotiation also resulted in the creation of Queensland's first Aboriginal-owned and jointly managed National Park – the Lamalama National Park.

Finalisation of the McIlwraith and Mt Croll dealings occurred in August 2008 with the handover of land to Kaanju and Ayapathu peoples by the Premier of Queensland, the Hon. Anna Bligh, MP, and the dedication of a large Aboriginal-owned and jointly managed National Park – the KULLA (McIlwraith) National Park. Negotiations continued in relation to the Shelburne Bay and Portland Road proposed SLD, and negotiations commenced in relation to Kalinga, Batavia, Bromley, Boynton properties and also land in the Cooktown area.

A further priority for CYLC in 2008-2009 was the negotiation and implementation of new tenure and management arrangements for National Parks on Cape York Peninsula. In November 2007, following concerted lobbying by CYLC, the *Cape York Peninsula Heritage Act 2007 (Qld)* was passed by the Queensland Parliament. This new legislation amended the *Nature Conservation Act* to create a new category of National Park called "National Park (Cape York Peninsula Aboriginal Land)". All existing and new National Parks on Cape York Peninsula will eventually be governed by the new arrangements, which involve traditional owners holding Aboriginal freehold title over National Park lands and managing National Parks jointly with government under the terms of an Indigenous Management Agreement.





The Balkanu Cape York Development Corporation National Park Transfers Team with the assistance of CYLC began work on negotiating a number of Indigenous Management Agreements across Cape York. The two priorities for 2008-09 were the Mitchell-Alice Rivers National Park and Mungkan Kandju National Park. Negotiation between Traditional Owners and the State government also commenced on Lakefield National Park and some smaller National Park islands along the east coast of Cape York Peninsula. Mitchell-Alice negotiations were significantly advanced and it is expected that the National Park will be transferred in the latter half of 2009. Work on the new arrangements for Mungkan Kanju National Park continues as a priority.



State Land Deals team (left to right): Margaret Blackman, Joelene Gertz, Tim Collins, Toni Hodges, Rob Laird, Michael Martin, Matt Patterson



## **NTU Outlook**

A July 2009 consent determination hearing date has been set for the Wik and Wik Way Peoples #2 (QUD6029/01). While the Wuthathi People #2 (QUD6022/02) is in further mediation it is expected that a consent determination will be achieved in the next reporting period. As discussed above in the Claims Unit section, CYLC is attempting to progress broader Native Title settlement of NTDA's and the NTU engaged the Commonwealth Attorney-General and the Queensland Minister for Natural Resources and Water about the sub-regional approach to negotiations that addresses land tenure and Native Title. Kowanyama, North-West Cape (NWC) and Olkola areas have been identified as sub-regions and it is expected that this collaborative approach would facilitate land tenure resolution outcomes. The NWC and Olkola matters will be progressed with the preparation of connection material to assist in resolving claim issues including the resolution of overlaps and possible amalgamations. The Kowanyama NTDA will be progressed in three parts. Part A is the first and CYLC expects to have a consent determination for Part A by October 2009. In addition, CYLC expects to develop a structured working relationship with the PBCs in the NTRB region to ensure they remain compliant and are assisted in establishing their operation functions.



Administrative Officer Rickii-lee Woibo with traditional owners in Kowanyama



## ANALYSIS OF PERFORMANCE

### Service Standards & Complaints Data

During the 2008/2009 financial year, the organisation worked under the Policies and Procedures Manual (2006). Annual staff reviews are held to measure performance of staff against Position Descriptions and CYLC goals. CYLC encourages staff training and has staff attend training run by the Aurora Project. This training is aimed specifically at Native Title Representative Bodies to facilitate prosperity through capacity building. Further to this, the organisation has developed an Induction Manual and works with Cape York Regional organisations to provide Cross Cultural Awareness training for all staff.

CYLC aspires to provide a high level of service and representation to the people of Cape York. Consistent with this aim, CYLC has a comprehensive Feedback and Complaints Procedure. This procedure gives traditional owners a means to provide feedback to CYLC and for CYLC to provide a transparent and accountable method for dealing with complaints and improving the overall service that CYLC provides. Through our newly developed website, our clients are encouraged to provide feedback through direct links to the management of CYLC via email addresses that are provided.

### Financial Performance Analysis

In the past year CYLC has redirected a significant amount of its resources to attend to changes caused by decisions made by various government agencies, that we have had little or no consultation and input into. These have included:

- Fighting proposed legislation that inhibits the future rights of traditional owners in Cape York such as Wild Rivers, World Heritage listing;
- Struggling to maintain and recruit professional staff to the Land Council in today's competitive employment market.

During the 2008/2009 financial year the following points highlight CYLC's financial performance:

- CYLC spending was in line with FaHCSIA funding as demonstrated by the 2008/09 financial report;
- We obtained additional funding from FaHCSIA for additional requirements in regard to progressing claims and determinations;
- CYLC was able to obtain additional funding in June 2009 for the upgrade of the CYLC Cairns office;
- CYLC again received an unqualified audit and minimal issues raised in the management letter as a result of the audit.
- CYLC continued to receive funding from the Queensland Government during the year for the Capacity Development Officer Program.



## MANAGEMENT OF HUMAN RESOURCES

The role of the Human Resources Department of CYLC is to deliver effective and efficient human resource support including personnel issues, recruitment and selection; learning and development; health and safety and performance management. During the past year the department has concentrated its efforts on improving its procedures.

We have identified a number of areas where improvements can assist management to support its staff and achieve the goals of the organisation. These improvements include:

- Introducing (by the end of 2009) a more effective Manual that outlines the organisations policies but is supported with manageable procedures in the one document.
- Amended Position Descriptions which outline individual Performance Indicators for staff to aim for and assist further with the Performance Appraisals at the end of the reporting cycles.
- Maintaining its website in house, resulting in further in house skills development and providing a point of reference for enquiries from our members, traditional owners and any persons interested in working with CYLC.

### **Recruitment and Development of Staff**

Due to the nature of the industry, NTRBs typically struggle to recruit legal and anthropological staff. CYLC makes every effort to compete with the commercial industries as well as other NTRBs to attract professional staff. We are confident that with the organisation's commitment to the development of its staff, CYLC will not only minimise the risk of losing corporate knowledge, but attract high quality professional staff that will make a commitment to the work CYLC is trying to achieve.

CYLC recruits in accordance with the policy and procedures that are established to facilitate the organisation's commitment to equal opportunity employment and to select the best possible candidate by using a merit-based selection process. CYLC is committed to giving every potential Applicant equal opportunity to apply for positions and ensuring that all processes are free from discrimination.

The organisation actively encourages multi-skilling of its staff and promotion within where identified skills and further development allow these opportunities. CYLC recognises the importance of supporting staff to gain opportunities that will aid their personal and professional development and broaden their skills base.

During the year, CYLC has used the skills and experience of Elias Recruitment to assist us in the recruitment of Professional staff. Through its networks, Elias has assisted us to fill two professional vacancies.





CYLC provides extensive training to its staff. This training includes in house skills development, training for the administrative arm of the organisation as well as specific training aimed at developing our staff within their respective fields.

CYLC has supported the Aurora Internship program and benefited from extended appointments of a number of interns who have assisted with further research within the organisation. The organisation accepts that one of the many benefits of this program is the ability to promote CYLC as a potential employer to potential Legal Officers and Anthropologists in the future.

## **Training and Development Outcomes**

CYLC is committed to providing appropriate, high-quality training opportunities for its employees. All employees are encouraged to identify training and development needs through the performance management process and the Human Resources Officer provides assistance to managers in facilitating and coordinating training activities for staff.

During 2008/2009 financial year, the total expenditure for training and development, including course fees and other associated expenses, was \$136,852.00 excluding staff time and excluding the cost of Aurora project delivery. This figure was increased by approximately 50% since the 2007/2008 financial year and demonstrates the organisation's commitment to the training and development of its staff.

In addition to individual training events undertaken, several specialised programs provided our staff with opportunities for growth and career development. These are provided by the Aurora Project aimed at enhancing the capacity of managers within Indigenous organisations. The Land Council has benefited from training programs including: Management Development, Negotiation skills and Field Officer training. In 2010 we look forward to training programs aimed at providing further skills for our management team including Human Resources and a new program 'Negotiation Skills' being held in Cairns to enable us to take advantage of a local course aimed specifically at NTRB staff.

## **Employee Collective Agreements**

The CYLC Employee Collective Agreement 2007-2009 will expire later this year. The management and employee representatives reviewed this document in early 2009 with a Joint Consultative Committee (JCC) elected and meetings starting in March 2009. The final draft agreement was presented to the Board of Directors for approval in June before being voted on and accepted by employees later that month. The agreement was also approved by FaHCSIA and the Workplace Authority.

The CYLC Employee Collective Agreement 2009-2011 provides employees with additional benefits of increased leave, annual salary increments, paid parental leave, Indigenous employee representation on the JCC. The Agreement has enhanced certainty of working conditions, clarified employee entitlements, rights and responsibilities and assisted the organisation to attract and retain a highly motivated, appropriately skilled and dedicated workforce.



## Staff Overview

CYLC employed an average of 30 permanent employees during the year 2008-2009. In addition to this CYLC employed a further 7 staff on fixed term contracts. CYLC employs staff with a wide range of skill levels and backgrounds. This reflects its core business as a service organisation. Seventy-two per cent (72%) of CYLC employees were female. Indigenous (Aboriginal and Torres Strait Island) employees made up thirty-one per cent (31%) of CYLC employees.

**Table 5: Total Staff by Category as at 30 June 2009.**

	Indigenous		Male		Female		Full Time or Part Time		Total	
Year	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
Executive	-	-	1	1	-	-	-	1F/T	1	1
Professional/Managerial	-	-	7	9	4	6	9F/T 2P/T	10F/T 5P/T	11	15
Administrative/Clerical	7	10	1	1	13	17	13F/T 1P/T	15F/T 3P/T	14	18
Field	2	2	-	-	2	2	2F/T	2F/T	2	2
Trainee	1	1	-	-	1	1	1F/T	1F/T	1	1
<b>Total</b>	<b>10</b>	<b>13</b>	<b>9</b>	<b>11</b>	<b>20</b>	<b>26</b>			<b>29</b>	<b>37</b>

*Staffing levels at 30 June 2009.*

## Staff Management

CYLC's performance management process is based on a defined set of core competencies that were created to help CYLC identify the skills needed for employees to do their jobs. This approach to performance management makes it easier for CYLC to identify the performance standards required and to fill any competency gaps through learning and development activities. It ensures that CYLC have an excellent team working to achieve its objectives.

## Internal Grievance Procedures

CYLC is committed to fostering an harmonious and professional working environment within which our people are able to maintain effective working relationships and produce high-quality results. Employees are provided with guidance and support in the resolution of negative workplace issues through comprehensive guidelines relating to internal grievances and workplace harassment, discrimination and victimisation. The Human Resources Officer is also available to provide support to staff in relation to these issues. As required, CYLC will engage the assistance and support of external mediators to expedite quick resolution of internal conflict and allow our staff to feel safe and enjoy working relationships within the organisation.





## **Occupational Health and Safety Performance**

CYLC engaged the services of a Workplace Health and Safety Consultant to facilitate the Workplace Health and Safety standards adopted by the Corporation throughout its operations. The Committee, working with the Consultant continues to ensure that the organisation remains committed to maintaining the highest level of Workplace Health and Safety standards for Land Council staff.

## **Indemnities and Insurance Premiums for Officers**

Since the end of the previous financial year, the Corporation has not indemnified, or made a relevant offer to indemnify, against a liability any person who is or has been an officer or auditor of the Association.

Association Liability insurance cover to the amount of \$10,000,000.00 was held with CGU Insurance Limited at a total premium of \$21,893.00.



## CONTRACTING PRACTICES AND PURCHASING

### Contracting Practices

Consultants are engaged by CYLC to provide specific expert services and advice not otherwise available from among CYLC permanent staff in relation to its functions as a NTRB. CYLC utilised the services of a wide range of consultants in the legal, anthropological and land management planning fields during the financial year. The CEO and PLO approves the engagement of all consultants for Native Title work to ensure the appropriate level of standards are maintained, that the consultant's service costs are within the budget and they represent value for money.

The employment of consultants is by written Contract of Appointment, which set out the services to be performed, payment rates, period of employment and the rights and responsibilities of the consultant and copies of all contract records for each consultant engaged are fully maintained. Professional consultants engaged, particularly anthropologists, have particular knowledge and expertise in an area or in relation to a claimant group and, where this is the case, tenders are not called. Each consultant's performance is monitored by relevant Team Leaders who are responsible for reporting on the effectiveness of consultancies to the CEO, the PLO and the Board of Directors of CYLC.

During 2008-2009 CYLC engaged 22 consultants on projects at a total value of \$780,746. This compares with 2007-2008 where CYLC engaged 26 consultants to a total of \$779,606. The following is a breakdown of 2008-2009 consultant costs.

**Table 6: Breakdown of 2008-2009 consultant costs.**

Consultants	Number of Consultants	Total Paid
<\$30,000	14	\$103,669
>\$30,000	8	\$677,077
<b>Total All Consultants</b>	<b>22</b>	<b>\$780,746</b>

### Purchasing

CYLC purchases according to the provisions of its Funding Agreement. In particular, it applies the principle of value for money.

Items of Capital Expenditure for the Cairns office during the year can be summarised into the following categories: Replacement office furniture and equipment (mainly office chairs), computer equipment, communication equipment and a promotional banner used at the Strathgordon determination.

During the reporting period CYLC purchased its own in house data management network and email exchange server. A number of Blackberry handsets were purchased and set



up to be compatible with the CYLC network. The introduction of these allows staff to be away from the office but have access to resources, management of their time and communication with peers and clients.

There were also a number of various computer items purchased during the year, including screens and other accessories. CYLC disposed of a Toyota Hilux by tender process in November 2008.



## **ANNUAL FINANCIAL REPORTS**

**CAPE YORK LAND COUNCIL ABORIGINAL  
CORPORATION**

**ABN 22 965 382 705**

**ANNUAL FINANCIAL REPORT**

**30 JUNE 2009**





**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

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**ABBREVIATIONS**

DEWHA	Department of the Environment, Water, Heritage and the Arts
DNR	Department of Natural Resources
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
ILUA	Indigenous Land Use Agreement
NNTT-PBC	National Native Title Tribunal Prescribed Body Corporate
NTRB	Native Title Representative Body
PBC	Prescribed Body Corporate
SLD	State Land Dealings
ICC	Indigenous Coordination Centre
CDO Program	Capacity Development Officer Program





**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**DIRECTORS' REPORT  
FOR THE YEAR ENDED 30 JUNE 2009**

The directors present their report together with the financial report of Cape York Land Council Aboriginal Corporation (the Corporation) for the financial year ended 30 June 2009 and the auditor's report thereon.

**OPERATING AND FINANCIAL REVIEW**

The net deficit from ordinary activities after income tax amounted to \$6,282 (2008: \$133,988).

**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 were advocacy of land issues on behalf of the people of 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.

**LEAD AUDITOR'S INDEPENDENCE DECLARATION**

At no time during the financial year ended 30 June 2009 was an officer of the Corporation an auditor, a partner in the audit firm, or a director of the audit firm that undertook the audit of the Corporation for that financial year.

The lead auditor's independence declaration is set out on page 26 and forms part of the directors' report for the financial year ended 30 June 2009.



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**DIRECTORS' REPORT  
FOR THE YEAR ENDED 30 JUNE 2009**

**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.

This report is made with a resolution of the directors:

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*Director*

Dated at Cairns this 30<sup>th</sup> day of September 2009.



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**BALANCE SHEET  
AS AT 30 JUNE 2009**

	<b>Note</b>	<b>2009 \$</b>	<b>2008 \$</b>
<b>ASSETS</b>			
Cash and cash equivalents	6	923,759	394,030
Trade and other receivables	7	73,081	42,656
Prepayments		62,904	25,847
<b>Total current assets</b>		<b>1,059,744</b>	<b>462,533</b>
Property, plant and equipment	8	622,621	654,925
<b>Total non-current assets</b>		<b>622,621</b>	<b>654,925</b>
<b>Total assets</b>		<b>1,682,365</b>	<b>1,117,458</b>
<b>LIABILITIES</b>			
Trade and other payables			
Suppliers	9	430,960	339,807
Grants	9	697,269	258,826
Loans and borrowings			
Finance lease	10	9,610	8,683
Employee benefits	11	297,338	247,062
<b>Total current liabilities</b>		<b>1,435,177</b>	<b>854,378</b>
Loans and borrowings			
Finance lease	10	54,925	64,535
<b>Total non-current liabilities</b>		<b>54,925</b>	<b>64,535</b>
<b>Total liabilities</b>		<b>1,490,102</b>	<b>918,913</b>
<b>Net assets</b>		<b>192,263</b>	<b>198,545</b>
<b>EQUITY</b>			
Accumulated surplus / (deficit)		(167,665)	(161,383)
Reserves	13	359,928	359,928
<b>Total equity</b>		<b>192,263</b>	<b>198,545</b>

*The accompanying notes are an integral part of these financial statements.*



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**INCOME STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2009**

	<b>Note</b>	<b>2009 \$</b>	<b>2008 \$</b>
<b>INCOME</b>			
<b>Revenue</b>			
Revenue from government sources	14(a)	4,716,491	4,257,503
Revenue from non-government sources	14(b)	<u>424,754</u>	<u>448,003</u>
		<u>5,141,245</u>	<u>4,705,506</u>
 <b>EXPENSES</b>			
Employee expenses	15	2,505,178	2,355,967
Supplier expenses	15	2,543,449	2,372,742
Depreciation and amortisation expenses	15	156,054	154,225
Write down and impairment of assets	15	(37,036)	-
Loss /(gain) on disposal of property, plant and equipment		<u>11,957</u>	<u>(4,202)</u>
		<u>5,179,602</u>	<u>4,878,732</u>
 <b>Results from operating activities</b>		<u>(38,357)</u>	<u>(173,226)</u>
Finance income		39,130	40,497
Finance expenses		<u>(7,055)</u>	<u>(1,259)</u>
 <b>Net finance income</b>		<u>32,075</u>	<u>39,238</u>
 <b>Net surplus/(deficit) before tax</b>		(6,282)	(133,988)
Income tax expense	3(k)	<u>-</u>	<u>-</u>
 <b>Net surplus/(deficit) for the year</b>		<u>(6,282)</u>	<u>(133,988)</u>

*The accompanying notes are an integral part of these financial statements.*



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2009**

	<b>Note</b>	<b>2009 \$</b>	<b>2008 \$</b>
<b>ACCUMULATED DEFICIT</b>			
Opening balance at 1 July		(161,383)	(27,395)
Net deficit for the year		<u>(6,282)</u>	<u>(133,988)</u>
<b>Closing balance at 30 June</b>		<u><b>(167,665)</b></u>	<u><b>(161,383)</b></u>
 <b>RESERVES</b>			
<b>Asset revaluation reserve</b>			
Opening balance at 1 July		359,928	154,432
Revaluation of property, plant and equipment		<u>-</u>	<u>205,496</u>
<b>Closing balance at 30 June</b>		<u><b>359,928</b></u>	<u><b>359,928</b></u>

*The accompanying notes are an integral part of these financial statements.*



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2009**

	<b>Note</b>	<b>2009 \$</b>	<b>2008 \$</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Cash receipts from services provided and grants		5,073,763	5,173,758
Interest received		39,130	40,497
		<u>5,112,893</u>	<u>5,214,255</u>
Cash paid to suppliers and employees		(4,431,719)	(5,210,900)
<b>Net operating cash flows</b>	17	<u>681,174</u>	<u>3,355</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Purchase of property, plant and equipment		(144,207)	(53,341)
Proceeds from sale of property, plant and equipment		8,500	11,772
<b>Net investing cash flows</b>		<u>(135,707)</u>	<u>(41,569)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Finance lease expenditure		(8,683)	(2,675)
Interest		(7,055)	(1,259)
<b>Net financing cash flows</b>		<u>(15,738)</u>	<u>(3,934)</u>
<b>Net increase (decrease) in cash and cash equivalents</b>		529,729	(42,148)
Cash and cash equivalents at 1 July		<u>394,030</u>	<u>436,178</u>
<b>Cash and cash equivalents at 30 June</b>	6	<u>923,759</u>	<u>394,030</u>

*The accompanying notes are an integral part of these financial statements.*





**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**1. REPORTING ENTITY**

Cape York Land Council Aboriginal Corporation (the Corporation) is a corporation domiciled in Australia. The address of the Corporation's registered office is 32 Florence Street, Cairns, Queensland. The Corporation primarily is involved in land advocacy matters.

**2. BASIS OF PREPARATION**

**(a) Statement of compliance**

The financial report is a general purpose financial report which has been prepared in accordance with Australian Accounting Standards (AASBs) (including Australian Interpretations) adopted by the Australian Accounting Standards Board (AASB) and the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and the Native Title Act 1993. Because the Corporation is a not-for-profit entity and AASBs include requirements for not-for-profit entities which are inconsistent with International Financial Reporting Standards (IFRSs), to the extent these inconsistencies are applied, this report does not comply with IFRSs. The main impact is in the offsetting of revaluation and impairment gains and losses within a class of assets.

The financial statements were approved by the Board of Directors on the date shown on the directors' declaration.

**(b) Basis of measurement**

The financial report has been prepared on the historical cost basis except that property, plant and equipment is stated at its fair value.

**(c) Functional and presentation currency**

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

**(d) Use of estimates and judgements**

The preparation of financial statements requires management to make judgements, estimates and assumptions that affect the application of 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 accounting estimates are recognised in the period in which the estimate is revised and in any future periods affected.

In particular information about significant areas of estimation uncertainty and critical judgements in applying accounting policies that have the most significant effect on the amount recognised in the financial statements is described in Note 8 Property, plant and equipment.

**3. SIGNIFICANT ACCOUNTING POLICIES**

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

**(a) Financial instruments**

**(i) *Non-derivative financial instruments***

Non-derivative financial instruments comprise trade and other receivables, cash and cash equivalents, loans and borrowings, and trade and other payables.

Non-derivative financial instruments are recognised initially at fair value plus, for instruments not at fair value through profit or loss, any directly attributable transaction costs. Subsequent to initial recognition non-derivative financial instruments are measured at amortised cost.



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(a) Financial instruments (continued)**

**(i) Non-derivative financial instruments (continued)**

A financial instrument is recognised if the Corporation becomes a party to the contractual provisions of the instrument. Financial assets are derecognised if the Corporation's contractual rights to the cash flows from the financial assets expire or if the Corporation transfers the financial asset to another party without retaining control or substantially all risks and rewards of the asset. Regular way purchases and sales of financial assets are accounted for at trade date, i.e., the date that the Corporation commits itself to purchase or sell the asset. Financial liabilities are derecognised if the Corporation's obligations specified in the contract expire or are discharged or cancelled.

Cash and cash equivalents comprise cash balances and call deposits. Bank overdrafts that are repayable on demand and form an integral part of the Corporation's cash management are included as a component of cash and cash equivalents for the purpose of the statement of cash flows.

**(ii) Derivative financial instruments**

The Corporation holds no derivative financial instruments.

**(iii) Compound financial instruments**

The Corporation has not issued any compound financial instruments.

**(b) Property, plant and equipment**

**(i) Recognition and measurement**

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 that equipment.

Following initial recognition at cost, property, plant and equipment is measured on a fair value basis, being the amount for which the assets could be exchanged between knowledgeable and willing parties in an arm's length transaction, having regard to the highest and best use of the asset for which other parties would be willing to pay. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from their fair values at reporting date. The most recent valuation was carried out as at 30 June 2008.

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

Gains and losses on disposal of an item of property, plant and equipment are determined by comparing the proceeds from disposal with the carrying amount of property, plant and equipment and are recognised net within "other income" in the income statement. When revalued assets are sold, the amounts included in the revaluation reserve are not transferred to retained surplus.

**(ii) Subsequent costs**

The cost of replacing part of an item of property, plant and equipment is recognised in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Corporation and its cost can be measured reliably. The carrying amount of the replaced part is derecognised. The costs of the day-to-day servicing of property, plant and equipment are recognised in the income statement as incurred.



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(b) Property, plant and equipment (continued)**

**(iii) Depreciation**

Depreciation is recognised in the income statement on a straight-line basis over the estimated useful lives of each part of an item of property, plant and equipment. 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 for the current and comparative periods are as follows:

- Plant, furniture and equipment 4 years
- Motor vehicles 5 years

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

**(c) Leased assets**

Leases in terms of which the Corporation assumes substantially all the risks and rewards of ownership are classified as finance leases. Upon initial recognition the leased asset is measured at an amount equal to the lower of its fair value and the present value of the minimum lease payments. Subsequent to initial recognition, the asset is accounted for in accordance with the accounting policy applicable to that asset.

Other leases are operating leases and the leased assets are not recognised on the Corporation's balance sheet.

**(d) Impairment**

**(i) Financial assets**

A financial asset is assessed at each reporting date to determine whether there is any objective evidence that it is impaired. A financial asset is considered to be impaired if objective evidence indicates that one or more events have had a negative effect on the estimated future cash flows of that asset.

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 original effective interest rate.

Individually significant financial assets are tested for impairment on an individual basis. The remaining financial assets are assessed collectively in groups that share similar credit risk characteristics.

All impairment losses are recognised in the income statement.

An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognised. For financial assets measured at amortised cost, the reversal is recognised in the income statement.

**(ii) Non-financial assets**

The carrying amounts of the Corporation's non-financial assets, are reviewed at each reporting date 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 or cash-generating unit is the greater of its value in use and its fair value less costs to sell. As the entity 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.



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(d) Impairment (continued)**

**(ii) Non-financial assets (continued)**

An impairment loss is recognised if the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the income statement.

Impairment losses recognised in prior periods are assessed at each reporting date for any indications that the loss has decreased or no longer exists. An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. 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.

**(e) Employee benefits**

**(i) Defined contribution plans**

A defined contribution plan is a post-employment benefit plan under which an entity pays fixed contributions into a separate entity and will have no legal or constructive obligation to pay further amounts. Obligations for contributions to defined contribution plans are recognised as a personnel expense in the income statement when they are due. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in future payments is available.

**(ii) 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 plus related on-costs; that benefit is discounted to determine its present value, and the fair value of any related assets is deducted. The discount rate is the yield at the reporting date on Commonwealth Government bonds that have maturity dates approximating the terms of the Corporation's obligations. The calculation is performed using the projected unit credit method. Any actuarial gains or losses are recognised in the income statement in the period in which they arise.

**(iii) Termination benefits**

Termination benefits are recognised as an expense when the Corporation is demonstrably committed, without realistic possibility of withdrawal, to a formal detailed plan to either terminate employment before the normal retirement date, or to provide termination benefits as a result of an offer made to encourage voluntary redundancy. Termination benefits for voluntary redundancies are recognised as an expense if the Corporation has made an offer encouraging voluntary redundancy, it is probable that the offer will be accepted, and the number of acceptances can be estimated reliably.

**(iv) Short-term benefits**

Liabilities for employee benefits for wages, salaries, annual leave and sick leave represent present obligations resulting from employees' services provided to reporting date and are calculated at undiscounted amounts based on remuneration wage and salary rates that the Corporation expects to pay as at reporting date including related on-costs, such as workers compensation insurance. Non-accumulating non-monetary benefits, such as medical care, housing, cars and free or subsidised goods and services, are expensed based on the net marginal cost to the Corporation as the benefits are taken by the employees.

**(f) Provisions**

A provision is recognised if, as a result of a past event, the Corporation has a present legal or constructive obligation that can be estimated reliably and it is probable that an outflow of economic benefits will be required to settle the obligation. 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.



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(g) Revenue**

**(i) Goods sold**

Revenue from the sale of goods is measured at the fair value of the consideration received or receivable, net of returns, trade discounts and volume rebates. Revenue is recognised when the significant risks and rewards of ownership have been transferred to the buyer, recovery of the consideration is probable, the associated costs and possible return of goods can be estimated reliably, there is no continuing management involvement with the goods, and the amount of revenue can be estimated reliably.

**(ii) Services**

Revenue from services rendered is recognised in the income statement in proportion to the stage of completion of the transaction at the reporting date. The stage of completion is assessed by reference to surveys of work performed.

**(h) Government grants**

**(i) Grants received**

Grants in respect of operating expenses (operating or revenue grants) and grants for the purchase of property, plant and equipment (capital grants) are accounted for, based on the nature of any attached conditions to the grants, as either reciprocal or non-reciprocal grants.

*Reciprocal grants received*

Grants where the Corporation is obliged to repay unutilised funds or has a return obligation that implies the existence of a reciprocal transfer are initially brought to account as revenue in the years in which they are received. A liability is recognised to the extent it is probable that the funds are likely to be returned and considering the percentage of completion achieved.

*Non-reciprocal grants received*

Grants where the Corporation is not obliged to repay unutilised funds or does not have a return obligation that implies the existence of a reciprocal transfer are brought to account as revenue in the years in which they are received.

**(ii) Contributions**

Contributions of assets, including the right to receive cash or other forms of assets without directly giving approximately equal value to the other party or parties to the transfer, are recognised as revenue at fair value when the Corporation obtains control of the contribution or the right to receive the contribution, it is probable that the economic benefits comprising the contribution will flow to the Corporation and the amount of the contribution can be measured reliably.

**(i) Lease payments**

Payments made under operating leases are recognised in the income statement 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 expense and the reduction of the outstanding liability. The finance expense is 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.

Contingent lease payments are accounted for by revising the minimum lease payments over the remaining term of the lease when the contingency no longer exists and the lease adjustment is known.



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(j) Finance income and expenses**

Finance income comprises interest income on funds invested. Interest income is recognised as it accrues in the income statement, using the effective interest method.

Finance expenses comprise interest expense on borrowings. All borrowing costs are recognised in the income statement using the effective interest method.

**(k) Income tax**

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

**(l) Goods and services tax**

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, the GST is recognised as part of the cost of acquisition of the asset or part of the expense.

Receivables and payables are stated with the amount of GST included. The net amount of GST recoverable from, or payable to, the ATO is included as a current asset or liability in the balance sheet.

Cash flows are included in the statement of cash flows on a gross basis. The GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

**(m) New standards and interpretations not yet adopted**

There are a number of standards, amendments to standards and interpretations available for early adoption at 30 June 2009 but which have not been applied in preparing these financial statements. Although a full review of the potential impact on the Corporation has not yet been carried out, preliminary indications are that they are not expected to have an impact on the financial results of the Corporation as they are either not applicable to the Corporation, or if applicable, are only concerned with disclosures.

**4. GOING CONCERN AND ECONOMIC DEPENDENCY**

The financial report has 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.

In respect of the year ended 30 June 2009, the Corporation reported a net deficit of \$6,282 (2008: deficit of \$133,988). At 30 June 2009, current liabilities amounted to \$1,435,177 (2008: \$854,378) and current assets amounted to \$1,059,744 (2008: \$462,533) leaving a shortfall in working capital of \$375,433 (2008: shortfall of \$391,845).

At 30 June 2009, the Corporation had non-current assets of \$622,621 (2008: \$654,925) and non-current liabilities of \$54,925 (2008: \$64,535) such that total assets exceeded total liabilities by \$192,263 (2008: \$198,545). Therefore, the Corporation had sufficient assets, although not in a liquid form, to cover the shortfall in working capital should no other alternative be available.

The ability of the Corporation to continue its operations at current levels is dependent upon future ongoing funding being provided by government funding bodies. Funding from the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Corporation's main funding provider, has been secured for the year ending 30 June 2010. However, funding for years after that will be subject to the Corporation being re-recognised as a representative body under the Native Title Act 1993 from 1 July 2010.





## CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**4. GOING CONCERN AND ECONOMIC DEPENDENCY (CONTINUED)**

Accordingly, the ability of the Corporation to continue as a going concern after 30 June 2010 is dependent upon the outcome of its efforts in the re-recognition process. The directors are liaising with FaHCSIA in this regard and are confident that with FaHCSIA's support, re-recognition will be successfully achieved.

**5. DETERMINATION OF FAIR VALUES**

A number of the Corporation's accounting policies and disclosures require the determination of fair value, for both financial and non-financial assets and liabilities. Where applicable, further information about the assumptions made in determining fair values is disclosed in the notes specific to that asset or liability.

	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
<b>6. CASH AND CASH EQUIVALENTS</b>		
Cash at bank	922,359	392,830
Cash on hand	<u>1,400</u>	<u>1,200</u>
Cash and cash equivalents in the statement of cash flows	<u>923,759</u>	<u>394,030</u>

**7. TRADE AND OTHER RECEIVABLES**

Sundry debtors	225,520	242,358
Less: Allowance for impairment losses	<u>(152,439)</u>	<u>(199,702)</u>
	<u>73,081</u>	<u>42,656</u>

The impairment write-back recognised in the current year was \$37,036 (2008: nil).

**8. PROPERTY, PLANT AND EQUIPMENT**

<b>2009</b>	<b>Plant and equipment \$</b>	<b>Motor vehicles \$</b>	<b>Total \$</b>
<b>At 1 July 2008</b>			
Gross book value	278,100	376,825	654,925
Accumulated depreciation	-	-	-
<b>Opening net book value</b>	<u>278,100</u>	<u>376,825</u>	<u>654,925</u>
Additions by purchase	144,207	-	144,207
Revaluation	-	-	-
Depreciation/amortisation	(83,546)	(70,965)	(154,511)
Disposals by sale	-	(22,000)	(22,000)
<b>At 30 June 2009</b>	<u>338,761</u>	<u>283,860</u>	<u>622,621</u>
Gross book value	422,307	354,825	777,132
Accumulated depreciation	(83,546)	(70,965)	(154,511)
<b>Closing net book value</b>	<u>338,761</u>	<u>283,860</u>	<u>622,621</u>
Carrying amount under the cost model	<u>215,656</u>	<u>168,134</u>	<u>383,790</u>



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**8. PROPERTY, PLANT AND EQUIPMENT (CONTINUED)**

<b>2008</b>	<b>Plant and equipment \$</b>	<b>Motor vehicles \$</b>	<b>Total \$</b>
<b>At 1 July 2007</b>			
Gross book value	251,949	384,954	636,903
Accumulated depreciation	(28,689)	(126,224)	(154,913)
<b>Opening net book value</b>	<b>223,260</b>	<b>258,730</b>	<b>481,990</b>
Additions by purchase	33,806	95,428	129,234
Revaluation	88,668	116,828	205,496
Depreciation/amortisation	(63,535)	(90,690)	(154,225)
Disposals by sale	(4,099)	(3,471)	(7,571)
<b>At 30 June 2008</b>	<b>278,100</b>	<b>376,825</b>	<b>654,925</b>
Gross book value	278,100	376,825	654,925
Accumulated depreciation	-	-	-
<b>Closing net book value</b>	<b>278,100</b>	<b>376,825</b>	<b>654,925</b>
Carrying amount under the cost model	143,334	263,286	406,620

**Assets at valuation**

The most recent valuation of property, plant and equipment was carried out as at 30 June 2008. The valuation was conducted by a registered, independent appraiser having an appropriate recognised qualification and recent experience in the location and category of the property being valued. All assets were subject to the appraisal. Fair values were determined on the basis of market value. Directors are of the opinion that carrying amounts for plant and equipment and motor vehicles at 30 June 2009 represent fair values at that date.

**Assets held under finance leases**

The Corporation leases plant and equipment under finance lease arrangements. The lease provides the Corporation the opportunity to purchase the equipment at a beneficial price. The leased equipment secures lease obligations (see Note 10). At 30 June 2009 the carrying amount of leased plant and equipment was \$58,386 (2008: \$72,982).

	<b>2009 \$</b>	<b>2008 \$</b>
<b>9. TRADE AND OTHER PAYABLES</b>		
Trade creditors	243,004	213,938
Accruals	145,083	59,906
GST payable	21,153	15,228
PAYG/Group tax	21,720	23,770
Deferred income	-	26,965
	<b>430,960</b>	<b>339,807</b>
Grant funds unexpended, repayable or in advance	<b>697,269</b>	<b>258,826</b>
	<b>1,128,229</b>	<b>598,633</b>



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009

10. LOANS AND BORROWINGS

Finance lease liabilities

Finance lease liabilities are payable as follows:

	Future minimum lease payments 2009 \$	Interest 2009 \$	Present value of min. lease payments 2009 \$	Future minimum lease payments 2008 \$	Interest 2008 \$	Present value of min. lease payments 2008 \$
Less than one year	15,738	6,128	9,610	15,738	7,055	8,683
Between one and five years	66,351	11,426	54,925	82,090	17,555	64,535
More than five years		-	-	-	-	-
	82,089	17,554	64,535	97,828	24,610	73,218

11. EMPLOYEE BENEFITS

Current

	2009 \$	2008 \$
Salaries and wages accrued	49,000	42,485
Superannuation payable	561	12,950
Liability for annual leave	136,404	103,198
Liability for sick leave	74,231	62,285
Liability for long service leave	37,142	26,144
	<u>297,338</u>	<u>247,062</u>

The Corporation makes contributions to defined contribution plans. The amount recognised as an expense was \$192,120 for the year ended 30 June 2009 (2008: \$176,525).

12. FINANCIAL INSTRUMENTS

(a) Financial risk management

(i) Overview

The Corporation has exposure to the following risks from its use of financial instruments:

- credit risk
- liquidity risk
- market risk.

This note presents information about the Corporation's exposure to each of the above risks, its objectives, policies and processes for measuring and managing risk. Further quantitative disclosures are also included in this note and throughout this financial report.

The Board of Directors has overall responsibility for the establishment and oversight of the risk management framework.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009

12. FINANCIAL INSTRUMENTS (CONTINUED)

(a) Financial risk management (continued)

(ii) Credit risk

Credit risk is the risk of financial loss to the Corporation if a customer or counterparty to a financial instrument fails to meet its contractual obligations, and arises principally from the Corporation's receivables from customers. The Corporation does not regularly trade with or have customers, instead amounts shown in trade receivables comprise timing differences between expenditures and receipt of reimbursements.

Approximately 90.4% (2008: 89.0%) of the Corporation's revenue is attributable to Government funding.

The Corporation does not require collateral in respect of trade and other receivables.

The Corporation has established an allowance for impairment that represents its estimate of incurred losses in respect of trade and other receivables. This allowance is a specific loss allowance that relates to individually significant exposures.

(iii) Liquidity risk

Liquidity risk is the risk that the Corporation will not be able to meet its financial obligations as they fall due. The Corporation's approach to managing liquidity is to ensure, as far as possible, that it will always have sufficient liquidity to meet its liabilities when due, under both normal and stressed conditions, without incurring unacceptable losses or risking damage to the Corporation's reputation.

Typically the Corporation ensures that it has sufficient cash on demand to meet expected operational expenses for a period of 60 days, including the servicing of financial obligations; this excludes the potential impact of extreme circumstances that cannot reasonably be predicted, such as natural disasters. FaHCSIA has confirmed that it will honour, "any normal commercial obligations" that an NTRB may not be able to honour in the event of funding being withdrawn.

(iv) Market risk

Market risk is the risk that changes in market prices, such as interest rates will affect the Corporation's income. Interest on deposits is minimal and makes up approximately 0.76% (2008: 0.85%) of the Corporation's income. The Corporation's policy is to ensure monies are held with a major bank at the best available interest rate.

Interest rate risk

Due to the industry in which the Corporation operates and its historically low debt levels, the Corporation has minimal exposure to interest rate risk. The Corporation's policy is that any borrowings are to be minimal.

(b) Credit risk

(i) Exposure to credit risk

The carrying amount of the Corporation's financial assets represents the maximum credit exposure. The Corporation's maximum exposure to credit risk at the reporting date was:

	2009 \$	2008 \$
Cash and cash equivalents	923,759	394,030
Receivables	73,081	42,656
	<u>996,840</u>	<u>436,686</u>



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**12. FINANCIAL INSTRUMENTS (CONTINUED)**

**(b) Credit risk (continued)**

**(ii) Impairment losses**

The aging of the Corporation's trade receivables at the reporting date was:

	<b>Gross 2009 \$</b>	<b>Impairment 2009 \$</b>	<b>Gross 2008 \$</b>	<b>Impairment 2008 \$</b>
Not past due	20,970	-	38,117	-
Past due 0-30 days	27,115	-	-	-
Past due 31-120 days	24,996	-	4,539	-
Past due 121 days to one year	1,382	(1,382)	-	-
More than one year	151,057	(151,057)	199,702	(199,702)
	<b>225,520</b>	<b>(152,439)</b>	<b>242,358</b>	<b>(199,702)</b>

The movement in the allowance for impairment in respect of trade receivables during the year was as follows:

	<b>2009 \$</b>	<b>2008 \$</b>
Balance at 1 July	199,702	199,702
Allowance for impairment loss released	(47,263)	-
Balance at 30 June	<b>152,439</b>	<b>199,702</b>

**(c) Liquidity risk**

The following are the contractual maturities of financial liabilities, including estimated interest payments and excluding the impact of netting agreements:

	<b>Carrying amount \$</b>	<b>Contractual cash flow \$</b>	<b>6 months or less \$</b>	<b>6-12 months \$</b>	<b>1-2 years \$</b>	<b>2-5 years \$</b>	<b>More than 5 years \$</b>
<b>2009</b>							
Finance lease liabilities	64,535	82,089	7,869	7,869	15,738	50,613	-
	<b>64,535</b>	<b>82,089</b>	<b>7,869</b>	<b>7,869</b>	<b>15,738</b>	<b>50,613</b>	<b>-</b>
<b>2008</b>							
Finance lease liabilities	73,218	97,828	7,869	7,869	15,738	66,352	-
	<b>73,218</b>	<b>97,828</b>	<b>7,869</b>	<b>7,869</b>	<b>15,738</b>	<b>66,352</b>	<b>-</b>

An unused credit card facility of \$20,000 exists at 30 June 2009 (2008: \$20,000).



## CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009

## 12. FINANCIAL INSTRUMENTS (CONTINUED)

## (d) Currency risk

The Corporation is not exposed to foreign currency risk on sales, purchases and borrowings.

	2009 \$	2008 \$
(e) Interest rate risk		
(i) Profile		
At the reporting date the interest rate profile of the Corporation's interest-bearing financial instruments was:		
<b>Fixed rate instruments</b>		
Financial assets	-	-
Financial liabilities	(64,535)	(73,218)
<b>Variable rate instruments</b>		
Financial assets	923,759	394,030
Financial liabilities	-	-

## (ii) Fair value sensitivity analysis for fixed rate instruments

The Corporation does not account for any fixed rate financial assets and liabilities at fair value through the income statement. Therefore a change in interest rates at the reporting date would not affect profit or loss.

## (iii) Cash flow sensitivity analysis for variable rate instruments

A change of 100 basis points in interest rates at the reporting date would have increased (decreased) equity and net surplus by the amounts shown below. This analysis assumes that all other variables remain constant. The analysis is performed on the same basis for 2008.

	Income statement		Equity	
	100bp increase	100bp decrease	100bp increase	100bp decrease
	\$	\$	\$	\$
2009				
Variable rate bank deposits	9,238	(9,238)	-	-
2008				
Variable rate bank deposits	3,940	(3,940)	-	-

## (f) Fair values

The fair values of financial assets and liabilities approximate the carrying amounts shown in the balance sheet.

## 13. CAPITAL AND RESERVES

## Revaluation reserve

The revaluation reserve relates to property, plant and equipment measured at fair value in accordance with applicable Australian Accounting Standards.



## CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
<b>14. REVENUE</b>		
<b>(a) Revenue from government sources</b>		
<i>Native title activities</i>		
Grants received – FaHCSIA	4,989,752	4,183,426
Grants received – DEWHA	97,000	-
Grants received – DNR	68,182	68,182
Unexpended grant balances at the beginning of the year	258,826	264,721
Unexpended grant balances at the end of the year	(697,269)	(258,826)
	<u>4,716,491</u>	<u>4,257,503</u>
<b>(b) Revenue from non-government sources</b>		
Recoverable income	231,128	261,465
Fringe benefits tax refunds received	-	20,695
Reimbursements received – State land dealings	193,626	138,931
Reimbursements received – Other	-	8,130
Insurance recovery	-	18,782
	<u>424,754</u>	<u>448,003</u>
<b>15. EXPENSES</b>		
Employee expenses		
Wages and salaries	1,829,758	1,755,298
Superannuation	192,120	176,525
Leave and other entitlements	350,752	299,855
Staff professional development	92,810	41,504
Fringe benefits tax	10,114	4,852
Other employee expenses	29,624	77,933
	<u>2,505,178</u>	<u>2,355,967</u>
Supplier expenses		
Motor vehicle expenses	131,002	112,093
Rent and occupancy costs	114,662	92,409
Service expenses	1,335,216	1,291,467
Supplies	199,444	244,362
Travel expenses	763,125	632,412
	<u>2,543,449</u>	<u>2,372,743</u>
Depreciation and amortisation		
Plant and equipment	83,546	63,535
Motor vehicles	72,508	90,690
	<u>156,054</u>	<u>154,225</u>
Write down and impairment of assets		
Impairment of receivables	(37,036)	-
	<u>(37,036)</u>	<u>-</u>





## CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
<b>16. OPERATING LEASES</b>		
Non-cancellable operating lease rentals are payable as follows:		
Less than one year	5,745	5,745
Between one and five years	-	5,745
More than five years	-	-
	<u>5,745</u>	<u>11,490</u>

During the year ended 30 June 2009, \$5,745 was recognised as an expense in the income statement in respect of operating leases (2008: \$22,137).

**17. RECONCILIATION OF CASH FLOWS  
FROM OPERATING ACTIVITIES****Cash flows from operating activities**

Net surplus/(deficit) for the year	(6,282)	(133,988)
<i>Adjustments for:</i>		
Depreciation	156,054	154,225
Interest expense	7,055	1,259
Loss on sale of property, plant and equipment	<u>11,957</u>	<u>(4,202)</u>
<b>Operating surplus before changes in working capital and provisions</b>	<b>168,784</b>	<b>17,294</b>
Change in trade and other receivables	(30,425)	2,239
Change in prepayments	(37,057)	(10,454)
Change in trade and other payables	529,596	(139,247)
Change in provisions and employee benefits	<u>50,276</u>	<u>133,523</u>
<b>Net cash from operating activities</b>	<b><u>681,174</u></b>	<b><u>3,355</u></b>

**18. RELATED PARTIES****Transactions with key management personnel**

In addition to their salaries, the Corporation also provides non-cash benefits to key management personnel, and contributes to a post-employment defined contribution superannuation fund on their behalf.

**(i) Key management personnel compensation**

The key management personnel compensation included in 'employee expenses' (Note 15) is as follows:

Short-term employee benefits	397,665	291,231
Other long term benefits	-	-
Post-employment benefits	34,097	25,230
Termination benefits	<u>-</u>	<u>-</u>
	<u>413,762</u>	<u>316,461</u>



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**18. RELATED PARTIES (CONTINUED)**

**Transactions with key management personnel (continued)**

**(ii) Loans to key management personnel**

No loans have been made to key management personnel during the year (2008: nil).

**(iii) Other key management personnel and related parties transactions**

A number of key management personnel, or their related entities, hold positions in other entities that result in them having control or significant influence over the financial or operating policies of those entities.

A number of those entities transacted with the Corporation in the reporting period.

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

Apunipima Cape York Health Council – Gavin Bassini was a director during the financial year.

Balkanu Cape York Development Corporation Pty Ltd – Toby Accoom, Charles Woosup and John Mark were directors during the financial year.

Cape York Corporation Pty Ltd as trustee for the Cape York Aboriginal Charitable Trust – Toby Accoom was a director during the financial year. Cape York Corporation Pty Ltd as a trustee for the Cape York Aboriginal Charitable Trust owns 100% of the shares of the following entities:

- Cape York Partnerships for Welfare Reform Pty Ltd
- 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

The aggregate amounts recognised during the year relating to these related parties were as follows:

2009	Transactions during the financial year		Balances at the end of the financial year	
	Income	Expenses	Debtors	Creditors
	\$	\$	\$	\$
Apunipima Cape York Health Council	-	545	-	-
Balkanu Cape York Development Corporation	212,936	34,956	-	-
Cape York Building Pty Ltd	-	59,400	-	-
Cape York Partnerships for Welfare Reform Pty Ltd	-	60,000	-	-



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009**

**18. RELATED PARTIES (CONTINUED)**

**Transactions with key management personnel (continued)**

*(iii) Other key management personnel and related parties transactions (continued)*

2008	Transactions during the financial year		Balances at the end of the financial year	
	Income \$	Expenses \$	Debtors \$	Creditors \$
Ambiilmungu-Ngarra Aboriginal Corporation	-	2,200	-	-
Balkanu Cape York Development Corporation Pty Ltd	157,442	98,032	11,459	5,620
Cape York Building Pty Ltd	-	64,800	-	11,880
Coen Regional Aboriginal Corporation	-	870	-	-
Ely Bauxite Mining Beneficiaries Corporation Pty Ltd *	18,782	-	137,344	-
Gungarde Community Centre Aboriginal Corporation	-	6,840	-	-
Lockhart River Aboriginal Shire Council	-	1,750	-	-
Mapoon Aboriginal Shire Council	-	1,568	-	-

\* Allowance was made in full at 30 June 2005 for an impairment loss in respect of the amount owing by Ely Bauxite Mining Beneficiaries Corporation Pty Ltd.

During the year, \$nil (2008: \$80,005) was paid to Cape York Financial Management Services Pty Ltd ("CYFMS") a Company part owned by Mr Peter Callaghan (CEO) of the Corporation as he became an employee of the Corporation during the previous financial year.

	2009 \$	2008 \$
<b>19. AUDITOR'S REMUNERATION</b>		
<b>Audit services</b>		
Auditors of the Corporation – KPMG		
Audit of the financial report	<u>18,000</u>	<u>19,000</u>
<b>Other services</b>		
Auditors of the Corporation – KPMG		
Other assurance services	<u>6,925</u>	<u>11,342</u>



**CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

**DIRECTORS' DECLARATION**

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

- (a) the financial statements and notes, set out on pages 3 to 22 are in accordance with the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and the Native Title Act 1993, including:
  - (i) giving a true and fair view of the financial position of the Corporation as at 30 June 2009 and of its performance for the year ended on that date; and
  - (ii) complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Corporations (Aboriginal and Torres Strait Islander) Regulations 2007 and any applicable determinations made by the Registrar of Indigenous 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;
- (c) the financial report does not comply with International Financial Standards as disclosed in Note 2 (a);
- (d) the receipt, expenditure and the investment of money and the acquisition and disposal of assets by the Corporation during the year have been in accordance with the Native Title Act 1993 and any grant conditions imposed under subsection 203 CA(1) of that Act;
- (e) the financial report relates to the performance of the Corporation's representative body functions as required by the Native Title Act 1993, section 203 DC(3); and
- (f) the financial report complies with the form of financial statements as required by the Native Title Act 1993, section 203 DC(4).

Signed in accordance with a resolution of the directors:

*Michael Ross*

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*Director*

Dated at Cairns this 30<sup>th</sup> day of September 2009.

**INDEPENDENT AUDIT REPORT  
TO THE MEMBERS OF CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

We have audited the accompanying financial report of Cape York Land Council Aboriginal Corporation (the Corporation), which comprises the balance sheet as at 30 June 2009, and the income statement, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the directors' declaration set out on pages 3 to 23.

**Directors' responsibility for the financial report**

The directors of the Corporation are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and the Native Title Act 1993. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's responsibility**

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

We performed the procedures to assess whether in all material respects the financial report presents fairly, in accordance with the Corporations (Aboriginal and Torres Strait Islander) Act 2006, the Native Title Act 1993 and Australian Accounting Standards (including the Australian Accounting Interpretations), a view which is consistent with our understanding of the Corporation's financial position and of its performance.

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

**Independence**

In conducting our audit, we have complied with the independence requirements of the Corporations (Aboriginal and Torres Strait Islander) Act 2006.



**INDEPENDENT AUDIT REPORT  
TO THE MEMBERS OF CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION  
(CONTINUED)**

**Auditor's opinion**

In our opinion:

1. The financial report of Cape York Land Council Aboriginal Corporation is in accordance with the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and the Native Title Act 1993, including:
  - (a) giving a true and fair view of the Corporation's financial position as at 30 June 2009 and of its performance for the year ended on that date; and
  - (b) complying with Australian Accounting Standards (including the Australian Accounting Interpretations), 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
2. The receipt, expenditure and the investment of money and the acquisition and disposal of assets by the Corporation during the year have been in accordance with the Native Title Act 1993 and any grant conditions imposed under subsection 203 CA(1) of that Act.

A handwritten signature in black ink, appearing to be 'KPMG'.

KPMG

A handwritten signature in black ink, appearing to be 'Graham Coonan'.

Graham Coonan  
Partner

Cairns  
30 September 2009



**LEAD AUDITOR'S INDEPENDENCE DECLARATION  
UNDER SECTION 339-50 OF THE CORPORATIONS  
(ABORIGINAL AND TORRES STRAIT ISLANDER) ACT 2006  
TO THE DIRECTORS OF CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION**

I declare that, to the best of my knowledge and belief, in relation to the audit for the financial year ended 30 June 2009 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.

A handwritten signature in black ink, appearing to be 'KPMG'.

KPMG

A handwritten signature in black ink, appearing to be 'Graham Coonan'.

Graham Coonan  
*Partner*

Cairns  
30 September 2009





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**Front Cover:** Artwork by Susie Pascoe © 2009

Title of painting: Mangroves in the River  
Medium: Acrylic on Canvas  
Size: 41cms X 63cms

Susie Pascoe can be contacted through the Lockhart River Arts Centre.

