AUSTRALIA

Northern Land Council Annual Report 1993-94



NORTHERN LAND COUNCIL Annual Report 1993-94

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THE CHAIRMAN

12 December 1994

The Honourable Robert Tickner M.P.
Minister for Aboriginal and Torres Strait Islander Affairs
Parliament House
Canberra ACT 2600

Dear Minister,

In accordance with section 37A of the *Aboriginal Land Rights (Northern Territory) Act* 1976 I have pleasure in presenting the Annual Report for the Northern Land Council together with audited financial statements for the year ended 30 June 1994.

Yours sincerely,

John Singh
Acting Chairman

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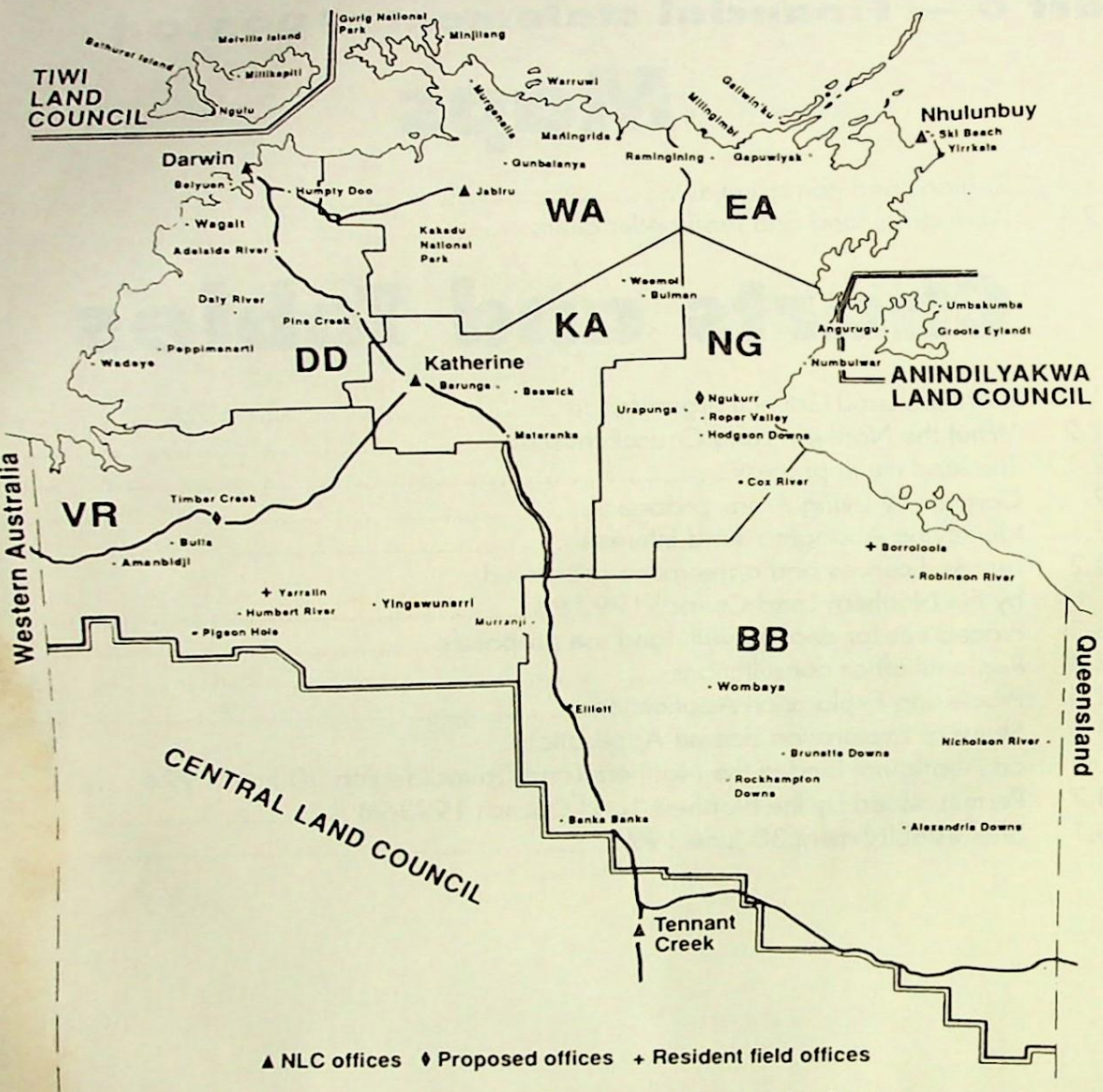
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1.1 REGIONS AND COMMUNITIES



▲ NLC offices ♦ Proposed offices + Resident field offices

NLC Boundaries ═══ Regional Boundaries ———

WA — West Arnhem
EA — East Arnhem
NG — Ngukurr
KA — Katherine Area
VR — Victoria River
DD — Darwin/Daly
BB — Borroloola/Barkly

The map shows location of represented communities, regional boundaries and Land Council offices and regional staff.

The Land Council is comprised of 78 members. The Executive Council is comprised of one member elected from each of the seven regions plus the Chairman and the Deputy Chairman, who are elected from the full membership.

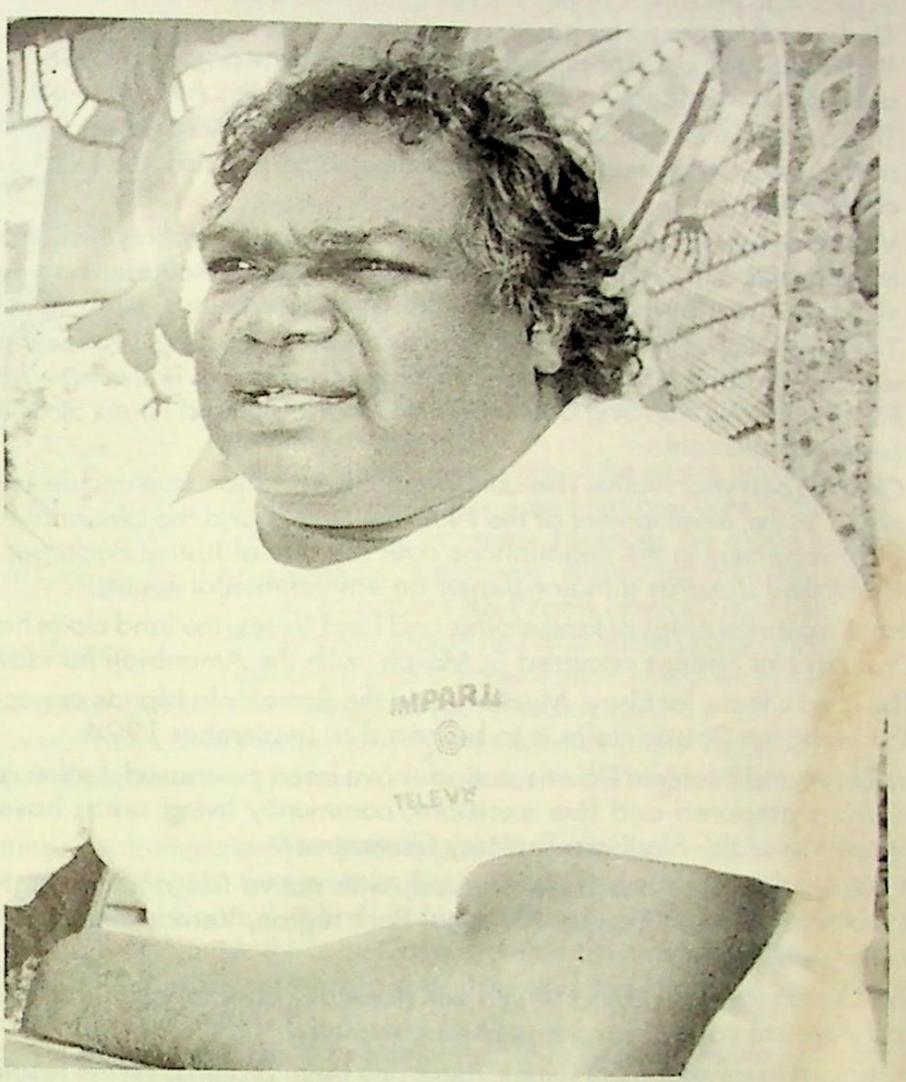
FROM THE CHAIRMAN

Land Council Chairman Galarrwuy Yunupingu won an historic fifth term as Chairman when he was re-elected at a Full Council Meeting at Belyuen near Darwin in October 1992.

Mr Yunupingu was born near Yirrkala in north east Arnhem Land in 1948. He attended mission school in Yirrkala and later studied in Brisbane for two years.

In the early 1960s he joined his father Mungurrawuy, the Gumatj clan leader, to fight the establishment of a mine on their land in what was one of the beginnings of the struggle for land rights.

He was an interpreter in the court case in 1970 when the court ruled against the local Aboriginal people's claim to native title over the land on which the bauxite mine was to be established.



• *Northern Land Council Chairman, Galarrwuy Yunupingu.*

Mr Yunupingu joined the Land Council as a field officer in its interim period in 1975 and was first elected as Chairman in 1977. After serving a three year term he returned to Yirrkala to attend family business. In 1983 he was again elected Chairman and returned again in elections in 1986 and 1989.

In 1978 he won the Australian of the Year award and in 1985 awarded the Member of the Order of Australia (AM) for his services to the Aboriginal community.

Mr Yunupingu is a member of the Council for Aboriginal Reconciliation.

On his re-election in October Mr Yunupingu said "For many years I have planned mentally and spiritually where Yolngu (Aboriginal) people have to go. I believe those plans.

"My inner spirit always guided me but I always believe that my inner spirit is our ancestors. Our people who have gone before us are upset about what is happening today."

CHAIRMAN'S REPORT

I believe the Land Council has had a very strong year. We started the year in a very difficult situation yet twelve months later I am happy to report that we have pulled through this very difficult time and have many important achievements to our credit.

A year ago the Land Council had been without a permanent Director for several months after Mick Dodson left to take up his position as Social Justice Commissioner. We were under attack in Federal Parliament with accusations against myself and the organisation, and the Federal Government had ordered an investigation of the Land Council by the Auditor General.

The Land Council appointed a new Director in July 1994. His major task was to address the issues of the Auditor General's investigations and to position the Land Council to address the future challenges.

We co-operated fully with the Auditor General's Australian National Audit Office (ANAO) in its investigation. The ANAO report did identify organisational and management practices which should be improved. But it found that there were no serious instances of illegal or improper practices.

The Land Council has acted quickly in addressing the problems identified by the ANAO report and we have positive reports on our response. These have come from Mr Tickner, from the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, and from the Federal Parliament.

Over the past year Native Title continued to be a major issue and the Land Council has been a major player in the development of the Native Title Act and the National Land Fund (and will continue this involvement in the negotiations over the Social Justice Package). The Land Council has also established status as a major player on environmental issues.

In the most vital areas of land claims and land issues, the land claim hand-overs of Upper Daly and Douglas Hot Springs occurred in March, with the Amanbidji handover due in August 1994.

The Land Claims for Elsey, Muckaty and the Borroloola Islands are completed or near completed. The Hodgson Downs claim is to be heard in September 1994.

Innisvale and Bauhinia Downs stations have been purchased, further research on Kenbi land claim is being prepared and five excisions/community living areas have been granted despite the opposition of the Northern Territory Government.

A Native Title Unit has been created, with native title and sea rights claims for St. Vidgeons, Borroloola, Gove, Gregory National Park region, Vernon Islands, Fish River and Croker Island being developed.

The Ocean Rescue project which will hopefully bring about improved management in the North East Arhnem coastal zone has been completed.

In regard to development issues, there has been progress on the resolution of Exploration Licence Agreements, including Exploration Licence Applications in western Arnhem Land, southern Arnhem Land, Beswick and Daly River.

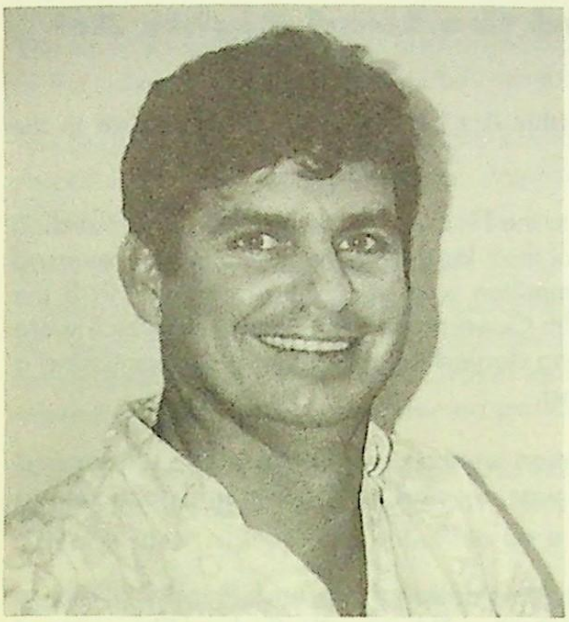
Joint venture proposals for exploration of the Daly River/Port Keats area for petroleum has been developed and the Land Council has attempted to negotiate agreements over the McArthur River/MRM mining operation at Borroloola.

1993/94 has been a difficult year but I believe we have finished the year in a strong position to continue the good work. The work which we have done during the year will place us in a better position to respond to future challenges.

The dedication and continued enthusiasm of staff and the strength of support from Council members have been major features in these achievements and I wish to extend my gratitude to them for their efforts.

Galarrwuy Yunupingu
Chairman

FROM THE DIRECTOR



• *Land Council Director, Darryl Pearce.*

The end of the financial year coincides with the completion of my first year as Director.

The year began as a difficult one but as it ends I am pleased to say that the Land Council is in a healthy position.

The Australian National Audit Office's (ANAO) efficiency report on the Land Council was tabled in Federal Parliament in December 1994 after months of investigations in our offices. This placed much strain on staff and management, particularly in light of public criticism from politicians and others who felt they had something to gain from criticising the Land Council before any investigation was conducted let alone released.

The Land Council welcomed the report, which found no serious illegal or improper practices within the Land Council. In many instances the report made unequivocal statements illustrating that the Land Council's actions had been beyond reproach.

The ANAO report did find some areas where the operation and administration could be improved. We have accepted these constructive criticisms and responded immediately.

I am happy to say the Land Council has come through stronger as a result of the report.

Over the next two years I intend to continue the process of reforms with the organisation to help tackle future challenges.

The most exciting of these reforms is a strategic and corporate planning process which will begin early in the next financial year with meetings in the communities, with staff and management and with organisations who deal with the Land Council. A final Strategic Plan should be completed by the end of the 1994 financial year and will provide the Land Council with a clear vision for the future. The Plan will provide the framework for shaping the organisation and directing the on-going changes. Some of these have already commenced.

We have restructured the organisation to establish a Regional Services Branch. In line with the ongoing process of regionalisation another exciting step is the imminent opening of three new regional offices, at Ngukurr, Borroloola and Timber Creek. The Land Council is fully committed to a policy of greater regionalisation to bring us closer to the constituents in the communities and this is a big step in achieving that.

Of course one of the triumphs of the year was the passage through Federal Parliament in December of the Native Title Act. The Land Council was one of the main players in the negotiations leading up to the historic Bill. The next year should see us just as actively involved in ensuring the Land Acquisition Fund and the Social Justice Package promised as part of the post Mabo reconciliation package are meaningful to Aboriginal people.

Last but not least I particularly wish to thank staff for helping pull the Land Council through what has been a difficult but successful 12 months. I also want to thank members for their support through this time.

Darryl Pearce
Director

INTRODUCTION

The Northern Land Council and the Land Rights Act

Struggle for land rights

The Aboriginal struggle which ended in the Land Rights Act began to gain momentum in the Northern Territory in the 1960s.

In 1963 Yolngu people at Yirrkala sent a bark petition to the House of Representatives demanding that a unilateral government decision to excise a part of their land for a bauxite mine be reversed and that their land rights be respected. A Select Committee was established and in 1968 the Yirrkala people issued writs against the Commonwealth Government and Nabalco, which were unsuccessful. The people of Yirrkala are today still being denied the opportunity of negotiating a mining agreement in relation to the mining of their land.

In August 1966 Gurindji people at Wave Hill cattle station went on strike demanding wages and a return of some of their traditional lands. The demand was rejected but the Gurindji continued to camp in their traditional area at Daguragu.

Aboriginal pressure and public education campaigns led to a national referendum in 1967 where 91 per cent of Australians voted "yes" to amend the Constitution. This gave the Federal Government the constitutional power to make special laws on Aboriginal affairs.

The birth of the Act

After his 1972 election win, Labor Prime Minister Gough Whitlam chose the option of establishing a precedent in the Commonwealth-controlled Northern Territory rather than pursue a national land rights law. In February 1973 he appointed Mr Justice Woodward to inquire into appropriate ways to recognise Aboriginal land rights. In April 1974 Justice Woodward presented his second and final report.

He said that in reaching his conclusions he had taken full account of the arguments put forward by sectional vested interests who opposed the granting of land rights. Prominent in this group were sections of the mining and resources industry.

Justice Woodward said: *I believe that to deny Aborigines the right to prevent mining on their land is to deny the reality of their land rights.*

Justice Woodward insisted that mining and other development on Aboriginal land should proceed only with the consent of the Aboriginal landowners and should only be over-ridden if the government of the day decided that the national interest required it.

Justice Woodward proposed procedures for claiming land and conditions of tenure. Aboriginal land should be granted as freehold title subject to special controls and procedures in the event of it being leased, mortgaged or disposed of in any way. He envisaged the transfer to Aboriginal ownership of the government reserve lands and the hearing by an Aboriginal Land Commissioner of claims to unalienated Crown land and Aboriginal-owned pastoral leases on the basis of traditional affiliation. Smaller areas on pastoral leases and town areas could also be claimed on the basis of need.

The Land Rights Act

The Whitlam Government introduced legislation based substantially on Justice Woodward's recommendations. The bill was before the Parliament when the Government was dismissed in November 1975.

The new Government of Liberal Prime Minister Malcolm Fraser drafted a new bill from which many of the advances of the Whitlam bill were absent.

The final bill removed needs-based claims and gave to the Northern Territory Legislative Assembly responsibility for 'complementary' legislation covering sacred site protection and access to Aboriginal land.

With the advent of the Act, which came into force on 26 January 1977, most of the existing Aboriginal reserves became Aboriginal land, with freehold title held by local Aboriginal Land Trusts on behalf of all Aborigines with traditional interests in the land, and a procedure was established for the claiming of unalienated Crown land — that is, land which no one else is using or has an interest in — and Aboriginal-owned pastoral leases.

In the 17 years that the Land Rights Act has been operating, progress in restoring land rights has been painfully slow. The Northern Territory Government's policy of opposing almost every land claim has turned what was meant to be a beneficial process into a legalistic battlefield.

The Act has produced unequal results. Thousands of people whose traditional country is in more fertile parts had already lost their land to the pastoral industry before the advent of the Act. Pastoral leases occupy more than half of the Northern Territory and most of them are owned by foreign and interstate business interests.

When the Labor Party led by Prime Minister Bob Hawke gained power in 1983 there was renewed hope that Aboriginal land rights would be recognised nationally.

In 1985 the Government favoured what Minister for Aboriginal Affairs Holding called a "preferred model". In May 1985 Aboriginal people from every state supported the Northern Territory Land Councils campaign and rejected the proposal.

In 1986, Prime Minister Bob Hawke announced that land rights would be left for the individual state governments to legislate.

Amendments

A public campaign led by mining industry lobby groups had some success in their opposition to land rights when the Land Rights Act was weakened by legislative amendments in 1987. The amendments were made by a Labor Party Government which just four years earlier had won power on a platform which included national land rights.

The Labor Government's abandonment of land rights left the Northern Territory Land Councils campaigning to prevent amendments to the Land Rights Act which would have emasculated Aboriginal control of their land.

The *Aboriginal Land Rights (Northern Territory) Amendment Act 1987* meant a weakening of Aboriginal control of their land.

While the right to say "yes" or "no" to a mining proposal was maintained, if landowners agree to an exploration proposal, they are also deemed to have agreed to any subsequent mining activity

which is consistent with that proposal. This means that they must decide in principle whether to allow mining at a time when there is little information about the type and extent of the potential mining project.

Consistent lobbying by the Land Councils to have the Federal Government amend the Act to give some chance for people whose traditional lands were under pastoral lease — and therefore unable to be claimed — to gain secure title to small living areas, met with limited success in 1989.

The Act was amended to allow the transfer to traditional owners of sections of the stock routes that traverse the pastoral leases. However, the Government refused the land councils' demand to provide a mechanism within the Act for small living areas to be excised from pastoral leases. Instead, this was left to the Northern Territory Government to legislate, and its law has proved to be inadequate (see Section 2.8).

The Federal Government has refused other proposed amendments to the Land Rights Act which would promote a fair recognition of Aboriginal rights. In particular, the Land Councils have urged changes to ensure the proper protection of sacred sites, and to allow the Act to function more efficiently.

The High Court's Mabo decision

The aftermath of the High Court's June 1993 Mabo decision saw a renewed attack on the Land Rights Act. The mining lobby and the Northern Territory Government poured substantial resources into attacking the consent provisions within the Act, stating that the provisions should not be included in Native Title legislation and that they be removed from the Land Rights Act. Their attack was substantially fuelled by the refusal of several mining companies over many years to seriously negotiate with Aboriginal landowners.

The Native Title Act

The *Native Title Act* was pursued by the Federal Government in the aftermath of the Mabo decision as part of the Prime Minister's stated commitment to social justice for Aboriginal people.

The Land Council put substantial effort into the *Native Title Act* which passed through the Federal Parliament on 23 December 1993 (see Section 4 — Policy and Representation).

The Northern Land Council

The Northern Land Council is a statutory authority established under the Land Rights Act representing the Aboriginal people in the north of the Northern Territory.

The Land Council has 78 elected members from communities throughout the Land Council's region.

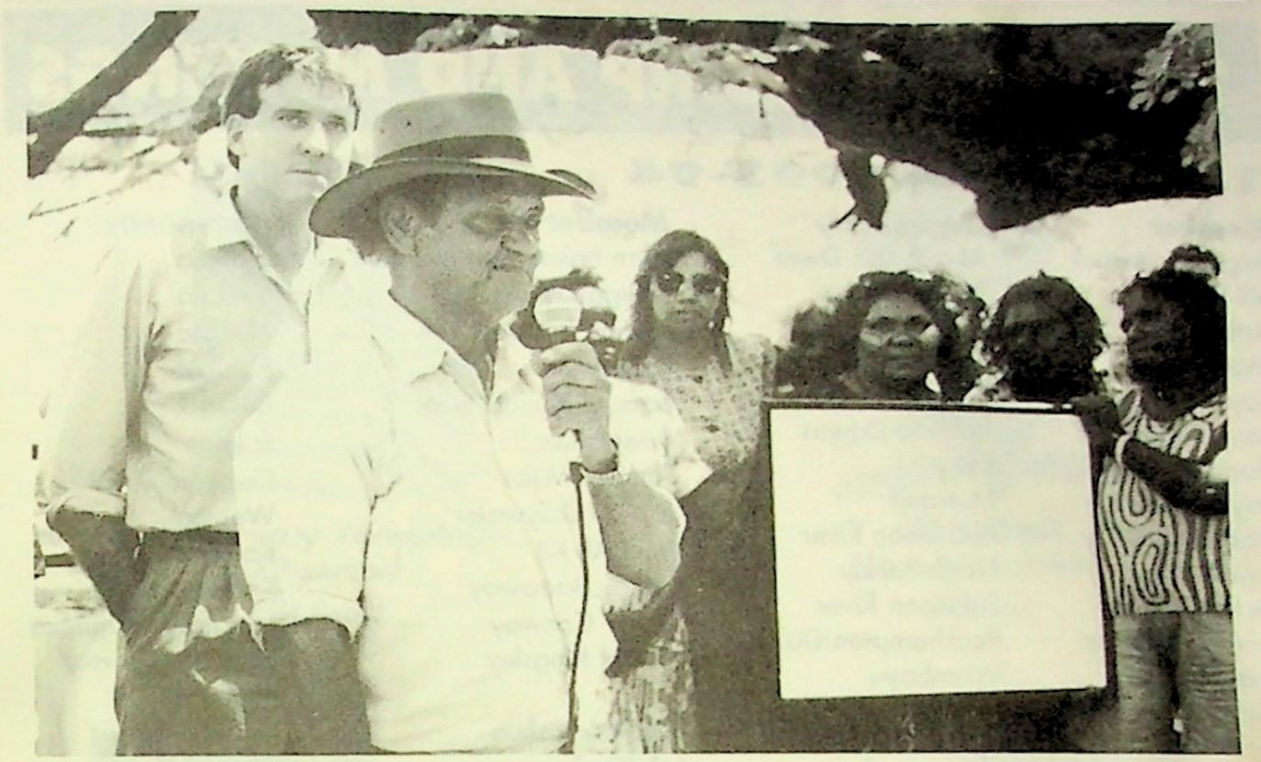
Elections are held every three years, with the election of a Chairman, a Deputy Chairman and an Executive which represent the regions. The Chairman is a full-time employee of the Council.

Full Council Meetings are held three to four times a year at various places in the regions where members determine the direction the Land Council is to take.

Executive meetings are held between Land Council meetings.

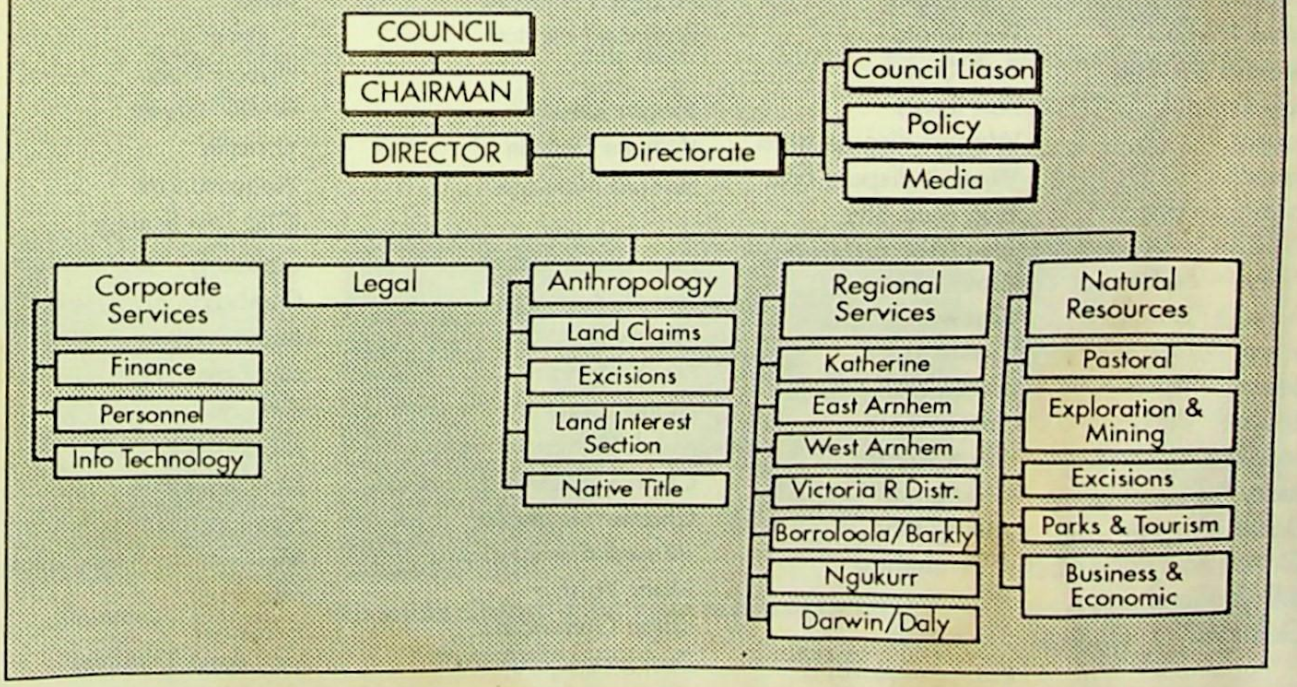
The Land Council has regional offices in Katherine, Jabiru, Nhulunbuy and Tennant Creek.

New regional offices have been constructed at Ngukurr, Borroloola and Timber Creek and should be opened by the end of the calendar year.



• *Wardaman spokesperson Bill Harney speaks at the handover to the Yubulyawun section of the Upper Daly Land Claim near Katherine on 18 March 1994. Fellow claimants hold the title in the background. Aboriginal and Torres Strait Islander Affairs Minister Robert Tickner is on the left (see Section 2.4).*

1.1 NORTHERN LAND COUNCIL ORGANISATION



1 — MEMBERSHIP AND MEETINGS

1.1 Members 1993-94

Member	Community
Angus Limmerick	Alexandria Dwns
Bill Fitz	Banka Banka
Arthur King	Borroloola
Maria Pyro	Borroloola
Roy Hammer	Borroloola
Tony Green	Brunette Downs
Hugh Jackson	Elliott
Raymond Dixon	Murranji
Hannah Barclay	Nicholson River
Powder Punch	North Barkly
Victor Godfrey	Robinson River
Gordon Noonan	Rockhampton Downs
Harry Lansen	Wombaya
John Singh	Belyuen
Paddy Huddlestone	Upper Daly
Bill Noakes	North Daly
vacant	Daly (Malak Malak) dispute area
vacant	Daly dispute area
Denella Beer	*Darwin Urban*
Rhonda Calma-Holt	*Darwin Pastoral*
Phillip Goodman	*Humpty Doo*
Harry Wilson	*Peppimenarti*
Daphne Huddlestone	*Pine Creek*
Frank Dumoo	*Port Keats*
Bernard Jabinee	*Port Keats*
Felix Bunduk	*Port Keats*
vacant	Wagait dispute area
vacant	Wagait dispute area
Jabani Lakara	Blue Mud Bay
Warren Wunambi	Blue Mud Bay
Andy Watjiku	Galiwinku
Alfred Gamuni	Galiwinku
Jeffery Walkundjawuy	Galiwinku
Bobby Yirrinini	Galiwinku
Bobbyt Wunugmurra	Gapuwiyak
Mary Baniyalawuy	Gapuwiyak
Jacky Barakal	Milingimbi
David Marpiyawuy	Milingimbi
Clancy Minydjun	Ramininging
Billy Wilinydjangu	Ramininging
Galarrwuy Yunupingu	Ski Beach (Gunyangarra)

Member	Community
Alan Bakamumu Marika	Yirrkala
Morgan Minyapa Munungguri	Yirrkala
Johnny Bawurr Munyarryun	Yirrkala
Robert Lee	Barunga
Samuel Blanasi Bush	Beswick
Peter Miller	Bulman
Annette Miller	Co-opted 3/93
Johnny Dalywater	Weemol
John Ah Kit	Katherine
Sandy Barraway	Katherine
Jimmy Conway	Mataranka/Djimbra
Daniel Kingsley	Hodgson Downs/ Roper Valley
Andrew Joshua	Ngukurr/Roper
Walter Rogers	Ngukurr/Roper
Nelson Hall	Ngukurr/Roper
Lindsay Joshua	Numbulwar
Timothy Mangurra	Numbulwar
Samuel Numamurrdidi	Numbulwar
(Deceased)	Nutwood/Cox River
Arnold Duncan	Urapunga
Peter Waterloo	Amanbidji
Nipper Waterloo	Bulla
Raymond Hector	Humbert/ Pigeon Hole
Steven Jones	Timber Creek
William Gulwin	Yarralin
Donald Harrison	Yingawunarri (Old Top Springs)
John Christopherson	Cobourg
Joseph Burmada	Gunbalanya
Johnny Lee	(deceased)
Mark Mangiru	Gunbalanya
Mandy Muir	Kakadu
Milak Winunguj	Maningrida
Charlie Goduwa	Maningrida
Charlie Yirrawala	Maningrida
Wayne Campion	Maningrida
Mary Yarmirr	Minjilang
Ralph Gumardul	Warruwi
Paul Milaidjaidj	Warruwi

1.2 Executive Members 1993-94



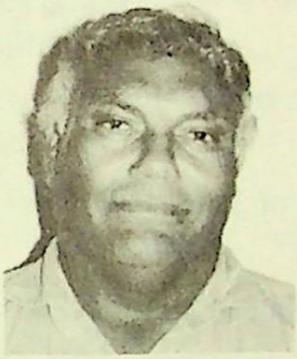
Galarrwuy Yunupingu
(Chairman)
Ski Beach



John Singh
(Deputy Chairman)
Belyuen



John Ah Kit
Katherine



Bill Fitz
Borroloola/Barkly



Bobby Wunungmurra
Gapuwiyak



Steven Jones
Timber Creek



Rhonda Calma-Holt
Darwin/Daly



John Christopherson
Cobourg



Walter Rogers
Ngukurr

1.3 Full Council Meetings 1993-1994

Full Council:

61st 6-8 July 1993 Fred's Pass Reserve
62nd 9-11 November 1993 Jabiru
63rd 15-17 March 1994 South Alligator

Executive:

45th 2 August 1993 Eva Valley
46th 28 January 1994 Darwin
47th 28-29 April 1994 Darwin

1.4 Proxy members 1993-94

Alan Lalara	7/93
David Harvey	7/93
Barry Anderson	7/93
Susan	7/93
Robert Anzac	7/93
Peter Milaidjaidj	7/93
Slim Roberts	7/93
Harold Wilson Jnr	7/93
Norman Kingsley	7/93
David Harvey	11/93
Johnny Wunambi	11/93
Slim Roberts	11/93
Robbie Ngalmi	11/93
Trevor Miriyowan	11/93
Moses	11/93
Harry Wilson Jnr	11/93
John Coster	11/93
Roy Dixon	11/93
Michael Issac	11/93
Gordon Lansen	11/93
Charlie Muttuwi	3/94
Bruce Wirriyi	3/94
Robert Dixon	3/94
Neville Barclay	3/94
Robbie Ngalmi	3/94
Harold Wilson Jnr	3/94
Lawrence	3/94
Gilbert Gilkun	3/94
David Harvey	3/94

1.5 Observers

Glen Roberts	7/93
David Gulpilil	7/93
Lenny Joshua	11/93
Errol Bright	11/93
Wayne Wauchope	11/93
Exec and staff of Cape York Land Council	3/94
Nathan Senge	3/94

1.6 Visitors

Full Council Meeting — August 1993

Media interviewing new Director
David Worthy (Attorney-General's Office)
David Munroe (ABTA)
David Mannix (Arnhem Land Progress Association)
Mick Dodson (Human Rights Commissioner)

Full Council Meeting — November 1993

BTEC Officers
Lucas Tibia (High Commissioner for Zimbabwe)
Dawn Lawrie (Human Rights Commissioner)
Kerry Heissner (Australian Electoral Commission)

1.2 WHAT THE NORTHERN LAND COUNCIL MUST DO

The functions and responsibilities of the Northern Land Council are set out in the *Aboriginal Land Rights (Northern Territory) Act 1976.*

Section 23(1) of the Act sets out the functions of the Land Council. They are to:

- find out and express the wishes of Aboriginal people about the management of their land and legislation about their land;
- protect the interests of traditional Aboriginal owners of, and other Aborigines interested in, Aboriginal land;
- assist Aboriginal people to protect sacred sites, whether or not they are on Aboriginal land;
- consult Aboriginal traditional landowners and other Aborigines interested in Aboriginal land and land under claim;
- negotiate on behalf of traditional landowners with people interested in using Aboriginal land and land under claim;
- assist Aboriginal people claiming land and, in particular, arrange and pay for legal assistance for them;
- keep a register of Land Council members and members of Aboriginal land trusts and descriptions of Aboriginal land;
- supervise and assist Aboriginal land trusts.

In carrying out its functions, the Land Council must consult with traditional landowners and other Aborigines with an interest in the land. Landowners must give their consent before the Land Council enters into an agreement, or takes any action affecting their land.

The Land Council also has the statutory responsibilities and duties to:

- attempt to conciliate disputes between Aborigines regarding land matters;
- hold in trust, and distribute to Aboriginal associations, statutory payments from the Aboriginals Benefit Trust Account (ABTA) to communities affected by mining operations and income received on behalf of landowners under negotiated agreements;
- process applications for permits to enter Aboriginal land.

2 — LAND ACQUISITION

2.1 Land claim process

Under the Land Rights Act Aboriginal people may claim vacant crown land. They may also claim land outside of town areas when the interests are wholly owned by Aboriginal people and when the people holding title to the land are prepared to consent to the claim.

The first step in the process is for the Land Council to obtain instructions to make the claim. The land claim is then lodged with the Aboriginal Land Commissioner. The claim document will contain a brief description of the land concerned and the names of some of the claimants.

Full research on the claim may take many months. The documents that are prepared in support of Aboriginal evidence taken at the hearing include:

- a report which usually runs to hundreds of pages and contains among other things a description of the land, a history of its use and an anthropological model of the traditional land tenure system of the Aboriginal claimants;
- the genealogies of all claimants and their families;
- claimant profiles which include their date and place of birth, gender, residence and the basis for their inclusion in the claim;
- maps of significant sites; and
- a register of sites.

The Commissioner requires the documents to be lodged approximately two months prior to the hearing date. He normally determines that some of these documents should remain confidential.

A temporary camp is normally set up on the land under claim for the hearing of claimants' evidence by the Commissioner. The Land Council provides transport and food for claimants and provides them with legal assistance. At this hearing, the claimants must satisfy the Commissioner that they are traditional owners by Aboriginal law.

Claimants take the Commissioner around the claim area to show him sites of significance to them, and to tell him about the importance of these to Aboriginal people. On occasions, they may perform rituals to show the significance of the claim area in ceremony or provide him with bush foods to demonstrate how they make use of what is available in the country under claim.

The Northern Land Council has lawyers and anthropologists to assist with presentation of the claim. The Commissioner is also assisted by legal and anthropological advisers as is the Northern Territory Government which is normally represented at claims.

After evidence of traditional ownership is heard, the Land Commissioner hears anthropological evidence, receives submissions and evidence from parties who believe they will suffer detriment if the land is granted. The Land Council lawyers respond to land claims submissions. These hearings are normally heard at a regional centre away from the site of the claim.

The Land Commissioner then writes and publishes a report. Guided by the recommendations in the report the Minister for Aboriginal and Torres Strait Islander Affairs makes the final decision as to whether the land will be granted (see Section 2.2 and 2.3).

The land claim process is often lengthy and can take more than a decade from the time the claim is lodged until the Minister makes his decision.

Muckaty Land Claim

The Muckaty Pastoral Lease was purchased on behalf of Aboriginal people in April 1991. The land claim was lodged on 20 December 1991 and preparations took place during 1992 and 1993.

Final preparations were completed with the second proofing which ran from 2 to 9 July 1993.

The Land Council received an offer from the Northern Territory Government to settle the claim. Consultations and negotiations at Muckaty Station between 19 and 21 July failed to resolve issues concerning the status of easements which the Northern Territory Government hoped to have recognised, and the land claim proceeded at short notice.

The Land Council was required to overcome significant logistical problems. The hearing took place from 24 to 30 July in difficult desert terrain. The last three days of the claim was undertaken away from the base, with the judge and his party, government representatives, the Land Council staff and more than 100 claimants making camp in the bush.

Elsey (Mangarrayi) Land Claim

The historic property was purchased by Aboriginal people in 1991.

Proofings took place 12 to 16 July and 25 August to 3 September 1993. On 27 September to 12 October 1993 the hearing of evidence on site was held before the Land Commissioner.

There was great interest in the claim and up to 380 people attended the proofings. The hearing placed substantial pressure on Land Council personnel and logistical resources.

The status of the Alice Springs to Darwin gas pipeline which runs through the property has given rise to a number of complex legal questions affecting the processing of the claim. As of 30 June 1994, the Land Commissioner was still awaiting submissions from interested parties.

Hodgson Downs

Extensive field work including genealogical and on-site work was carried out in the Hodgson Downs area by consultants of the Northern Land Council in preparation for proofing and the hearing scheduled for September 1994.

2.2 Land claim reports

The Land Commissioner reports to the Minister for Aboriginal and Torres Strait Islander Affairs recommending which parts, if any, of the claim should be granted. A copy of the report is also provided to the Northern Territory Administrator.

Land claim reports in preparation

Land claim reports in preparation include Gimbat (Jawoyn), Warnarrwanarr-Baranyi (Sir Edward Pellew Islands) and Muckaty Station.

Land claim reports submitted

The Land Commissioner submitted his report on the Ngaliwurru-Nungali (Fitzroy Pastoral Lease) Land Claim to the Minister on 22 December 1993.

2.3 Areas awaiting grant of title

The Minister decides whether to recommend to the Governor General that the land be granted. Before the land is granted, any boundaries which have not been surveyed and which do not adjoin other Aboriginal land must be surveyed. Land Council staff consult with claimants prior to the survey to ensure that survey activities will not disturb sacred sites. The Land Council also assists traditional land owners to form a land trust to hold title to land.

Amanbidji Station has been processed through the above stages and is now ready for grant of title.

Recently the Northern Territory Government has shown itself willing to negotiate the scheduling of land under claim without resort to hearing. The Minister for Aboriginal and Torres Strait Islander Affairs can decide to grant the land without the traditional owners having to go through the land claim process.

Agreement was reached, as a result of the Mt Todd Agreement, in relation to Eva Valley and Catfish Hole and they have been scheduled for grant.

An offer by the Northern Territory Government in relation to Muckaty Station was rejected when it proved impossible to reach agreement over details of the proposal (see above).

2.4 Land grants

The granting of title to land to an Aboriginal Land Trust representing Aboriginal traditional owners is the final step in the land claim process. The title is normally handed over to the Land Trust at a ceremony attended by trustees and other Aboriginal traditional owners.

The granting of traditional lands remains a fundamental objective of the Northern Land Council. However, only two small grants, a total of 15,639 hectares of land was granted to Aboriginal Land Trusts under the *Aboriginal Land Rights (Northern Territory) Act 1976* between 1 July 1993 and 30 June 1994. This was because most of the land available for grant had been handed over during the previous financial year and reports are not yet completed on several land claims for which evidence has been heard over the past several years.

Wardaman: Yubulyawun (Upper Daly) Land Claim

Yubulyawun is the Wardaman proportion of the large Upper Daly Land Claim. On 18 March 1994 the Minister handed title to the land to the Land Trust. The total area of Land Trust is 12,600 hectares. The area is located on the western side of the junction of the Flora and Daly Rivers, north of West Mathison Station.

The Wardaman people have had contact with non-Aboriginal settlers since the 1860s. Despite the upheavals they continued to occupy their land, often working in mines and in cattle stations in the area until equal wages were extended to Aboriginal people in the 1960s. The Wardaman, like so many other Aboriginal people living on stations, were forced off their land when management of stations was rationalised. They were pushed onto the outskirts of Katherine where they continue to suffer many of the problems shared by Aboriginal people living in an urban fringe environment.

These problems are acknowledged by the Wardaman who have been actively fighting to regain their land. The Yubulyawun is a small area, remote from main roads and difficult to access even in the dry season. It is insufficient for the social, cultural and economic needs of Wardaman people, even together with other small pockets of land negotiated for Wardaman people in the Willeroo and West Mathison Station areas.

Wardaman people want to extend Yubulyawun to incorporate sites important to them in a repeat claim for areas for which the original land claim process was not successful. The Wardaman explain that this was caused by insufficient research during the preparation phase which was due to access being restricted by the hostile management of a neighbouring station.

Wagiman Land Trust (Douglas Hot Springs)

On 18 March 1994 the Wagiman received the residue of the land they successfully claimed as part of the Upper Daly Land Claim. The claim had originally been lodged on 9 February 1979 and heard before the Land Commissioner, Justice Kearney, between July and September 1984. His report was submitted to the Minister in March 1990.

While the rest of Wagiman land successfully claimed in the Upper Daly Land Claim was handed over last year, the title to the Douglas Hot Springs area was delayed. The area had for some years



Some of the Wagiman traditional owners with title to the Douglas Hot Springs section of the Upper Daly Land Claim at Kybrook Farm near Pine Creek on 18 March 1994.

been a Nature Park administered by the Conservation Commission of the Northern Territory, and the Land Commissioner determined that there were detriment issues which required attention. The determination to hand over the land was made when agreement in principle was achieved in relation to joint management of the area.

2.5 Land in dispute

Wagait

Five groups are disputing ownership of different areas of this former Aboriginal Reserve. Pursuant to its obligations the Land Council is meeting the costs of the legal firms and anthropological consultants representing the different groups.

The hearing has begun and is expected to be completed in October 1994. The special committee of Land Council members and advisors will then prepare a report for the Full Land Council to consider.

2.6 Litigation

Northern Land Council -v- Commonwealth of Australia & Energy Resources of Australia Ltd

In November 1985 the Land Council commenced litigation against the Commonwealth of Australia and Energy Resources of Australia Ltd.

The Land Council alleges that the Ranger Uranium Mining Agreement between the Land Council and the Commonwealth of Australia of 3 November 1978 is invalid. In the negotiations for the agreement the Commonwealth had a fiduciary duty to the Land Council and it breached the obligations by requiring the Land Council to enter into an agreement that was inadequate, unreasonable and unfair.

With the extraordinarily lengthy process of discovery and inspection of relevant documents virtually completed, consideration is being given to the possibility of the settling the matter without the need to conduct what would be a very costly and time-consuming hearing.

2.7 Conciliation

Kamu/Malak Malak

This is a dispute between the two groups named above as to ownership of part of the Daly River (Malak Malak) Land Trust area. The claim to the land was heard before Justice Toohey in 1982 and the land granted to a land trust in 1990. Both groups have completed written reports of their claims and consideration is being given to the means by which the Land Council might best conciliate the dispute as to avoid further delay.

2.1 THE LAND CLAIM PROCESS

The first step is lodging the land claim — containing a description of the land and the names of claimants — with the Aboriginal Land Commissioner. To complete the full documentation in support of the claim may take many months of anthropological field work and research.

The documents the Commissioner requires are:

- a report which usually runs to hundreds of pages and contains, among other things, a description of the land, a history of its use, and an anthropological model of the traditional land tenure system of the Aboriginal claimants;
- the genealogies of all claimants and their families;
- claimant profiles which include their date and place of birth, gender, residence and the basis for their inclusion in the claim;
- maps of sacred sites; and,
- a register of sacred sites.

All documents are confidential and the Commissioner requires them to be lodged at least two months prior to the hearing date.

A temporary camp is set up on the land under claim for the initial hearing by the Commissioner of evidence from the claimants. Land Council field staff are responsible for assisting claimants to attend the hearing as well as supplying and preparing food. The Land Commissioner hears evidence from the Aboriginal claimants who must satisfy him that they are the traditional landowners under Aboriginal law.

The claimants often take the Commissioner around the land showing him the sacred sites, important places and telling him the stories of the country. If appropriate, they may also perform ceremonies.

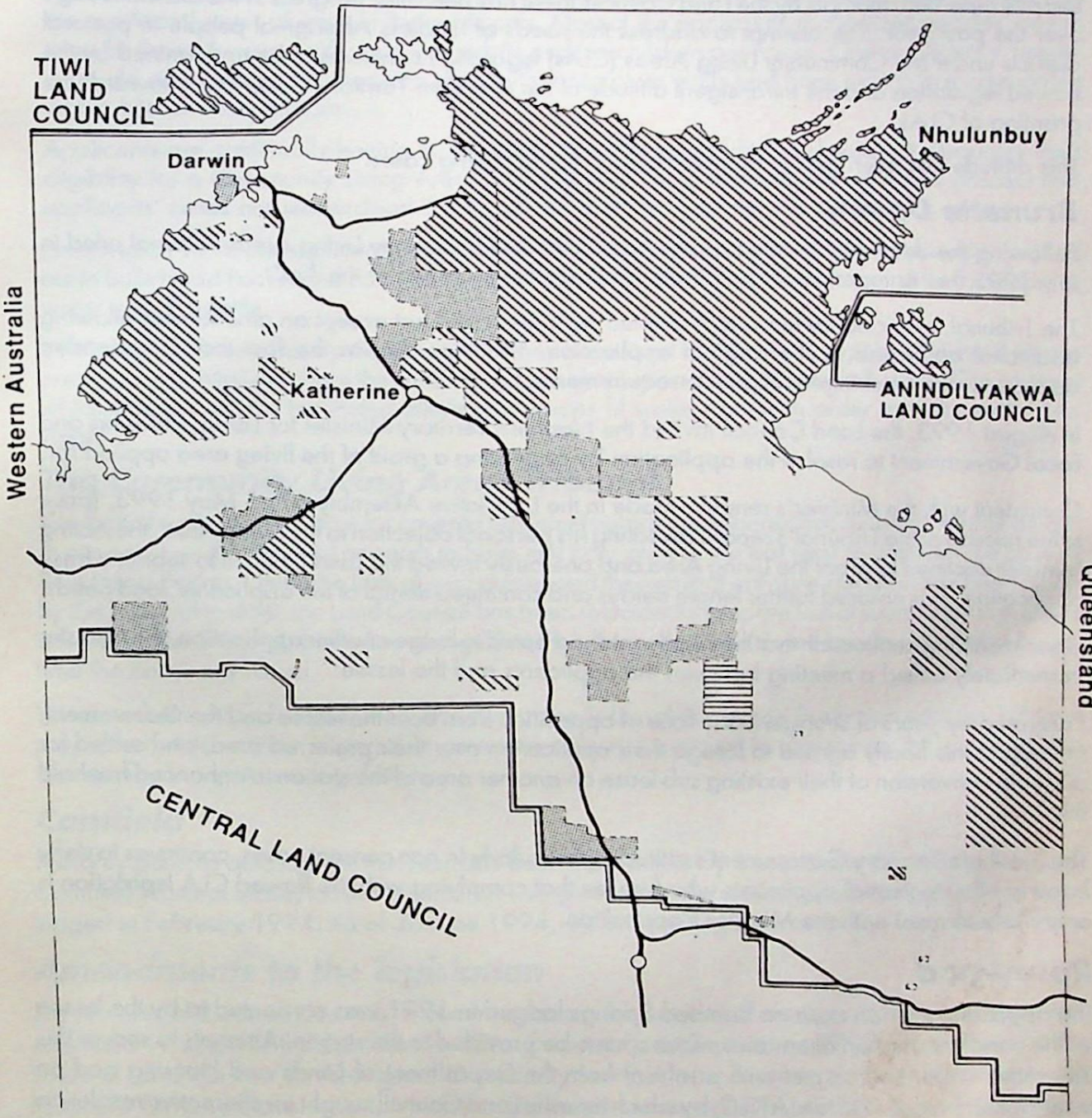
The Land Commissioner has secretarial staff and may be assisted by legal counsel and an anthropologist. Traditional landowners are assisted at the hearing by legal, anthropological and field staff and consultants of the Land Council. The Northern Territory Government has continued its practice of employing anthropologists and lawyers to represent it at hearings.

Subsequently, expert anthropological evidence is taken by the Land Commissioner. He also receives submissions and hears evidence from parties who believe they will suffer detriment should the land be granted. The Land Council lawyers respond to detriment submissions.

The Land Commissioner then reports to the Minister for Aboriginal and Torres Strait Islander Affairs recommending which parts, if any, of the claim should be granted. A copy of the report is also provided to the Northern Territory Administrator.

The Minister then decides whether to recommend to the Governor General that the land be granted. Before the land is granted the boundaries must be surveyed. Land Council staff, in consultation with the claimants, ensure that the surveying does not disturb sacred sites. The Land Council assists traditional landowners to form a land trust to hold the title. Title to the land is granted to the land trust.

2.1 ABORIGINAL LAND AND LAND UNDER CLAIM



2.8 Excisions

In the four and a half years since the signing of the Memorandum of Agreement allowing for excisions, only 23 square kilometres have been handed over to Aboriginal Community Living Applicants in the Land Council region.

Despite repeated attempts by the Land Councils there has been little progress in the excisions saga over the past year. The attempt to address the needs of landless Aboriginal people in pastoral districts under the Community Living Areas (CLAs) legislation continues to be undermined by the flawed legislation and the intransigent attitude of the Northern Territory Government towards the granting of CLAs.

This attitude has been clearly demonstrated in the following cases.

Brunette Downs

Following the death of the only original applicant, the Community Living Areas Tribunal ruled in July 1993 that its report held "no formal status for the purposes of the Act".

The Tribunal, restricted by the poorly-drafted legislation, did not accept an amendment allowing additional applicants to the original application. This was despite the fact that the intended applicants met the stringent eligibility requirements.

In August 1993, the Land Council invited the Northern Territory Minister for Lands, Housing and Local Government to resolve the application by approving a grant of the living area applied for.

Consistent with the Minister's remarks made in the Legislative Assembly on 25 May 1993, (prior to the release of the Tribunal's report) revealing his personal objection to the Living Area, the Acting Minister declined to grant the Living Area and onerously invited the Land Council to submit a fresh application. This ensured further length delays and continued denial of the applicants' land needs.

Upon receiving notification that the applicants had opted to lodge another application, the Minister immediately called a meeting between the applicants and the lessee.

Frustrated by years of struggle in the face of opposition from both the lessee and the Government, the applicants finally agreed to forego their application over their preferred area, and settled for a simple conversion of their existing sub-lease on another area of the station to enhanced freehold title.

The Northern Territory Government's attitude, particularly in non-consent cases, continues to deny hope to other potential applicants who foresee that complying with the flawed CLA legislation is only likely to meet with the Minister's opposition.

Rosewood

The application for an area on Bamboo Springs lodged in 1991 was consented to by the lessee on the condition that an alternative water source be provided to the station. Attempts to secure this alternative water source met with a refusal from the Department of Lands and Housing and an unsatisfactory response from ATSIC, by which time the Land Council sought an alternative resolution to the application.

The consent application was finally renegotiated with the lessee, and excluded the Springs from the area applied for. Accordingly the amended application was submitted to the Minister on the 31 May 1994, two and a half years after the original lodgement was made.

As of 30 June 1994, the Land Council has not received a response from the Minister.

Victoria River Downs (VRD)

The application for a CLA on Bulls Head Pocket typifies the exhaustive Tribunal process and the welfare orientation of the legislation.

Since its referral to the Tribunal in July 1991 a number of rigorously-detailed submissions have been made. This year alone the Land Council has submitted at least two detailed submissions regarding the residential status of each of the applicants. Most of the applicants share other peoples' one to three bedroom houses, with up to four adults and ten children per house. One applicant's 'house' is an old one-room corrugated-iron shed with incomplete walls and floor, which has no running water, kitchen or bathroom.

Applicants are continually having to show that these living conditions should not disqualify their eligibility for a Community Living Area. It is typical of the Community Living Areas process that applicants' cases are jeopardised if they are not entirely destitute and homeless.

From March 1993 the applicants, committed to undertaking responsibilities to their country, moved out to Bulls Head Pocket and camped for most of the year under tarpaulins, sharing the local spring water with the cattle.

While the applicants have proved both that they have lived off this water supply, and that they are prepared to continue to share the water, they face obstruction by the Northern Territory Government which has to date not facilitated alternative means of water access in order to make such CLAs viable.

The Community Living Areas Tribunal

The lack of a given time frame for cases to be heard before the Tribunal has made for further delays in our cases — the Tribunal appears to have met only once in the last year to consider the case of Bulls Head Pocket. Given the lack of a schedule, and the fact that only one decision has been made by the Tribunal to date, the Land Council has been reluctant to prepare initial submissions on cases referred to the Tribunal, in the knowledge that the information could well become outdated by the time the cases are heard.

We note that in March 1994, the Chairman of the Tribunal expressed frustration with the Tribunal process on ABC radio, stating that amendments were needed to streamline the cumbersome Community Living Areas legislation.

Camfield

The only positive outcome for the year has been the consent by Desa Cattle Company, lessee of Camfield Pastoral Lease, to two Community Living Areas on the station. The two applications were lodged in February 1994. As of 30 June 1994, we are waiting for a response from the Minister.

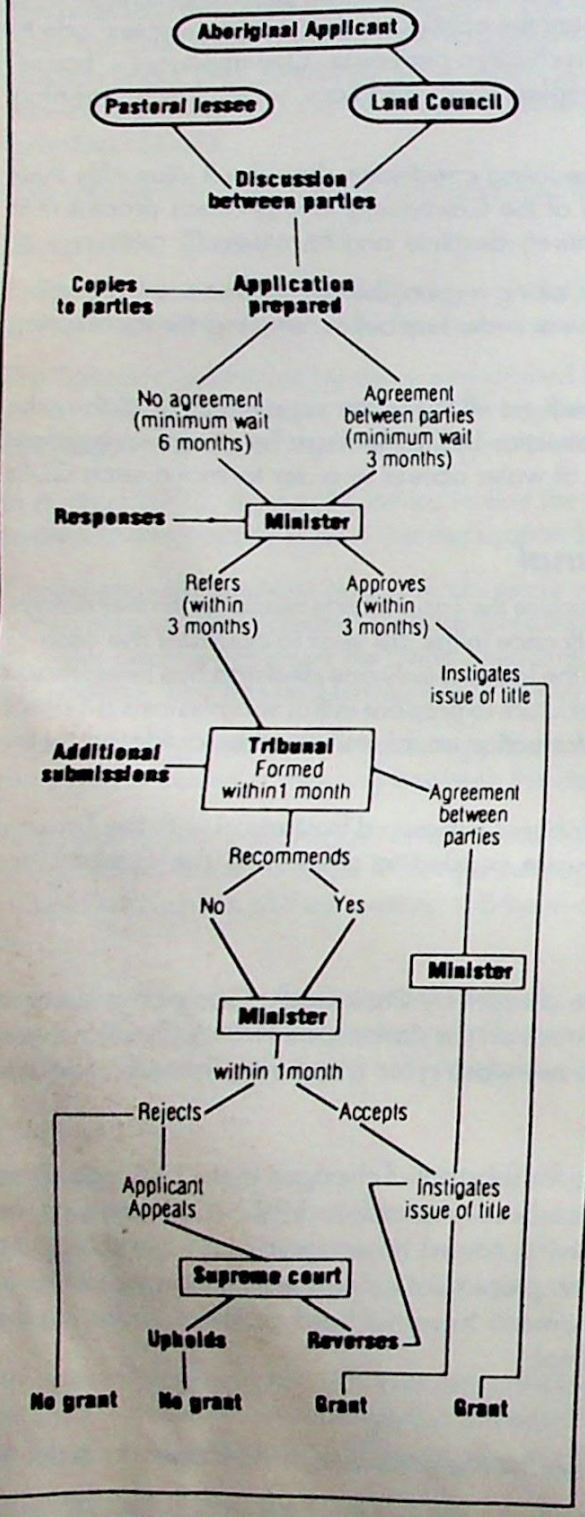
Amendments to the legislation

The majority of the Land Councils' recommendations for substantial changes to the CLA legislation, submitted in detail to the Joint Review Group as early as September 1992 (Comments on the Pastoral Land Act Part 8: Aboriginal Community Living Areas) have again been ignored by the Northern Territory Government, which passed a few piecemeal amendments to the legislation in November 1993. As of June 1994 the four amendments have not been actioned, including the appointment of a Deputy Chairperson of the Tribunal.

Joint Review Group

The Joint Review Group (JRG) was established under the Memorandum of Agreement in order to monitor the implementation of the Agreement.

2.2 COMMUNITY LIVING AREAS PROCESS



The Land Councils attended the eighth meeting of the JRG in July 1993, with the expectation that the Commonwealth Government would follow through its proposal to "review matters if real and measurable progress" had not been achieved by July 1993.

Given that by July 1993 only six titles had been handed over in the almost four years since the Memorandum of Agreement, it was an insupportable conclusion that real and measurable progress had been made in the provision of living areas. This is particularly so when contrasted to the Chief Minister's statement in August 1989 that "50 groups could be offered community living areas in two months".

The Land Councils have expressed concern that the JRG has been ineffective in its role of monitoring the implementation of the Memorandum of Agreement, and in November 1993 the Full Council of the Northern Land Council made the following resolutions that:

- it is very disappointed that the Prime Minister is not prepared to take any action now to fix the fundamental problems with the excisions legislation;
- excision applicants have been very patient for too long and the Northern Land Council must now take direct action to help Aboriginal people to return to their traditional land;
- it will not continue to meet with the Joint Review Group which has shown itself to be ineffective and not prepared to consider real change to the Northern Territory excisions process.

Accordingly the Land Council did not attend the JRG meeting held in March 1994. The ninth report of the JRG, dated June 1994, again contained inaccuracies, misleading statements, and objectionable references to issues which are irrelevant to the JRG's charter, including the reference to the costs of Community Living Areas infrastructure (as raised by the NT Cattlemen's Association).

2.9 Status of Applications

As of 30 June 1994 the current status of applications is as follows:

Applications before the Minister

Consent	Non-Consent
Rosewood	Elizabeth Downs
Camfield (2)	

Applications before the Tribunal

Victoria River Downs
Anthony Lagoon
McArthur River
Nutwood
Tribunal Decisions

Applications recommended

(Wollogorang - consent)

Applications - no recommendation made

Brunette(2 km homestead)

Applications approved by the Minister with the consent of the lessee

Title not issued	Title Issued
Brunette (Corella Creek)	Manangoora
	Calvert Hills
	Tawallah
	Wollogorang
	Spring Creek

The size of the areas granted are as follows:

Station	Square kilometres	Percentage of station
Manangoora	1	0.07%
Calvert Hills	4	0.08%
Tawallah	17.31	0.85%
Wollogorang	0.6998	0.01%
Spring Creek	0.008	0.0002%

Round table conference

In March 1994, the Minister for Aboriginal and Torres Strait Islander Affairs invited the Land Council to participate in a round table conference chaired by himself, and including the Northern Territory Government and the Northern Territory Cattlemen's Association. The Land Council responded favourably to this suggestion and as 30 June 1994 was waiting to be informed as to whether the meeting will proceed.

3 — ON THE LAND

The Land Council has the statutory function to assist Aboriginal people in the management of their land and to negotiate on behalf of landowners with groups wanting to use Aboriginal land.

The Land Council employs lawyers, anthropologists and other professional staff with expertise in land management including mining, pastoral development, environmental protection, parks and tourism to assist traditional landowners to develop commercial enterprises to maximise returns and create employment opportunities.

3.1 IDENTIFYING ABORIGINAL LAND INTERESTS

In carrying out its functions the Land Council always consults with traditional landowners and other Aboriginal people with an interest in the land under question. Before entering into any agreement for use of Aboriginal land, the Land Council must be satisfied that the traditional landowners, as a group, understand and consent to the proposal and that other Aboriginal people with an interest in the land have had the chance to express their views.

More than half of the Aboriginal land in the Land Council area is land which was formerly set aside as Aboriginal reserves. This land was not subject to a land claim, but became Aboriginal land with the proclamation of the Land Rights Act. Consequently, no anthropological research was necessary to identify the traditional landowners.

When mining companies, other developers, or government departments want use of Aboriginal land, the Land Council must first identify the traditional landowners of the area under application before consultations can take place. This often involves extensive anthropological field work and research.

During 1991–92, Land Council anthropologists were involved in identifying traditional landowners for the following projects: distribution of payments, mustering proposals, Exploration Licence Applications, tourism proposals, various leases, defence force exercises, and road construction. Anthropology staff also assisted in facilitating the resolution of disputes in relation to Aboriginal land interests.

They are also regularly involved in what are known as sacred site clearances. This means ensuring that a proposed work plan, for example an exploration program or the installation of telecommunication towers, is not going to disturb any sacred sites. It may also mean negotiating amendments to the work plan.

The Land Council Anthropology staff maintain a confidential Land Interest Reference which houses all of the information collected in the course of fieldwork. It is used as a guiding tool to assist when anthropological research is required. Due to the dynamic nature of Aboriginal land interests, it is not, and never could be considered a definitive reference. Each and every new proposal for the use of Aboriginal land must be thoroughly researched in the field.

The Land Council also services Aboriginal people seeking assistance in locating their families.

3.1 Pastoral properties and operations

The Pastoral Unit of the Land Council has had a particularly busy year with a great increase in interest from Aboriginal groups wanting to establish pastoral enterprises.

Apart from ongoing commitments for assistance with Elsey, Fitzroy and Muckaty stations, the unit has also currently involved in the development of the Bauhinia Downs Pastoral Lease; acquired as part of the settlement for the MacArthur River Mine venture by the Gurdanji people.

Activities on Fitzroy and Elsey have concentrated on capital development work, particularly fencing and stock watering points, however much work remains in terms of increasing herd productivity. The addition of new Brahman herd sires is expected to make an impact over the next two to three years and turnoff should increase steadily.

Bauhinia Downs

Bauhinia Downs is stocked with some 3,000 head of stock and includes a small Brahman stud and a 200 head domestic buffalo herd.

The property has outstanding fresh water springs and waterholes which are of a permanent nature, as well as spectacular rock formations at the northern end of the property. These natural features will provide an opportunity for diversified tourism development at some time in the future.

Development plans for Bauhinia Downs include upgrading the quality of the breeding herd and increasing the number of breeding cows to approximately 2,000 head. An AI program is being planned to improve the productivity of the buffalo herd by introducing semen from recently imported milking buffalo. The property is well placed to become a model for rural development in the Gulf.

Tortilla Flats

The recent sustained rise in prices for 'live' cattle for export, has also resulted in the Warai Association successfully obtaining funding to establish a 'live export' depot on traditional lands near Tortilla Flats.

The project is being funded by Bureau of Resource Sciences through its Aboriginal Rural Resources Initiative Program, with the Land Council's Pastoral Unit providing project management. The project, which is currently at the design and construction phase will cater for approximately 1,500 head at a time and will have the capacity to be expanded to meet increased market demand.

Other smaller operations also funded by Bureau of Resource Sciences have also progressed well; Murwangi Cattle Project will shortly commence sales to Milingimbi and Maningrida as well as continuing to supply Ramingining. The expected kill rate to supply these markets is estimated at around 10 to 12 head per week. Similarly the Gunbalanya Meat Supply Project at Oenpelli has resulted in the successful rehabilitation of the abattoir and is fully operational once again.

These projects not only provide benefits in terms of employment and training opportunities for Aboriginal people but have considerable benefits in terms improving nutritional status of the people at large.

During the course of the past 12 months there have been several changes in staff in the pastoral unit. New appointments have included a new pastoral supervisor and pastoral accountant.

Several changes have been made to the unit including the installation of new computer systems and dedicated pastoral accounting packages and project management programs. The full advantages of these programs has yet to be realised as their integration with the proposed Geographical Information System has not yet eventuated. By keeping up with the latest technology the unit hopes to be able to provide a totally professional and efficient service to its clients.

BTEC program

The BTEC program is now entering its final phase; with BTEC licence agreements for the destocking of remaining feral stock on Aboriginal land concluded for the Daly River/Port Keats Land Trust and the Arnhem Land Trust (North West).

Consultations are shortly to commence for the licence agreement for the Arnhem Land Trust (North East). The program is scheduled to be completed by December 1997, at which time all areas will be declared TB free and restocking with healthy stock allowed to commence.

The agreements negotiated include compensation for traditional owners who have stock shot out on their land. This compensation is to be in the form of either cattle or buffalo animals for restocking destocked areas of the Land Trusts involved in the program. These agreements were negotiated by the Land Council on behalf of the Land Trusts involved and represent the best settlement possible for Aboriginal people.

3.2 Parks

Boards of Management

The Land Council acts in an advisory capacity to the traditional Aboriginal owners on all of the major parks in the top end; the Cobourg Peninsula Sanctuary Board of Management (Gurig National Park), the Nitmiluk (Katherine Gorge) Board of Management. The Land Council attends all meetings of these Boards. From 1 July 1993 — 30 June 1994 the Land Council attended the following Board of Management meetings:

Kakadu Board of Management September, December 1993; March, June 1994.

Nitmiluk Board of Management September, December 1993; February, April 1994.

Cobourg Board of Management September, December 1993; March, June 1994.

Board activities

During this year the Land Council has become more active in working with the respective Aboriginal members of the Boards of Management. This has been undertaken in an attempt to make the activities of the Boards more relevant to traditional owners. It has been noticed that the Board meetings are dominated by park administrative matters rather than to matters relating to traditional interests. While it is recognised by the Land Council and the Aboriginal Board members that administrative matters have to be dealt with, the development of the agenda for meetings and the manner in which the meetings are run need to be equally reflective of Aboriginal priorities.

The concept and practice of joint management is a new one and boards like Kakadu are breaking new ground in co-operative management arrangements. Consequently there is a need to ensure that traditional interests are not being swamped by western notions of land management and the ever growing need to balance nature conservation and tourism interests.

Plans of Management

From 1 July 1993 — 31 December 1993 the Land Council has provided advice and assistance to traditional owners of Cobourg (Gurig) with respect to the preparation of the new Plan of Management for the Park.

Cobourg

There is no Plan of Management currently in force at Cobourg. This situation has significant implications for traditional owners with respect to efficient management of their lands.

A draft Plan of Management was expected to be completed before Christmas 1993 but the Conservation Commission of the Northern Territory (CCNT) has failed to prioritise the matter and directed its planning staff to work on other matters. A draft was produced in May which required some modification. These amendments were expected to be discussed at the July board meeting.

One of the major issues delaying completion of the draft Plan of Management for Cobourg is that of control and management of the Cobourg Marine Park.

The Chief Minister stated in March 1981 that the Northern Territory would have to wait until the Commonwealth offshore legislation received Royal assent before it would have power to legislate to cover a marine park, necessitating the introduction of another Bill at a later stage.

He later advised traditional owners that as soon as the Territory had the necessary power the amending legislation would be introduced into the Parliament.

The Northern Territory Government acquired power to legislate with respect to the promised extension of the Cobourg area to cover two kilometres of the surrounding seas on 9 February 1983, however, it failed to honour its promise to extend the Cobourg Peninsula area to include two kilometres of the surrounding seas. Instead, in July 1983 the waters surrounding Cobourg were declared a marine park under the *Territory Parks and Wildlife Conservation Act* rather than by way of amendment to the Cobourg Act as promised.

The traditional owners of Cobourg are of the view and have been consistently of the view that it was the clear intention, in 1981, of the former Chief Minister that the then proposed marine park would come under the jurisdiction of the Cobourg Board of Management by way of vesting of the Marine Park in the Cobourg Aboriginal Land Trust. The subsequent failure of the Government to honour this undertaking has not only resulted in the folly of divided management regimes but has generated unnecessary and continuing conflict between the Northern Territory Government and the traditional owners of Cobourg.

This conflict has been prominent in all discussions regarding the development of a new Plan of Management for Cobourg and continues to undermine and threaten consolidation of effective joint-management arrangements with the CCNT at Cobourg. The June 1994 Northern Territory election and the subsequent reshuffle of ministerial responsibilities has further delayed a resolution concerning the marine park.

Daly River Nature Park

Due to a dispute over traditional ownership for part of the Malak Malak Land Trust the Land Council has been unable to continue discussions with both traditional owners and CCNT over the long term management arrangements for the Park. Although the Park still continues to be listed in various publications as a park subject to CCNT management in reality the Park is no longer managed by them.

The Department of Primary Industries and Fisheries submitted plans for a removable fleximatt boat ramp at Browns Creek. Consultations are to be held with the Malak Malak traditional owners.

Cape Hotham and Marrakai

During October, November and December 1993 the Land Council and CCNT met regularly to resolve all outstanding matters associated with the development of an appropriate Lease and Deed of Management and negotiations were successfully concluded at officer level by mid December. The draft documents were approved by the CCNT Board, the Conservation Land Corporation and the Minister for Conservation.

A meeting of Wulna claimants approved the proposed Lease and Deed of Management in January 1994.

The joint management arrangements for the proposed Park will require Land Council attendance at twice yearly meetings. Other issues covered in the agreement are a Board of Management

established to manage the area with an Aboriginal majority; full-time employment for one Aboriginal person and training for three others; 50 per cent of park use fees to go to the traditional owners and the establishment of two substantial living areas with the Park.

Other NT parks

Due to the existing work load little work has been able to be undertaken in areas like the Victoria River Downs. Given the native title implications for Aboriginal people who's land is held by the Territory Land Corporation as a park there is a growing role for the Parks and Tourism Officer to assist Aboriginal people regain control of their land.

Proposed parks

Beagle Gulf Marine Park

The Northern Territory Government has proposed to establish a marine park from Cape Hotham (land under claim) to Cape Ford (Daly River/Port Keats Land Trust) to be known as the Beagle Gulf Marine Park.

There have been no discussions conducted by or requested by the CCNT with Aboriginal people with rights and interests in the seas proposed.

A substantial proportion of the proposed park abuts Aboriginal Land Trust lands (Daly River/Port Keats, Wagait) and would affect lands currently under claim (Kenbi, Vernon Islands, Wulna).

The establishment of a marine park under the *Territory Parks and Wildlife Conservation Act* requires that the sea-bed and waters be vested with the Conservation Land Corporation. Similarly the establishment of a park would restrict the rights of Aboriginal traditional owners to traditional use of their marine resources unless these coastal people are directly involved in the planning and management of the proposed park.

Due to the introduction of the *Native Title Act* progress on this park came to a halt due to Northern Territory Government concerns about the native title implications.

In order to overcome the lack of consultations with Aboriginal communities about the proposed park, the Land Council has applied to Ocean Rescue 2000, a Commonwealth Government initiative, for funds to carry out community based discussions. The aim of these consultations will be to determine the extent to which these coastal based communities wish to become involved in the planning and management of this proposed park. The Land Council is confident that funds through Ocean Rescue 2000 will be made available to do this most important component of park planning.

Other activities

Due to the passage of the Native Title legislation the role of Senior Project Officer of Parks and Tourism has been expanded to include the management implications of native title determinations, especially with respect to marine native title matters. Native title determinations over the marine environment will have to involve matters relating to management.

The final outcome will depend on the Tribunal and whether it has to go to court in order to resolve competing interests. Regardless of where the final decision is made information relating to management requirements by native title holders needs to be collected in a systematic manner.

Eastern Arafura Sea

As a result of approaches made to the Land Council and Australian National Parks and Wildlife Service by senior traditional Aboriginal owners of land and marine estates in the Wessels

Archipelago, funding under the Ocean Rescue 2000 program was provided toward exploring the possible establishment of a Yolngu (Aboriginal) based marine protection strategy for the eastern Arafura Sea.

Yolngu are concerned about access to traditional food gathering areas, about the continued availability of food for them and their future generations and about their current lack of access to, involvement in and control over decision making concerning the use and management of their marine estates.

Meetings have been held at Wandawuy (with Laynhapuy Homelands Resource Centre), at Bukudal, at Bremmer Island, at Maningrida, at Milingimbi, at Trial Bay and at Jimarda. From these meetings a working party was established that has, in conjunction with the consultants, drafted a report which represents the views of the salt water people of this region. The report will be finalised at a meeting of senior madayin leaders and then presented to government together with an action document which sets out a range of management regimes.

Management agreements

Under provisions of the Land Rights Act and the *Territory Parks and Wildlife Conservation Act* management agreements may be entered into with the CCNT with respect to management of Aboriginal land.

Amorrdak

Discussions have been taking place with traditional owners and the CCNT with respect to the possibility of such an agreement over Amorrdak lands in north-west Arnhem Land. It was expected that this agreement would be concluded early in 1993 and provide for, among other things, patrolling of land along with employment and training for traditional owners concerned for a term of five or ten years.

Disquiet amongst some of the clan groups concerned about entering into an agreement for management of their lands with an agency of the Northern Territory Government coupled with the decision of the CCNT Board not to endorse key aspects of the proposed agreement, despite the agreement of CCNT negotiators, had significantly delayed a positive outcome.

Similarly, the continuing failure of the Northern Territory Government to honour its promise in relation to control and management of the seas surrounding the nearby Cobourg Peninsula (see previous section Plans of Management: Cobourg) had impacted on successful completion of the proposed Amorrdak Management Agreement prior to July 1993.

Discussions on this agreement have continued through the 1993/94 year. At a meeting held in May the three clan groups decided to form the Amorrdak Management Committee and that they would with the assistance of the Land Council seek funds from other sources to set up land management activities on their land. Discussions with the CCNT are continuing, however due to a poor relationship with the CCNT it now appears that an agreement of the type previously envisaged will not be entered into by the three clan groups.

Manganawal

Proposals for a management agreement with the CCNT covering lands of Manganawal clans in north-west Arnhem Land (Wark [Murganella] region) remain suspended until the issue of CCNT illegal occupancy of Wark has been resolved.

During the period from 1986 to date Manganawal clans have been discussing and assessing the feasibility of establishing a major Aboriginal owned and operated tourist accommodation base at

Wark utilising the existing infrastructure with initial capital investment of in excess of $500,000. It is their desire to commence operations as soon as possible. The CCNT has been aware of this proposal and on-going discussions in relation to it since 1988 when the initial feasibility study was commissioned. On 14 August 1991 CCNT officers were advised that all existing infrastructure at Wark was required for the tourism venture and that the traditional Aboriginal owners wished to negotiate a phased withdrawal by the CCNT.

Traditional owners advised the CCNT that they intended to pursue the project to development but were prepared to offer the CCNT a lease of land adjacent to the existing infrastructure on which the CCNT could establish infrastructure required in order to service a proposed management agreement with Manganawal clans.

The project involves the utilisation of existing infrastructure at Wark for the tourist accommodation centre and the provision of a variety of ground and water based Aboriginal operated tours to a number of different clan group's lands. The project has the potential to provide a genuine Aboriginal cultural tourism product for the market place.

The proposal by traditional Aboriginal owners for a phased withdrawal of the CCNT from occupation of the existing buildings was rejected by the CCNT despite their promise in 1986 to withdraw upon request. Consequently the CCNT have been given notice to quit the premises but have ignored this notice. As reported in the 1991/92 Annual Report the Northern Territory Minister for Conservation undertook to take the proposal for a phased withdrawal to the Northern Territory Cabinet for a decision. The Land Council has received no information from the Minister to suggest that this undertaking was ever honoured.

3.2 LEASES, LICENCES AND AGREEMENTS PROCESSED BY THE NORTHERN LAND COUNCIL 1993-94

The leases, licences and agreements (other than exploration and mining) negotiated during the year are listed in the table below

OPERATOR	AREA	ACTIVITY
Kakadu Air	Mikinj Valley/Injalak Arts	Scenic/Cultural
Gunbalanya Adventure Tours	Gunbalanya/Injalak Arts	Scenic/Cultural
Lord of Kakadu Tours	Mikinj Valley/Injalak Arts	Scenic/Cultural
Umorrduk Safaris	Coopers Creek	Scenic/Cultural
Aussie Safaris	Peppimenarti	Scenic/Cultural
Kuwuma Djudian Tours	Kuwuma	Scenic/Cultural
Davidson Arnhemland Safaris	Mt Borrodaile	Scenic/Cultural/Hunting
Access Northern Australia	Weemol	Scenic/Cultural/Hunting
Davidson Arnhemland Safaris	Momob	Buffalo/Pig Hunting
Wimray Safaris	Gangan	Buffalo Hunting
Hunt Australia	North Goulburn Island	Goat Hunting
Top End Sportfishing	King River	Sports Fishing
Top End Sportfishing	Goomadeer River	Sports Fishing
Big Barra Fishing Tours	Endyalgout Island	Sports Fishing

A number of other proposed licence agreements are currently being negotiated.

The Land Council has instructions from traditional Aboriginal owners to, as a last resort, take legal action to remove the CCNT from Wark in order that the tourism project might proceed.

In late 1993 the Land Council wrote to the new Minister for Conservation and Tourism requesting a meeting with a view to seeking resolution of this issue without recourse to litigation. That meeting has not taken place during this reporting period.

Jawoyn

The Land Council assisted with investigations into the potential for Jawoyn traditional owners to take up equity positions in existing tourism operations in Nitmiluk National Park. As a result of these investigations Jawoyn concluded, in July 1993, a joint venture agreement with Travel North and the Commercial Development Corporation for the operation of all boat tours in Nitmiluk. Other commercial opportunities are also being explored. These initiative have the potential for significant financial returns and employment opportunities for Jawoyn.

Other parks

Douglas Hot Springs Nature Park

As part of the Upper Daly Land Claim the Aboriginal Land Commissioner recommended in March 1990 the grant of Douglas Hot Springs Nature Park to the Wagiman traditional owners. Title was eventually granted to the Wagiman in March 1994. A management agreement is currently under consideration by CCNT and the Wagiman are patiently awaiting a response.

Browns Creek boat ramp

The Department of Primary Industries and Fisheries submitted plans for a removable fleximatt boat ramp at Browns Creek. Consultations are to be held with the Malak Malak traditional owners.

3.3 Tourism

Licences agreements

Under the Land Rights Act the Land Council has the statutory responsibility to consult with traditional owners over any proposal concerning the use of Land Trust land. If the traditional owners consent to the proposal a licence agreement or lease is prepared and entered into by the proponent and Land Trust. The licence agreement will detail the terms and conditions upon which the business will be conducted and includes such things as a term, the area involved and payments to be made to the traditional owners.

Fourteen tourist licence agreements were current or under negotiation during the 1993/94 financial year. Consents were granted to the agreements summarised in the table below.

Client numbers have increased from 462 in 1991 to 2229 in 1993 with over 90 per cent of clients in 1993 accessing north west Arnhem Land. These numbers are low compared to total Northern Territory figures but they indicate that increasing number of clients are presently accessing Aboriginal land through licensed tour operators. Only two of these businesses though are presently Aboriginal owned and operated.

During the year the Northern Territory Government sought submissions on a discussion paper it had prepared on Directions for Northern Territory Tourist Development. The report in reference to the

Aboriginal Tourism Product suggested that 'the Tourist Commission, in conjunction with the Department of Industries and Development, Asian Relations and Trade and other government agencies, should act as a catalyst in linking on-ground product with marketing expertise, including joint ventures where appropriate and feasible. The Land Council response was to strongly support the establishment of such a body if it could genuinely assist in increasing the Aboriginal involvement in the Northern Territory tourism industry.

The expertise of the co-operative group could be called upon by Aboriginal people, communities or Associations who may have a tourism proposal. This expertise would include knowledge of funding sources and/or interested joint venture partners, training opportunities and the viability of a particular product in the developing tourist market.

Road transit

Four tourist operators have been granted permission for transit through North West Arnhem Land to visit tourist operations both in Arnhem Land and Gurig National Park. These operators are:

1. Discovery Ecotours
2. Odyssey Safaris
3. Watco Pty Ltd
4. Destination Darwin

3.3 PROCEDURES FOR DEALING WITH LAND USE PROPOSALS



TABLE 3.1: Procedure for dealing with land use proposals

The Land Council is seeking to licence this transit through the issuing of Access Agreements. Negotiations on this matter are still proceeding. These Access Agreements though will not give the right of entry to Gurig National Park as this authority can only be exercised by the Cobourg Board.

3.4 Environment

In the last year much of the focus of the Land Council has been in the broader area of policy development and the role of Aboriginal people and their representative organisations in the national and international environment and land management debate.

The Land Council has contributed to studies and conferences either by way of submission, appearances before committees of inquiry or presentation of papers in the areas of tropical savannas, rangeland strategy, wildlife trade, access to genetic resources, landcare, ecopolitics, coastal and marine management.

This greater level of involvement is due in part to a heightened recognition by some governments of the contribution Aboriginal people can and have made (for thousands of years) to the sustainable management of Australia's land and its resources.

In addition, the Land Council believes that this involvement is still painfully inadequate. It is vitally important not only to Aboriginal people but also to our environment that Aboriginal peoples' rights are recognised, the contribution they can make is respected and their place included in all manner of government instruments policy and action.

As well as these broader agendas the Land Council continues with its provision of advice to communities and individuals. For example the Mimosa control program continued at Gunbalanya with approximately $1 million being spent on both aerial and ground control work. The programme, now in its fourth year, has achieved a significant level of control over the (initial) 7,000 hectare infestation.

The coming year will be an important one for Aboriginal people in relation to environmental issues. The likelihood of Aboriginal people's rights to marine resources being examined in the Native Title Tribunal, the reports to government of a number of committees of inquiry and the development of a Land Council Environment Policy as part of the Strategic Plan will all have a significant impact.



Father and son team, Norman (left) and Daniel Kingsley, at the Land Council's Full Council Meeting at the South Alligator River in Kakadu National Park in August 1993. Daniel is a member for Hodgson Downs, 150 kilometres south east of Katherine. Norman was a proxy member for Borroloola at the Meeting.

3.4 REGIONAL OFFICE CONSULTATIONS

DARWIN REGIONAL OFFICE

- Darwin — BTEC Wagait
- Daly River — OP246 Venture Malak Malak mtg
- Darwin — AAPA Cave Paintings Wagait Falls
- Darwin — Management Training Course
- Palumpa — Resource Community Consulting Services
- Darwin — Larrakia mtg
- Darwin — DME OP246 DRPKLT
- Darwin — Acacia/Larrakia consultation
- Darwin — Acacia/Larrakia Land Trust
- Daly River — Outstn funding
- Darwin — BRR Funding for Bunguit DRPKLT
- Darwin — Karmore Plains Area
- Bulgul — Enterprise Leases & Licences Wagait
- Darwin — NT Chamber & Mines mtg
- Darwin — Ngungthwudi Outstn DRPKLT
- Darwin — Malak Malak permits mtg
- Bulgul — Roads & Crab Farming Wagait
- Humpty Doo — Wulna/Limilngan land claim mtg
- Bulgul — Tourist Proposal Wagait
- Daly River — Pig shooting mtg
- Nurdik — Excision Elizabeth Downs
- Darwin — Acacia / Larrakia consultation
- Bulgul — Barra Farm Wagait
- Daly River — Leases consultation
- Darwin — DME OP246 DRPKLT
- Woodycupuldiya — Permits & Pig shooting
- Darwin — Excision Elizabeth Downs
- Berry Springs — Federation mtg
- Darwin — Wildman River CCNT
- Darwin — Finnis River consultation
- Darwin — Chiluk Tourist Proposal
- Kormilda College — Surviving Columbus conference
- Darwin — BTEC DRPKLT
- Darwin — Statehood conference
- Darwin — Bulgul Wadjigan Association AGM
- Darwin — Wadjigan mtg over illegal shooting
- Darwin — Ngungthwudi Outstaton DRPKLT
- Ironstone — Mtg over community issues
- Darwin — Wadjigan AGM
- Darwin — Illegal shooting — Wagait Reserve
- Darwin — Kamu/Malak Malak Dispute
- Darwin — Pet Meat shooting — Atl Borradale
- Darwin — Access through Labelle Station
- Darwin — CAIS Advisory mtg
- Belyuen — Burial of bones Wagait
- Darwin — Wulna/Limilngan mtg
- Daly River — Malak Malak Pretty Timber area
- Batchelor — Ironstone Lease
- Mandorah — Yilli Reung Regionl Mtg
- Darwin — CAIS Advisory mtg
- Daly River — Excision Elizabeth Downs
- Batchelor — Funding for Ironstone
- Woodduk — Funding for Outstn
- Darwin — Chambers of Mines mtg
- Port Keats — Issuing Permits
- Darwin — Mines & Energy consultation
- Darwin — Wildman River
- Darwin — DPIF Tracking & Collars
- Darwin — Wulna/Limilngan Land Claim
- Darwin — Wulna/Limilngan land claim
- Darwin — Kungarakan Business
- Daly River — Traditional Owners consultation
- Darwin — Wildman River
- Belyuen — Full Council Mtg
- Darwin — Wulna Area
- Darwin — Consultation Union Members
- Acoacia — Larrakia Infrastructure on Acacia
- Jabiru — Regional Council Mtg (ATSIC)
- Darwin — BHP Mtg
- DRPKLT — Pig Shooting consultation
- Wooliana — Malak Malak mtg
- Darwin — Wulna/Limilngan land claim
- Darwin — Larrakia Mtg
- Darwin — Kenbi consultation — MABO Native Title issues
- Darwin — Bulgul Wadjigan mtg
- Darwin — Pigshooting — Mt Borradale
- Darwin — Wadjigan T/O re outstn at Cape Scott
- Darwin — Permit issues at Billowock area
- Darwin — DPIF Shooting stock
- Darwin — Permit issues — Palumpa
- Darwin — Pet Meat / royalties
- Darwin — Boundary lines for pig shooters at Woody
- Darwin — Permit Issues Palumpa
- Darwin — Boundary line issues at Belyuen
- Darwin — Barbar Nasir — re Genealogy
- Darwin — Clare Anderson — guideline staff conduct in Aboriginal Communities
- Darwin — Permit Issues Daly River
- Belyuen — Mika Beach issues
- Darwin — Reconciliation mtg
- Daly River — Pigshooting, royalties & boundary issues
- Daly River — Lease proposal
- Daly River — Marranunggu Association (close down)
- Adelaide River — ANPW at Douglas Hot Springs
- Humpty Doo — Wulna/Limilngan land claim
- Darwin — Consultation re Bienoff map
- Darwin — Marrathiel royalties
- 15 Mile — Warai/Kungarakan issues
- Darwin — Wulna/Limilngan land claim
- Darwin — Vietnam Veteran Community to be based on Larrakia country
- Daly River — Malak Malak people getting a new association incorporated
- Darwin — DEET — LEAP program
- Darwin — ABTA — Nurdik people re vehicle purchase
- Darwin — Dept Mines & Energy re OP246 Joint Venture
- Kapalga — Wulna/Limilngan land claim & Baban family
- Darwin — MABO issues
- Darwin — Wagait dispute issues
- Darwin — Cape Hotham Marrakai
- Darwin — Beagle Gulf, Marine Park & Sea closures
- Daly River — Bore to be put in near Redcliff DRPKLT
- Daly River — Lease issues
- Darwin — Incorporation of Delye Association.
- Darwin — Sea turtle (tagging etc) under the LEAP programme
- Darwin — Wadjigan royalty issues
- Daly River — APEA (011) Conference
- Darwin — Aboriginal housing
- Darwin — Election Chairperson for Bulman
- Darwin — Training for Aboriginal people in Fisheries
- Darwin — Wagiman AGM
- Batchelor — Finniss River 3, 4 & 5 Title Handover
- 5 Mile Daly River — Alcohol awareness
- Darwin — Wagait Dispute
- Humpty Doo — Wulna land claim & Baban family
- Kybrook Farm — Upper Daly Land Claim & setting up of outstn & funding
- Darwin — Woodcutters agreement & royalties
- Darwin — Elections for Darwin, Daly & Wagait areas
- Darwin — Reconciliation Council issues
- Jabiru — Full Council Mtg
- Daly River — CDEP Programmes fro Woodycupldiya
- Gold Coast — APEA Conference
- Kybrook Farm — Upper Daly Land Claim
- Daly River — DRPKLT issues — licences, leases, permits etc
- Daly River — Ashton Mining Company's interest in DRPKLT
- Daly River — Pigs, permits & boundary issues
- Finniss River — Setting up of outstn in Area 4
- Daly River — Excision on Elizabeth Downs
- Wooliana — Leases & the Sandbar store
- DRPKLT — Pigs, permits, leases etc
- Wooliana — Boat ramp — Browns Creek
- Woodycupuldiya — Brand change & form new association
- Darwin — Woodcutters 3, 4 & 5 Finnis River Land Trust
- Sydney — Mabo Peace Plan
- Daly River — Regional Council Mtg
- Darwin — Pigshooting on Wagiman area
- Bulgul — Tourist Proposals
- Darwin — Illegal cattle shooting
- Wagait — Wagait dispute
- Darwin — Bushtucker Programs
- Darwin — Malak Malak issues
- DRPKLT — Pigshooting & royalty issues
- Peppimenarti — OP246 Oil Joint Venture
- Darwin — Funding from ATSIC from CHIP for Humpty Doo area
- Darwin — OP246 JOint Venture — extension on ELA required
- Daly River — Setting up of outstn at Emu Falls
- Woodycupuldiya — Incorporation of new association
- Belyuen – Kenbi land claim updae
- Darwin — Lease issue — Marrathiel country
- DRPKLT — Pigshooting, royalties, permits etc
- Darwin — Darwin Regional Urban Mtg at Fred's Pass Reserve
- Belyuen — Permit Issues
- Darwin — Malak Malak land claim update
- Daly River CROSSING — Excision on Elizabeth Downs
- Port Keats — Roads / Gravel royalties
- Daly River — Outstn — Emu Falls
- Darwin — Various depts & organisations met together to talk how they all can work together
- Darwin — Aboriginal Development Unit

JABIRU REGIONAL OFFICE

- Gunbalanya — Gunbalanya Council — Licence & Leases
- Gunbalanya — ELA 3597 & 4015 Royalty Distribution
- Gunbalanya — Notify Council Members of FCM
- Work — ELA Agreements Update
- Darwin — Logistic Mtg re: Hunter & Cunningham
- Gunbalanya — Hunter & Cunningham family mtg
- Gunbalanya — Permit Processing
- Gunbalanya — Notify TOs of cancellation of ELA mtg
- Gunbalanya — Permit Processing
- Kakadu — Distribution Kakadu Annual Rental
- Gunbalanya — Distribution Kakadu Annual Rental
- Gunbalanya — ELA 2508 Traditional Owners mtg
- Gunbalanya — Permit Processing
- Gunbalanya — Deliver TOs mail (ELA)
- Kakadu Entry Station — Meet travelling Rodeo/ Circus
- Gunbalanya — Permit Processing
- Gunbalanya — Notify Traditional Owner's re: Upcoming Pig Harvesting mtg.
- Gunbalanya — Expiry Licence Agreement &Tourism Proposal
- Minjilang — Feral pig harvesting — North West Arnhem
- Gunbalanya — John Lord & Cashmore's Tourism Proposal
- Gunbalanya — Permit Processing
- Gunbalanya — Transport Management Representative
- Work — Mananuwul Tourism Development
- Kakadu — Notify Jawoyn re: AGM at Eva Valley
- Gunbalanya — Notify Jawoyn re: AGM at Eva Valley
- Kakadu — Transport Jawoyn — Jabiru
- Gunbalanya — Transport Jawoyn — Jabiru
- Katherine — Transport to Jawoyn to Katherine — AGM
- Gunbalanya —Wagait dispute mtg/ Darwin
- Darwin — Vehicle service & maintenance
- Gunbalanya — Return Jawoyn after AGM
- Gunbalanya — Consult with TO's re: Road Closure
- Gunbalanya — Lord of Kakadu — Royalty Distribution
- Gunbalanya — Permit Processing
- Gunbalanya — Slap Map / Gunbalanya Township
- Darwin — Vehicle Service
- Darwin — Obtain Quotes / Office Equipment for Jabiru Office

3.4 REGIONAL OFFICE CONSULTATIONS

- Gunbalanya — Proposed Permit & Charge System
- Darwin — Transport Land Owner to Darwin
- Gunbalanya — Permit Processing
- Gunbalanya — Consult Land Owners re: proposed filming
- Munmoyi Outstn — Clarify re: Proposed Commercial Development
- Gunbalanya — Escort visiting Kanaks.
- Gunbalanya — Reconsult re: proposed commercial filming
- Wark — Transport concerned Land Owners to Gallardju Land
- Wark —Attend Miyali Mtg
- South Alligator — NLC — Full Council Mtg.
- Gunbalanya — Update Land Trust
- Gunbalanya — Assist Jabiluka Ass AGM
- Gunbalanya — NT Outback Safaris Royalty Dist.
- Jabiru — Kakadu Park Entry Fee Dist.
- Gunbalanya — Kakadu Park Entry Fee Distribution
- Darwin — Section 19 Agreements mtg
- Gunbalanya — Gunbalanya Service Station rent Dist.
- Jabiru — BTEC — mtg.
- Darwin — Preparation 93/94 Budget Submissions
- Darwin — Section 19 Agreements
- Darwin — Preparation 93/94 Budget Submissions
- Darwin — Conduct Interviews — Permits Officer
- South Alligator — 62nd Full Council Mtg
- Jabiru — Distribution Kakadu annual rental
- Gunbalanya — Distribution Kakadu annual rental
- Gunbalanya — Pig Harvesting/ Tourism Proposals — Goomader River
- Jabiru— PNC 94 Work Prgramme Mtg
- Wark — Proposed Umorrduk Plan of Management/CCNT
- Minjilang — Minjilang Sea Closure
- Wurruwi — Update of Pig Harvesting
- Jabiru — Kakadu entry fee distribution
- Gunbalanya — Kakadu National Park — Entry Fee Distribution;
- Gunbalanya — Permit Processing & Signing of Land Trust
- Darwin — Interviews — Project Officer Position/ Jabiru
- Jabiru — ERA Litigation Mtg
- Mandorah — Strategic Planning Workshop
- Nourlangie — ERA Litigation Mtg

KATHERINE REGIONAL OFFICE

- Hodgson Downs — Land Claim Proofing
- Ngukurr — Mabo
- Ngukurr — Native Title
- Numbulwar — Lease arrangements
- Hodgson Downs — Mabo
- Hodgson Downs — ELA mtg
- Numbulwar — Shop lease
- Hodgson Downs — ELA mtg
- Walker River — Incorporation
- Ngukurr — Council Lease/Licences
- Ngukurr — Permits
- Katherine — Ngalakan AGM mtg
- Urapunga — Community Living Area (CLA)
- Ngukurr — Community Government Scheme mtg
- Hodgson Downs — Land Claim Proofing
- Ngukurr — TO consultation Bulman track
- Numbulwar — Traditional Owner's mtg
- Urapunga — Ngalakan mtg — Permits
- Ngukurr — Community mtg — Permits
- Urapunga — Ngalakan mtg
- Bringung — Protection of Sacred Sites
- Hodgson Downs — Land Claim mtg
- Muckaty — Land Claim Proofing
- Elsey Station — Land Claim Proofing
- Muckaty — Land Claim Hearing
- Cox River — ELA
- Larrimah — Wubulawun Land Trust
- Borroloola — Mining
- Brunette Downs — Living Area mtg (CLA)
- Elsey — Land Claim
- Marryallaluk — Jawoyn AGM
- Jabiru — Full Council Mtg (FCM)
- Elsey Station — Land Claim Hearing
- Ngukurr — Yellow Water Mens Ceremony
- Bulman — ELA
- Katherine — McKay Hill Royalty mtg
- Elsey Station — Directors mtg
- Elsey Station — Land Claim
- Borroloola — MIM mining
- Katherine — Wadiman Land Claim
- Mataranka — Detriment Hearing
- Beswick — Gravel extraction mtg
- Barunga — Gravel extraction mtg
- Bulman — Gravel extraction mtg
- Jilkmingan — Army clearance
- Beswick — Army clearance
- Hodgson — Army clearance
- Beswick — Russian Journalists
- Beswick — ELA
- Cox River — ELA
- Larrimah — TOs Wubulawun & Incorporation mtg
- Larrimah — Wubulawun TOs mtg
- Jilkmingan — Incorporation mtg
- Tennant Creek — Mabo mtg
- Katherine — Wubulawun General mtg
- Hodgson Downs — Set up Outstn Natha Gorge
- Arnhem Land — Army clearance "Operation Nervose"
- Kidman Springs — CLA
- Katherine — Ngardalindji Incorporation mtg
- Borroloola — Sand extraction
- Eva Valley — Mabo mtg
- Bulman — OLG mtg
- McKay Hills — Mustering
- Ngukurr — Daniels Incorporation
- Gove — Nhulunbuy Track weight limit consultations
- Bawurrpanta — Sacred Site Damage
- Timber Creek — Liaison
- Ngukurr — Liaison
- Borroloola — Liaison
- Kununurra — Spirit Hills Native Title
- Newcastle Waters — Sacred Site damage
- Beswick — Telecommunications Site clearance
- Barunga — Telecommunications Site clearance
- Wagiman — AGM Kybrook Farm
- Katherine — Mann River Mustering
- Beswick — Army clearances
- Larrimah — Army clearances
- Kakadu Village — 62nd FCM (Full Council Mtg)
- Jasper Gorge — CLA
- Nilpidji — Association Incorporation mtg
- Wardaman — Innisvale Mustering with Traditional Owners
- Wombardi — Land Trust mtg
- Marra — Land Trust renewal
- Arnhem Land — Safari mtg Bodaidai
- Urapunga — Traditional Owners Stock Route mtg
- Jasper Gorge — Rental money mtg
- Urapunga — Traditional Owners Re: Sale mtg
- Wagiman — Land Trust mtg DPIF
- Timber Creek — Fogarty Lease mtg
- Beswick — SLAP clearance mtg
- Numbulwar — SLAP clearance mtg
- Jilkmingan — Future plans for shop & power house mtg
- Bulman — Community Registrar Aboriginal Corporation
- Pine Creek — Wagaman Handover
- Katherine — Wardaman Handover
- Hodgson Downs — Funeral assistance
- Timber Creek — Survey Clearance; Fitzroy
- Aminbidji — Surrender Pastoral Lease. Land Trust member election
- Kununurra — Bucket Springs dispute
- Eva Valley — Eva Valley Statement
- Tennant Creek — Relieving staff (holidays)
- Katherine — Katherine region Council member elections
- Aminbidji — CLA consultations
- Bubble Bubble — Community Visits Stock Route Auvergne
- Top Springs & Elliot — Consultations
- VRD region — CLA consultations
- Yarralin — funeral assistance
- Yarralin — Kidman Jasper. Royalty distribution Instructions
- Timber Creek — Mayat Land Trust mtg
- Numbulwar — Mustering consultations
- Elsey Station — inspection
- Rockhampton — Bull sale
- Fitzroy Station — Directors mtg
- Elsey Station — Directors mtg
- Katherine — Mann River royalty consultation
- Katherine — McKay Hill royalty mtg
- Elsey Station — Directors mtg
- Fitzroy Station — Directors mtg
- Elsey Station — Relieving as station manager
- Elsey Station — Interview for new manager
- Elsey Station — Directors mtg
- Elsey Station — Station inspection with new manager
- Muckaty — Station inspection mtg
- Fitzroy Station — Peg fenceline
- Fitzroy Station — Mtg re: future directions
- Borroloola — Bauhinia management plan
- Bauhinia Downs — Land Handover
- Bauhinia Downs — MeetTOs re: management structure
- Elsey Station — Meet TOs Ord River Station
- Muckaty Station — Inspection
- Jarrahdale — Drafting cattle
- Bauhinia Downs — Mtgs with Traditional Owners
- Elsey Station — Mtgs with Traditional Owners
- Ngukurr — Bureau Rural Resources, Grant Applications

NHULUNBUY REGIONAL OFFICE

- Gan Gan — Buffalo safaries, distribution of royalties
- Garrthalala — Sea rights
- Gapuwiyak — Royalty distribution (Nabalco)
- Yirrkala — S.P.L. rent distribution
- Dhalingbuy — Traditional owner land dispute
- Gapuwiyak — Royalty distribution (gravel)
- Yirrkala — NLC office accommodation
- Gapuwiyak — Royalty distribution (crocodile eggs)
- Yirrkala — Royalty distribution (gravel)
- Yirrkala — Royalty distribution (Clan Association)
- Nhulunbuy — Members of Numbulwar Council
- Wandawuy — Increased load limit Gove/Bulman track
- Yirrkala — Illegal Kava supply
- Galiwinku — Barge landing fees
- Gravel Pit 126km — Approval for gravel removal
- Yirrkala — Royalty distribution (crocodile eggs)
- Dhupuwamirri — Increased load limit Gove/ Bulman track
- Gapuwiyak — Increased load limit Gove/Bulman track
- Baniyala — Increased load limit Gove/Bulman track
- Laynhapuy — Nabalco royalty
- Nabalco Office — Nabalco royalty
- Galiwinku — Airline dispute, Nabalco royalty distribution
- Doyndji — Increased load limit Gove/Bulman track
- Yirrkala — Illegal fishing boats
- Blue Metal Quarry — Lease negotiations
- YBE Office — Gathiya report
- NRO — Royalty distribution gravel
- Galiwinku — Airline dispute
- Yirrkala — Community Ranger proposal
- Hideaway — Galiwinku airline dispute
- Dhalingbuy — Traditional owner land dispute
- Numbulwar — Council, T/O agreement
- Gapuwiyak — Charter boat fee distribution
- Gapuwiyak — Illegal kava sellers
- Laynhapuy — Trepang fishermen
- Gan Gan — ELA's
- Yirrkala — Takeaway food outlet

3.5 Exploration and mining

During this reporting year landowners instructed the Land Council to enter into negotiations or agreements concerning exploration and mining on their land. This process has continued despite uncertainty over Native Title issues and the unwillingness of government and industry to support amendments to the Land Rights Act to ensure the enforceability of Part IV agreements.

Negotiations

The processing of Exploration Licence Applications (ELAs) during the year has laid the basis for important breakthroughs in accessing Aboriginal land for exploration and mining.

Intensive negotiations for exploration and mining access to Aboriginal land were conducted over ELA 3426 in the Daly River Land Trust area, ELAs 6281, 6282 in the Beswick Land Trust area, ELAs 6354, 6352, 6353, 6355, 6711 and 6712 covering a southern portion of the Arnhem Land Aboriginal Land Trust and a cluster of seven ELAs east of Gunbalanya in Western Arnhem Land. Many other ELAs that are in the process of negotiation were also the subject of correspondence and discussion with the relevant mining company.

Negotiations and consultations have reached the point for the majority of the above ELAs where many land owners have endorsed relevant draft agreements and instructed that the Land Council enter those agreements.

Progress in the furthering of agreements for exploration and mining on Aboriginal land are only achieved after complex and lengthy negotiations. It is not unusual for mining companies to take up to 12 months or longer to negotiate joint arrangements among themselves.

In dealing with Aboriginal landowners the normal complexities of reaching commercial mining agreements may be compounded given cross cultural and political factors. Companies willing to accommodate these cross cultural factors, including understanding the things that are important to traditional landowners, are more likely to be successful. They have a greater chance of being able to access land, particularly land that may not have been explored and which shows potentially high prospectivity.

During the reporting period new Section 42(2) consultations were conducted over six ELAs in West and East Arnhem Land and the Gulf region. These consultations were in addition to those required to further the more advanced negotiations noted above.

Petroleum exploration

In late 1991 the traditional owners of the vast Daly River/Port Keats Aboriginal land area agreed in principle to oil exploration over their land. They formed the Mangalpu Biyawul Bingarawal Aboriginal Corporation (MBBAC) to seek suitable co-venturers to supply initial capital and expertise in the search for petroleum over the land, as well as to apply individually or jointly for an oil permit over prospective parts of the area.

The management committee of MBBAC is comprised of spokespersons from each Aboriginal language group in the area. The pro-active approach of Aboriginal land owners to resource development is innovative and practical.

The positive attitudes and goodwill of landowners reflected in the formation of MBBAC should be encouraging to potential joint venturers. MBBAC provides incoming joint venture partners with a corporate body of land owners which can be dealt with directly, thereby providing a forum for good communication and understanding between the parties.

The Department of Mines and Energy has also assisted in the formation of MBBAC and has currently reserved the area from application for a permit for oil exploration. The Department has encouraged MBBAC to enter into a suitable joint venture arrangement and then apply for the permit when the reservation is lifted.

The members of MBBAC control access to their land and hence the access to and exploitation of the possible petroleum resources through the Land Rights Act.

The Corporation is concerned with good environmental management, protection of their sacred sites, financial benefits and the way in which, if exploration is successful, petroleum resources are extracted and transported from the land. Petroleum is a non-renewable resource and its possible exploitation in the area may constitute the only source of independent capital from their land for enhancement of the landowners future social and economic welfare.

MBBAC understands that before committing themselves to exploration any incoming joint venture partner would require access procedures, environmental requirements, financial arrangements

3.5 PROCESSING EXPLORATION APPLICATIONS

The laws governing the granting of exploration licences and permits on Aboriginal land in the NT are the Northern Territory *Mining Act 1980* and the *Aboriginal Land Rights (Northern Territory) Act 1976.*

An exploration licence or exploration permit which allows the holder to explore for minerals or hydrocarbons cannot be issued by the Northern Territory Minister for Mines and Energy unless the applicant and the Land Council have entered into an agreement.

The procedure for processing exploration applications is as follows:

1) Exploration Licence Application — The mining company applies to the Northern Territory Department of Mines and Energy (DME) for a licence or permit.

2) Consent to negotiate — The Minister for Mines and Energy grants the mining company "consent to negotiate" with the Land Council.

3) Traditional Landowner identification — The Land Council identifies the appropriate traditional landowners for the area under application.

4) Application for consent — The mining company must submit its application including exploration proposal to the Land Council within three months, otherwise the application is deemed to have been withdrawn. The exploration proposal must describe all aspects of the exploration activity including possible impact on the environment and the social impacts. The Land Council ensures that the proposal provides adequate information for traditional landowners to make a decision.

5) Consultation — The Land Council organises a meeting of appropriate traditional landowners as soon as possible at which the applicant presents its proposal. (With the consent of the traditional landowners, the applicant may also attend subsequent meetings.) A representative of the Minister for Aboriginal Affairs may also attend the meeting.

The traditional landowners have the right to instruct the Land Council to refuse consent to an exploration proposal that affects their land. Refusal freezes the application for five years after which the same company may re-apply.

Alternatively, traditional landowners may instruct the Land Council to negotiate an agreement with the company. Negotiations are pursued in consultation with the landowners. The Land Council can only enter into an agreement with the approval of the traditional landowners of the area under application and the Minister for Aboriginal Affairs.

and development consent be provided for in relevant agreements, in particular, a joint venture agreement. To this end, the Land Council has assisted the Corporation in producing a marketing package which outlines the conditions that the MBBAC desires to see incorporated in a joint venture agreement. The package was distributed to inquirers at the March conference in Sydney of the Australian Petroleum Exploration Association.

A number of oil companies have communicated with the Land Council and sought copies of draft agreements.

McArthur River mining project

The traditional landowners of the port and mine area of this large silver-lead-zinc deposit located on Gurdandji traditional land on McArthur River Station entered into agreement with the Commonwealth Government in late 1993. Neither the port nor the mine areas are Aboriginal land.

The agreement ensured the purchase of Bauhinia Downs Station for the benefit of Gurdandji people and the Commonwealth received assurances that Anyula-Mara and Gurdandji native title holders would not seek compensation from the Commonwealth for the issue of title by the Northern Territory Government to the mining company for the port and mine site area.

No formal agreement was reached between Aboriginal people and Mt Isa Mines (MIM). The future will tell whether this was a sensible approach by MIM. The company has formed a business relationship with a local Aboriginal corporation, which in joint venture with the Aboriginal Development Commission and Burns Philp, won the contract to ship ore from Bing Bong Station to off-shore transport ships.

Uncertainty remains

While the Land Rights Act remains unamended it imposes an unfair burden of decision making on Aboriginal landowners. When asked to enter into an agreement for exploration, the effect of the Act is that landowners give their consent to any mining phase that may come from their consent. Land Councils and mining companies have attempted to reduce the impact of that decision by agreeing to terms and conditions under which mining can take place following successful exploration.

This would be helpful except that some legal views of the Act hold that these bridging mining conditions may be declared void or at least unenforcable by a court. The campaign of the Land Councils to amend the Act to allow negotiation of agreements to overcome this deficiency has not been successful. The issue is far from dead. The Land Council will continue to seek appropriate amendments to ensure the Act contains fair principles for all parties involved in exploring and developing Aboriginal land.

General

Environmental and mining staff of the Land Council attended relevant professional and technical conferences to ensure contemporary expertise was maintained in the organisation. Conferences that dealt with financing of mining operations, environmental monitoring, geotechnical issues and petroleum exploration were attended.

Mining staff maintained surveillance of current exploration and mining activities over licences and leases in western Arhnem Land, Nhulunbuy and Cox River. Activities included co-ordinating of work program consultations, rental distribution, business advice to Aboriginal Corporations, drill site inspections and environmental impact assessment. All companies complied with environmental conditions in agreements during the reporting period.

The in-house geologist carried out a geo-technical assessment of EL 2508, held by Queensland Mines Ltd. (QML). Landowners also approved an additional two year extension to this exploration licence, on top of six years of exploration over the original lease area. A new agreement entered into in November 1993 provided for exploration access by QML to Special Mining Lease No. 94, the clarification of rental payments and the process under which rehabilitation will take place on the original mine site. The Land Council has also worked with QML in preparing advertising documents dealing with the sale of assets from the Nabarlek mine site.

The Land Council has assisted the Jawoyn Association work out procedures and draft documents to deal with mining companies seeking access to Jawoyn freehold land. Advice was also provided in the case of the Dominion—Wagala joint venture. This agreement, and others that Jawoyn are seeking are agreements arising out of the *Northern Territory Mining Act*, not the Land Rights Act.

3.6 Business and economic

The Land Council provides a range of services to Aboriginal people and their communities in the business and economic area.

In particular advice, liaison and representation on road construction and maintenance, commercial enterprise development and maintenance and the negotiations of leases, and licences for a diverse range of facilities (both Government and non-Government) located on Aboriginal land.

Commercial enterprises

Consultations with traditional owners and affected people were carried out on a three year extension of the store lease to Viedeen Pty Ltd at Ngukurr.

An Aboriginal organisation called the Mawurli and Wirriwangkuma Aboriginal Corporation was incorporated to take part in some of the joint venture arrangements with the Commercial Development Corporation in the shipping and cartage contracts associated with the McArthur River Mine operations. The joint venture arrangement was successful in both the above contracts.

Preliminary investigations are in progress to establish an Aboriginal owned and operated retail grocery outlet servicing the town of Borroloola and the various Aboriginal outstations in the area.

The Mungoorbada Aboriginal Corporation at Robinson River took over the operation of the community store, cattle project and various other projects operated under CDEP. This one of the few communities that is operated and managed by Aboriginals themselves.

Council agreements

A process which formally recognises traditional land ownership in regard to leases and licences in communities was commenced during the 1992/93 financial year.

Until April 1993 there had been no formal lease process in place in regard to developments in Aboriginal communities, whether for a government school or a privately-owned store.

In the past, agreements for any individual developments had come via a consultation process between a Land Council officer and a traditional owner of township land.

Under the new system traditional owners issue a covering head-lease to a council, enabling it to control development by issuing subsequent leases to third parties.

Sub-leases at "peppercorn" rentals by the Council are provided under the system to Government departments for schools, police stations and health clinics, as they supply a free service to the community.

As well as providing a revenue base for traditional owners, the system means traditional owners don't need to be consulted over every proposal. The system also means the council can develop more quickly and efficiently, and it allows funding bodies such as government the ability to consult and negotiate more easily.

It also means that parties with interests in a community cannot manipulate traditional owners as easily.

Preliminary consultations with traditional owners and affected people have been completed in the major communities regarding the agreements. Reactions and instructions have been very diverse, ranging from wait-and-see to commencing formal lease documentation.

In the absence of a prompt response from the Northern Territory Government agreements over service infrastructure established by the Government on Aboriginal land may be a long drawn-out exercise.

General leases and licences

The Land Council has continued to consult over and process applications by various organisations and individuals for such things as Telecom facilities, lighthouses and so on.

3.6 STATUS OF EXPLORATION LICENCE APPLICATIONS ON ABORIGINAL LAND IN THE NORTHERN LAND COUNCIL REGION 30 JUNE 1994

Without consent to negotiate from Minister for Mines and Energy	**179**
Withdrawn	**89**
Refused by Minister	**51**
Awaiting decision of Minister	**39**
With consent to negotiate from the Minister for Mines and Energy	**279**
Applications due	**0**
Deemed withdrawn	**37**
Applications recieved	**242**
Withdrawn after proposal submitted	**20**
Under consideration by traditional owners	**2**
Negotiations in progress	**43**
Refused by traditional owners	**98**
Agreements reached	**18**

3.7 Access to Aboriginal land and adjoining seas

As Mr Justice Woodward said in his 1974 Royal Commission into Aboriginal land rights: "The most important proof of Aboriginal ownership of land will be the right to exclude from it those people who are not welcome."

The (NT) *Aboriginal Land Act 1980* requires anyone entering Aboriginal land or seas adjoining Aboriginal land to be in possession of a permit.

The Land Councils provide a unique public service by administering a permit system at great expense to themselves that is free of charge to the public.

The Northern Land Council employs a Permits Officer who specifically deals with the processing of permits. Permits can be applied for at the reception area of the Land Council at 9 Rowling St, Casuarina or a form can be sent out by phoning the Permits Officer on (089) 205 100.

The regional offices of the Land Council also spend much effort processing applications. Forms can be obtained at any regional office.

Permits are issued if approval is granted by local traditional owners of the area being applied for.

The Land Council issued 9,903 permits for the year. This figure superficially appears to be a decrease of almost a third on last year's figures.

However, responsibility for recreational and visitor permits for the Nhulunbuy region this financial year was taken over by Dhimurru Land Management based in the township.

In 1992/93 a total of 8,653 permits were issued by the Land Council for East Arnhem. This year the total of Dhimurru and Land Council issued permits totalled 2,818. Of these, Dhimurru issued 644 recreational and 327 visitor and special permits for 1993/94. However, the figures are for family or vehicle permits and do not accurately reflect the number of individual permits issued. This figure would be considerably higher — probably 300 to 400 per cent higher.

3.7 PERMITS ISSUED BY THE NLC 1993-1994

Month	Darwin/Daly	W Arnhem	Katherine	E Arnhem	Sub total
July	93	750	461	304	1608
August	77	643	238	133	1091
September	97	442	394	213	1146
October	79	341	225	217	862
November	50	145	375	73	643
December	0	143	128	35	306
January	40	214	43	16	1313
February	15	94	41	21	171
March	21	68	96	89	274
April	41	162	137	160	500
May	68	479	440	199	1186
June	92	578	746	387	1803
TOTAL	**673**	**4059**	**3324**	**1847**	**9903**

4 — REPRESENTATION & POLICY

The activities in this area are fulfilled through the Land Council's Directorate. These include the following programs:

- Chairman and Director's office
- Full Council Meetings
- Executive meetings
- Regional meetings
- Council member training
- Information and communication services
- Research
- Policy and planning
- Local government

The role of Directorate is to support the Council, the Chairman and the Director in policy development, planning and research.

The primary policy making forum are the Full Council Meetings and the Executive Meetings. Consequently, a large part of the Directorate resources are devoted to supporting these activities.

Communication is an essential component of the Directorate's function and includes providing constituents with up-to-date information on Council business through a newspaper (*Land Rights News*), video (*Land Rights Views*), newsletters, pamphlets and posters. Maintaining a positive public image of the Land Council is another objective of the communication function, as is addressing the day to day media regarding the Land Council.

Policy and planning are functions which flow directly from the Council's policy-setting and decision-making forums. The Directorate has the primary function of ensuring Council decisions are implemented and that the appropriate research and policy development accompanies the decision-making function of the Council.

An important part of these program areas includes supporting the Chairman, Council members and the Director in participating in seminars and conferences and presenting the Land Council's views on relevant issues in the form of submissions and papers.

The local government program focuses on supporting communities development and implement systems and structures of local government. This is consistent with the Council's policy to decentralise and regionalise its operations and decision-making functions. It is an essential part of the process for achieving self-determination.

The Land Council's responsibility to represent the interests and promote the views of traditional landowners and other Aboriginal people involves making representations to both the Commonwealth and Northern Territory Governments, preparing submissions to various inquiries, as well as participation in national and international forums.

The Land Council receives many requests to participate in seminars and conferences and to provide speakers to public meetings and special interest groups. Every effort is made to satisfy these requests

as the Land Council appreciates the continuing need for educating non-Aboriginal Australia. Journalists and documentary-makers also look to the Land Council for a representative opinion of Aboriginal people in the Top End of the Northern Territory.

4.1 Native title

At the close of last financial year developments over the Federal Government's response to the High Court's Mabo decision were gathering pace.

A statement of principles was developed in April 1993 and presented to the Prime Minister. Called the Peace Plan, it spelt out the principles which Aboriginal leaders believed should be incorporated into the Federal Government's legislative response to the High Court's Mabo decision.

In August 1993, a National Conference of Aboriginal people was convened at Manyululuk (Eva Valley) in the Northern Territory. Over three days, Aboriginal leaders thrashed out a more definitive negotiating position.

This was a land-mark meeting, involving a broad cross-section of national representatives and signifying a strengthening of the alliance between Aboriginal leaders.

The resultant statement from the conference was to set the scene for on-going negotiations with the Federal Government.

In October 1994 a further national Aboriginal conference was convened in Canberra.

The conference highlighted the diversity of opinion amongst Aboriginal people and the dilemma faced in responding to the High Court's Mabo decision.

By this stage the Federal Government had produced a draft discussion paper outlining its proposed response.

The proposal was seen as a blow to Aboriginal expectations as the Government's response did not meet the expectation expressed in the Manyululuk Statement. Where native title had been recognised by the High Court's decision, its interpretation (and the one adopted by the Federal Government) would immediately extinguish that native title for much of the continent.

Native title would reside only with Aborigines who could demonstrate on-going connections to their land, leaving the majority Aboriginal people, those dispossessed of their country, without any tangible benefit or recognition.

The unified national legislative response proposed by the Federal Government was designed to create certainty of land tenure. Aboriginal leaders saw this approach as responding to the interests of mining companies, pastoralists and land developers at the expense (yet gain) of Aboriginal people.

The response of some Aboriginal people, was to withdraw from the consultation process. However, the leading Aboriginal organisations including Land Councils and Aboriginal legal services believed that the best strategy was to continue negotiations with the Federal Government, and extract the best deal possible. The result was a *Native Title Act*, which, whilst far from perfect, maintained important principles, and produced some gains which would have otherwise been lost.

There are however equally important outcomes flowing from the High Court's Native Title decision.

The Federal Government has fulfilled its commitment to establish a land fund (worth $1.4 billion) to purchase land for the benefit of all Aboriginal people; especially focused on those who may not directly benefit from the *Native Title Act*. As with the development of the *Native Title Act*, the Land

Council has been a major player in the negotiations of the National Land Fund Legislation, due to be introduced into Federal Parliament in August 1994.

A further commitment of the Federal Government is the establishment of a Social Justice Package. This is probably the most important outcome flowing from the Mabo decision. The objective is to change forever the way in which governments deal with Aboriginal people.

THE NATIVE TITLE ACT OF 1993

The *Native Title Act* largely followed the reasoning of the High Court in the *Mabo case* but expanded upon it in a number of places.

The National Native Title Tribunal was established to deal with native title issues. The tribunal is intended to be cheaper and less formal than a court. Its function is to try and mediate between Aboriginal people, the government, and other parties so as to avoid expensive and lengthy court proceedings. It cannot force any of the parties to do anything. If no agreement can be reached, the case is referred to the Federal Court where it is heard like a land claim.

The government has to give notice to Aboriginal people when it wants to extinguish native title. Procedures are available which Aboriginal people can use to make the government negotiate with them.

Outstanding native title issues

The Land Council as a prescribed body to deal with native title is involved in the resolution of several major legal issues.

The nature of native title is one. In what circumstances are Aboriginal interests less than freehold ownership? Another is whether pastoral leases extinguish native title. Most such leases in the Northern Territory have a reservation clause which may protect native title. In contrast the Wik people in Queensland are dealing with leases with no reservation clause, and so are using more difficult legal arguments.

Other issues to be determined are whether native title exists over national parks, and whether native title exists over the sea.

Staff

The Land Council has employed a lawyer, an anthropologist, and a research officer to assist with native title issues.

The major focus up to 30 June 1994 has been the preparation of test cases regarding particular issues. These issues include the nature of native title rights, and whether native title exists over pastoral leases, the sea, national parks, and within town boundaries.

The Land Council has been required to assist traditional owners to respond to government applications. These applications arise when a government or a company asks the Native Title Tribunal whether native title exists over an area of land. Traditional owners must respond within two months. Failure to do so means that native title is extinguished and only compensation can be claimed.

The Social Justice Package is not about compensation or money. It is about recognising Aboriginal peoples' fundamental rights to self-determination through constitutional change and reforms to government legislation. It is more than citizenship rights, entitlements which Aboriginal people have been denied, such as acceptable standard of health, housing and education. The Social Justice Package should embrace special rights of indigenous peoples.

Consultations for the Social Justice Package commenced in June 1994 and the Land Council will be a major contributor to its development.

4.2 The Land Rights Act

In, 1993/94 as in other years, the Land Council has devoted time trying to protect the rights of Aboriginal people as prescribed under the Land Rights Act. Through the debate over the Native Title Act, the Land Rights Act became a target.

Because the Land Rights Act offers superior protection for Aboriginal land owners, opponents like the mining industry and Northern Territory Government argued that these provisions should be weakened to the same as those which exist under the *Native Title Act*. This would have meant Aboriginal people in the Northern Territory loosing their rights. Naturally the Land Council resisted this attack and have received assurance from the Prime Minister and the Minister for Aboriginal and Torres Strait Islander Affairs that there would be no changes to weaken the Land Rights Act. Of course, we do not know how long that assurance will last.

During the year the Northern Territory Government has conducted its predictably strident campaign against Aboriginal people and the Land Rights Act, reaching a crescendo at the Northern Territory elections (see Section 4.7).

4.3 ANAO audit

In response to politically-charged attacks on the Land Council, the Minister for Aboriginal and Torres Strait Islander Affairs requested the Auditor General to undertake an Efficiency Audit of the Land Council.

The attacks on the Land Council came from Senator Tambling raising in the Senate Estimates Committee in November 1992 and May 1993 aspects of the financial operations of the Land Council.

The Chairman, the former Director and the organisation were subject to personal and professional vilification.

The Minister, in instigating the audit said:

> *"I would emphasise that I have reached no final conclusion on the accuracy or substance or otherwise of Senator Tambling's concerns. In the interests of my continuing commitment to open and accountable government, however, I have decided to take (these) steps ... It is in the interests of Aboriginal people in the Northern Territory, including staff and Councillors of the Northern Land Council, that urgent action be taken to clarify concerns and, where appropriate, to remedy any deficiencies and shortcomings."*

The terms of reference for the audit were:

1. Whether there have been any improprieties in the administration of royalty trust accounts operated by the Land Council on behalf of beneficiaries.
2. Whether the practice of the Land Council of advancing moneys to Council members is lawful and/or appropriate in the light of accepted practice in other Commonwealth statutory authorities.

3. Whether the utilisation of fringe benefits tax schemes by the Land Council is proper and appropriate in light of accepted practice in other Commonwealth statutory authorities.
4. Whether the level of use of consultants by the Land Council is appropriate and whether, in giving consultancies, the Land Council follows appropriate procedures.
5. What action might be taken in respect of audit qualifications contained in the Land Council's 1991-92 Annual Report.
6. What action might be taken generally in terms of the Land Council's management structure and administrative processes to improve the Council's financial and administrative performance.
7. Whether the present application of section 64 of the Aboriginal Land Rights Act, especially in relation to the use of sub-section 64(7) payments to supplement the budgets of the Council, is in accordance with the intentions of the Act and facilitates responsible and efficient financial management by the Land Council.

The Australian National Audit Office (ANAO) which conducted the audit produced a report incorporating 52 recommendations. Following clarification of the intent and implications of these recommendations, the Land Council has agreed to all recommendations and has made considerable progress in implementing those recommendations.

The audit report did not find any serious illegal or improper practice. It did identify some organisational and management practice which should be improved and the Land Council has acted quickly to address these problems.

In February 1994, the Land Council appeared before the House of Representative Standing Committee on Aboriginal and Torres Strait Islander Affairs, which was reviewing the outcomes of the ANAO audit.

The report of the Committee, published in April 1944, and correspondence from the Minister, indicate strong support for the way in which the Land Council has responded to the audit.

These favourable reports vindicate the integrity of the Land Council and dispel any implication of impropriety presented by Senator Tambling. Unfortunately the Senator has not acknowledged or apologised for his excesses.

Possibly the best indicator of the basis for the original criticism, and of the Land Council propriety, came from the Deputy Chairperson of the House of Representatives Committee, Opposition member Mr Gary Nehl MP, who said towards the conclusion of the hearing:

"To me ... it looks like a slap-on-the-wrist sort of report. (ANAO) has highlighted and pin-pointed a lot of nit-picking things but there is nothing seriously wrong, there are no problems there."

4.4 Local government

For Aboriginal communities, the issue of local government is of crucial importance. It is more than simply related to the delivery of local government services, it goes to the heart of control of decision-making over matters close to the community. The way in which local governance is achieved will depend to a large extent on how they are structured and in which way they are incorporated.

In the Northern Territory, there are several ways in which a community can become incorporated as a local governing body. However, there are generally speaking only two ways for formal recognition as a local government. These are as a Community Government Scheme under the *Local Government (Northern Territory) Act* or as a Council under Part III of the *Commonwealth Aboriginal Councils and Associations Act 1976*.



Gulin Gulin town clerk Peter Miller explains aspects of local government legislation to residents of the community in central Arnhem Land.

Whilst many communities would prefer the latter, none have yet succeeded in becoming incorporated as a Council under the Commonwealth legislation, largely through opposition from the Northern Territory Government and resistance or benign neglect by government agencies.

The preference for the Commonwealth option is essentially born of two elements. The first is the Aboriginal communities experience with the Northern Territory Government which is characterised by hostility to Aboriginal interests and self determination. The Northern Territory's misallocation of funding and neglect of responsibilities for service delivery have created a high degree of distrust towards the Northern Territory Government.

The second is a product of the first, and that is a desire to establish a direct relationship with the Commonwealth Government. This would allow communities to by-pass the Northern Territory Government and to create a framework for direct funding and self-government.

The Land Council is called upon to explain to communities the details of their options and the implications of their choice. In accordance with the priorities as determined by the Full Council, Land Council officers have spent a great deal of time providing objective advice to the communities.

The Gulin-Gulin and Weemol communities of south east Arhnem Land have considered their options and are increasing their endeavours to achieve what the Royal Commission into Aboriginal Deaths in Custody recommended as their right. That is, to incorporate in the manner which they choose and not suffer any punitive action from governments.

They have embarked on the arduous process of incorporation under Part III of the Commonwealth legislation and in doing so resisting the financial penalties which the Northern Territory Government have threatened. These penalties include withholding so called "establishment" funds which the Northern Territory Government provides to communities which adopt the Northern Territory's Community Government Scheme, and threatening to withdraw other funds.

The Gulin Gulin and Weemol communities are fully aware of the difficulties and that this is not an instant panacea but the first step in a longer process.

The Land Council, in responding to requests from the Gulin-Gulin and Weemol communities, has provided support for the communities in representations to the Commonwealth Government, negotiations with the Registrar, and support to maintain the rightful level of funding from the Northern Territory Government and lobbying to have the wider implications addressed.

This action is forcing all parties to address the complex array of associated issues. These include the adequacy of the Commonwealth legislation as a vehicle for Aboriginal self-government, the role and policy of the Commonwealth in supporting Aboriginal self-government, the issue of funding (direct or otherwise), the relationship between the Land Rights Act and the alternative local government arrangements. This is adding to the momentum of developing mechanisms through which communities' desire for self-government can be achieved, for example with regional agreements.

Over the coming year, it is expected that the Gulin-Gulin and Weemol communities will break new ground in asserting their rights and making significant progress towards realising self-determination and the goal for self-government. Significantly, they have received strong support from the Minister for Aboriginal and Torres Strait Islander Affairs.

4.5 Roads

The maintenance of roads on Aboriginal land has long been a issue of contention. For remote communities, roads are essential to the well-being of the community. The long distances and often poor quality of the roads are factors influencing the high cost of goods and services in the communities, the cost of wear and tear on vehicles, the high incidence of road accidents, the lack of access to health and other services.

In the Northern Territory the Government's expenditure on road maintenance has mirrored that on other services to remote Aboriginal communities. It is clear that in spite of the Commonwealth Government's policy of "horizontal fiscal equalisation" — the process through which the allocation of Commonwealth Grants Commission funding attempts to ensure all communities throughout Australia have access to equivalent level of services — remote Aboriginal communities are neglected, with disproportionate finding going to urban, predominantly non-Aboriginal communities.

The manner in which the Northern Territory Government distributes Commonwealth Grants Commission funding has been subject to criticism by the Land Councils. The Land Councils have argued that the Commonwealth Government should provide funding directly to the Aboriginal communities and not via the Northern Territory Government. In the case of roads funding, in 1992 the Commonwealth Government responded by distributing funding for the maintenance of local roads within Aboriginal communities and between outstations, directly to the communities.

The Northern Territory Government's response was to withdraw their funding for other roads on Aboriginal land, and have used the communities' vulnerability over their dependence on road access, to attempt to force the communities to give up some of their rights. The communities along the Daly River-Port Keats road have been the target of the Northern Territory Government's action. The Northern Territory Government has told the communities that their road will not be maintained unless the communities forgo their rights under the Land Rights Act and allow open public access along this road. As Aboriginal land, access along the road requires a permit.

The Northern Territory Government's action is an abrogation of their responsibility and a vindictive interpretation of, and response to, the Commonwealth Government's decision to directly fund Aboriginal communities. In the meantime, the Daly River-Port Keats road, the life-line for those communities, is in danger of serious deterioration. On behalf of the communities, the Land Council approached the Commonwealth Government, seeking assistance to resolve the impasse which had arisen.

The Commonwealth Government recognised the broader implications of this issue and agreed to commission a detailed analysis of the issue of funding for, and management of, roads on Aboriginal land. The study will be not be concluded until later in the calendar year. In the interim, the

Commonwealth Minister has undertaken to negotiate with the Northern Territory Government to ensure that the Daly River-Port Keats road will continue to be maintained.

The actions of the Northern Territory Government over the roads and local government issues are clear illustrations of why Aboriginal communities want to by-pass them and establish a direct relationship with the Commonwealth Government. This includes the direct funding for Aboriginal communities and is an issue which will be pursued through the Social Justice Package.

4.6 Strategic planning

The Land Council has commenced its strategic planning process. This is an ambitious process and the first time it has been conducted in the life of the land council.

At a meeting of the Council in July 1993, the Council requested the Director to develop a proposal for the development of a strategic plan. The Council recognised that there are major changes occurring in the political and social environment in which the Land Council operates. In such a dynamic environment it is necessary to regularly review the priorities and strategies of the Council and to assess what role Land Council should play. For example, over the past 18 years, the Land Council has been very successful in helping Aboriginal people get their country back. With the development of larger communities on this land, attention must now turn to addressing the communities' needs.



Land Council executive member, Rhonda Calma Holt, left, speaks with Marjorie Bil Bil of Belyuen as part of the Land Council's Strategic Planning community meetings.

The strategic planning process will incorporate extensive consultation with constituents through community workshops, with staff, and with external stakeholders, including government and non-government agencies, and relevant community and industry organisations.

A consultant has been engaged to facilitate the process and Council members and staff will be trained to assist with the consultations. Funding has been received from ATSIC and from the Northern Territory Government's Aboriginal Development Unit. It is expected that the plan will be completed by early 1995.

4.7 Northern Territory elections

The re-election campaign of the Northern Territory Government leading up to the 4 June 1994 Northern Territory election was regarded by the Land Councils as racially divisive. This unfortunately was a return to the political tactics of previous Northern Territory Governments.

In the Legislative Assembly the Government claimed that by winning back land within the catchment area of the Darwin River Dam Aboriginal people would pollute Darwin's water supply. The

Government claimed that Aboriginal people were holding Territorians to ransom over electricity prices by not allowing the Alice Springs to Darwin gas pipeline to run through their land. The Government also continued its claims that Aboriginal people were against mining and development, continued to misinform the public over the implications of the *Native Title Act* and claimed that Aboriginal people would buy up to 95 per cent of the Northern Territory under the Land Acquisition Fund.

In this era of reconciliation the Land Council expected something better than the politics of racial division.



Zimbabwe's High Commissioner to Australia, Lucas Tibia, right, is presented with a gift from Land Council Chairman, Galarrwuy Yunupingu, at the Land Council's Full Council Meeting at the South Alligator River in November 1993. Guest speakers such as Mr Tibia appear regularly at Land Council Meetings.

4.8 Land Council Full Council Meetings

The Land Council's Full Council Meetings occur three to four times per year and Executive Meetings or a similar number of times to formulate the policy and direction of the Land Council. Section 1 — Membership and Meetings of this report indicates the dates and locations of the Full Council Meetings and lists the Land Council members who attend.

The role of the Land Council's Director and staff is to ensure the resolutions of members at Full Council Meetings and Executive Meetings are carried out.

Much preparation takes place before every Full Council Meeting to ensure resolutions from the previous Meeting have been actioned and fully documented so that members have a full account of progress since the last Meeting. Proposed resolutions must also be fully documented with background information allowing members a fully informed decision. Much of the documentation does not require a decision but is background information purely to inform members.

This comprehensive documentation and information is published by Directorate staff and includes a member's newsletter with a summary of the last meeting. On the day before a meeting staff work with members in regional groups to assist in clarifying issues which will arise. Directorate staff are constantly attempting to improve the presentation of information to account for language and cultural difficulties.

Every Meeting requires a great deal of organisation. Up to 85 members and staff must be transported from across the Northern Territory, many from remote outstations, to the meeting place. Once there members must be fed, accommodated and returned following the three to four day meeting.

4.9 Media, public relations and community education

Demand for information about Aboriginal land rights continues to grow, particularly since the *Native Title Act* was passed in December 1993 and the publicity surrounding the Land Acquisition Fund and Social Justice Package continues.

The Land Council received and satisfied hundreds of requests for information from students, community groups and overseas individuals and groups.

Many groups visited the Land Council where they were given tours and presented with an outline of its activities. Staff also visited schools and presented information up to six times per month.

The Chairman and the Director in particular accepted numerous invitations to address meetings and seminars throughout the year. For example, the Director gave the opening address at a conference on juvenile detention in Darwin on 10 August 1993, spoke at the "Today we talk about tomorrow" Constitutional convention conference at Tennant Creek on 23-26 August and spoke at the "Aboriginal peoples, Federalism and Self-determination" conference in Townsville on 29-31 August.

As well Land Council representatives addressed various public forums and conferences throughout the year.

Publications

The Land Council, in conjunction with the Central Land Council, produces the *Land Rights News* newspaper quarterly through the year.

The publication covers many aspects of Aboriginal life, including native title, the Land Rights Act, land won back through claims, legislation affecting Aboriginal people, self-government, local-government, roads, conferences, mining, the pastoral industry, health and education, Aboriginal art, and indigenous affairs around the world.

Land Rights News stories for the year included:

- The lead up to and the passing of the *Native Title Act* on 23 December 1993.
- Ongoing negotiations regarding the Land Acquisition Fund and Social Justice Package.
- The June 1994 Northern Territory elections which the Land Councils claimed was racially divisive.
- The controversial visit to NT communities of Federal Health Minister Senator Graham Richardson and his announcement to the world of the appalling health conditions in which many Aboriginal people lived.

A community awareness video, *That Land Council Business*, is still being widely distributed.

The fourth of the series of the video magazine, *Land Rights Views*, was distributed during the year. Produced by Land Council staff it contains short segments on current activities of the Land Council, summaries of Full Council Meetings and educational and entertainment segments, music, health issues, and art. Approximately 400 copies of *Land Rights Views* were distributed to Aboriginal community organisations and schools in the Land Council area.

The Land Council has published a four page leaflet called *Our Story* explaining the history of land rights, the Land Rights Act, and the formation of the Land Council and its functions. *Our Story* is available through the Land Council's office.

A much larger publication, the popular *Our Land, Our Life* is being updated and reprinted and should be ready by the end of 1994. *Our Land, Our Life* will also be available through the Land Council's office.

The Land Council's journalist can be contacted by writing to the NLC, PO Box 42921, Casuarina, NT, 0810, or by phoning (089) 205 100/ 114.

5 — ADMINISTRATION & FINANCE

5.1 Financial management

Following the recommendations of the Walter and Turnbull report on the ABTA, the level of funding to be provided to the Land Council through approved estimates has been restricted to the level of approximately $8.5M. Accordingly the Land Council has continued to closely monitor expenditure.

Recommendations of the Australian National Audit Office (ANAO) report provided the impetus for changes in a number of areas which resulted in greater efficiency in many areas of the Land Council (see Section 4.3).

The Land Council has been successful in obtaining grants for several purposes including Native title claims, Pastoral Unit support, strategic planning and regionalisation which has enabled the Land Council to facilitate the provision of additional services to Aboriginal people in the Land Council region.

5.2 Funding

The funding arrangements of the Land Council are based on Sections 35, Subsections 64(1) and where necessary 64(7) of the *Aboriginal Land Rights (NT) Act 1976*.

Payments from consolidated revenue are made to the Aboriginal Benefits Trust Account (ABTA) based on a proportion of the royalties received by the Commonwealth and Northern Territory Governments, from mines on Aboriginal Land.

These royalty equivalents are distributed as follows:

- 30 per cent to the ABTA to meet it's administrative expenses, to Northern Territory Aboriginals on a grant basis, to Land Councils as Section 64(7) payments, and to the ABTA accumulated fund;
- 30 per cent to incorporated Aboriginal Groups in areas affected by mining operations on Aboriginal Land;

5.1 STAFF ESTABLISHMENT 30 JUNE 1994

Level	Numbers
Senior Executive Service Level 1	2
Legal Officer 1	2
Legal Officer 2	2
Librarian Grade 2	1
Administrative Service Officers	
Senior Officer Grade A	0
Senior Officer Grade B	7
Senior Officer Grade C	7
A.S.O. levels 1 to 6	76

- 40 per cent to the Land Councils as section 64(1) payments to meet their administrative and statutory obligations under the act. This percentage is distributed to: Northern Land Council (22 per cent), Central Land Council (15 per cent), Tiwi Land Council (2 per cent), and Anindilyakwa Land Council (1 per cent).

Under Section 34 the Land Councils submit estimates of expenditure to the Minister for the coming financial year in May for approval by July. Revised estimates are submitted by 30 November for approval by 31 January and a second revision may be submitted by 31 May for approval by June.

Payments are not made to the Land Councils by the ABTA until after the royalty equivalent has been received by them. It is therefore very difficult for the Land Councils to manage their operations when cash flows fluctuate to such an extent. The situation also forces the Land Council into overdraft. Correspondence has been entered into with ATSIC on this subject and a resolution is expected in the new year with meetings proposed for all parties involved in the funding process.

Total section 64(1) payments for 93/94 were $6,693,048. Section 64(7) monies applied for were $1,776,453. Total spending was $8,585,473. Accounting for interest received of $27,395 the Land Council faced a cash shortfall of for the year of $88,577.

5.3 Organisational structure

Several changes took place as a result of the recommendations in the Australian National Audit Office report (see Section 4.3). The departments of Directorate and Legal remained the same whilst the old departments of Administration, Operations and Anthropology took on a new look late in 1993.

Corporate Services

The Corporate Services branch is responsible for providing administrative support and Financial and Human Resource Management services to the Land Council.

The activities of the Branch are concerned mainly with:

- Finance and administration
  - financial management;
  - physical resource acquisition, management and maintenance;
  - administrative services;
  - provision of policy advice on the above.
- Human resource management

In 1993/94 the Human Resources section has continued to pursue a number of objectives in order to enable achievement of the Land Council's goals, among them the following:

- to enhance the efficiency and effectiveness of staff;
- to increase the responsibility and accountability of staff; and,
- to attract, develop and retain skilled and motivated staff.

Negotiation commenced between employees, employer organisations and management on the second round Workplace Bargaining Agreement. Policies have been developed to enhance the recruitment and selection process.

In the interests of improved efficiency and the Enterprise Bargaining Agreement, the organisation structure and classification of positions is being looked at on an on-going basis to ensure that we are utilising our resources in the most effective and efficient manner.

Training and staff development are being reviewed in order that we may continue to develop and retain skilled and motivated staff.

Several Aboriginal staff were successful in obtaining full time study awards through ATSIC and are attending either a degree or diploma course through Curtin University and Northern Territory University.

Part-time study continues to be a successful method of providing development for staff. Fundamental training in the area of bush survival and four wheel driving was conducted in-house and proved successful.

Staffing levels in 1993/94 were maintained at the current level. Individual workloads remained heavy, with almost every area being under-resourced. This matter is being addressed through the review of the organisation structure.

Regional Services

Regionalisation has long been an aim of the Land Council. The Regional Services branch was formed early in 1994. The branch has carriage of the eight regional offices, five of which were already established — Darwin/Daly, Nhulunbuy, Katherine, Jabiru and Tennant Creek — with the remaining three at Borroloola, Timber Creek and Ngukurr recently completed.

Part of the plan is to have Land Council staff with specific skills employed in the regional offices. This means that Aboriginal people in isolated communities have better access to information and expertise, thus avoiding the problems of access inherent in any centralised system. Community and urban reaction to the changes has been very positive.

In the coming year the Regional Services Manager will conduct a study of all regional offices, with the assistance of a consultant, to look at increasing productivity and efficiency in meeting the needs of Aboriginal people in the communities and urban areas.

Natural Resources

The Natural Resources branch was created out of the restructure of Operations branch.

The Branch is comprised of specialist project officers who provide advice to both the the Land Council and Aboriginal landowners the Land Council represents on matters relating to exploration and mining, environment, parks and tourism, pastoral, business and enterprise development.

The branch is now comprised of 13 staff including a manager, five senior project officers, five project officers, one secretarial support officer and one trainee and with all positions now filled has settled into a stable and efficient unit providing a range of specialist services. Reports from the Branch are provided in each of the five functional areas.

Anthropology

The Anthropology Branch of the Land Council is comprised of Anthropology, Land Interest Reference, Land Tenure and Native Title sections. In addition, consultant anthropologists are engaged by the Anthropology branch to conduct research on various projects, in particular land claims and native title claims. The Land Tenure and Native Title sections were incorporated into the Anthropology branch in 1993/94. The Land Tenure unit, previously with the Operations branch, was moved as a general restructuring of the Land Council; and the Native Title Unit was created to address the issues arising out of the *Native Title Act*.

The regions covered by the regional anthropologists are Darwin/Daly, West Arnhem, East Arnhem, South Arnhem and VRD/Barkly. Projects which Anthropology branch are involved with

are traditional ownership identification, site identification and protection, the preparation of anthropological reports and documents, the logistic organisation of land claims, and assisting in the preparation of native title claims.

5.4 Library

The function of the library is attached to the Human Resources section. The Land Council library is unique in nature and now holds around 22,000 items of interest to Aboriginal people mainly from the Top End.

Demands on the library continue to increase such that students from the Northern Territory University access the facilities. Computerisation of the library is expected to occur within the next twelve months.

5.5 Budget for 1993/94

The Minister approved a total budget of $8,707,000 for the 1993/94 financial year.

Total spending for this financial year was $8,585,473. The Council therefore achieved a balanced budget for the financial year ending 30 June 1994 and did not exceed one budget item by the allowable 20 per cent.

The Auditor's Report stated no qualifications reflecting an improved level of financial management throughout the organisation.

Responsibility accounting is being pursued and each project officer is responsible for his/her own projects. Whilst in this financial year there are a number of heads of expenditure, the 1994/95 budget submitted in May of this year includes only five heads of expenditure which are: Regional Services; Natural Resources; Anthropology; Legal; Directorate.

This has facilitated a more accurate financial system where each department carries their respective costs of operations, namely the cost of Corporate Services, (including staffing) and the Motor Vehicle fleet, thereby giving a more realistic costing for each area.

NORTHERN LAND COUNCIL

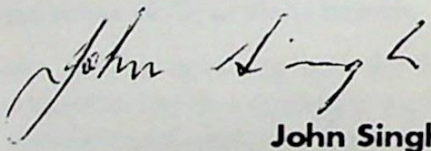
FINANCIAL STATEMENTS YEAR ENDED 30 JUNE 1994

Chairman's Certificate

I, John Singh, hereby state that to the best of my knowledge and belief the accompanying Operating Statement is drawn up so as to give a true and fair view of the results of the activities of the Northern Land Council for the year ended 30th June 1994 and the accompanying Balance Sheet is drawn up as to give a true and fair view of the state of affairs of the Northern Land Council as at 30th June 1994.

In addition, funds received from the Aboriginal Benefits Trust Account, Special Purpose Grants and other sources have been expended in accordance with the provisions of the Aboriginal Land Rights (Northern Territory) Act 1976 and funding guidelines.

At the date of this certificate there are reasonable grounds to believe that the Northern Land Council will be able to pay its debts as and when they fall due.



John Singh

ACTING CHAIRMAN

Date this 9th Day of December 1994.

The accompanying notes form part of these financial statements.
The accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

FINANCIAL STATEMENTS: YEAR ENDED 30 JUNE 1994

HORWATH GAMBLE & PARTNERS

NORTHERN LAND COUNCIL

INDEPENDENT AUDITOR'S REPORT

To the members of NORTHERN LAND COUNCIL

We have audited the financial report comprising the Operating Statement, Balance Sheet, Statement of Cash Flows and Notes To and Forming Part of the Accounts of the NORTHERN LAND COUNCIL for the year ended 30 June 1994. The Council is responsible for the preparation and presentation of the financial report and the information contained therein. We have conducted an independent audit of the financial report in order to express an opinion on it to the members of the NORTHERN LAND COUNCIL.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the accounts are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the accounts are presented fairly in accordance with Australian accounting concepts and standards and statutory requirements so as to present a view of the Council which is consistent with our understanding of its financial position and the results of its operations.

In addition, our audit has been conducted in accordance with Section 37(A) of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion:

1. The accompanying financial report of the NORTHERN LAND COUNCIL for the year ended 30 June 1994 is based on proper accounts and records;
2. The report is in agreement with the accounts and records;
3. The receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Council during the year have been in accordance with the Act; and
4. There are no other matters of major concern arising out of the statements that should be reported to the Council.

Date: 10 December 1994

Address: 30 Daly St,
Darwin NT

Firm: Horwath Gamble and Partners

Partner: B G HANSEN
Registered Company Auditor

NORTHERN LAND COUNCIL

OPERATING STATEMENT

FOR THE YEAR ENDED 30TH JUNE 1994

	NOTES	1994 $	1993 $
COST OF SERVICES			
OPERATING EXPENSES			
ADMINISTRATION		5,290,897	5,628,228
CHAIRMAN'S OFFICE		107,032	123,309
DIRECTORATE		198,826	204,367
OPERATIONS		372,072	486,034
LAND CLAIMS		432,149	1,212,056
EXCISIONS		38,016	78,129
LITIGATION		1,043,528	513,530
EXPLORATION(ELA'S)		98,145	8,271
MEETINGS		277,963	195,484
VEHICLE FLEET OPERATING COSTS		319,759	351,492
OFFICE REGIONALISATION		121,298	0
IT UPGRADE EXPENSES		9,979	0
PROVISION FOR REGIONALISATION OFFICE COMPLETION		54,702	0
PROVISION FOR IT UPGRADE		69,021	0
TOTAL OPERATING EXPENSES		**8,433,387**	**8,800,900**
OPERATING REVENUE FROM INDEPENDENT SOURCES			
INTEREST RECEIVED		27,395	37,253
TOTAL OPERATING REVENUE FROM INDEPENDENT SOURCES		**27,395**	**37,253**
REVENUE FROM GOVERNMENT			
ABTA RECEIPTS - S 64(1)		6,693,048	3,852,520
ABTA RECEIPTS - S 64(7)		1,776,453	4,373,758
TOTAL ROYALTY EQUIVALENTS FROM CONSOLIDATED REVENUE		**8,469,501**	**8,226,278**
OPERATING RESULT		**63,509**	**(537,369)**
SPECIAL PURPOSE GRANTS			
INCOME		1,628,272	0
EXPENDITURE		450,391	0
TOTAL SPECIAL PURPOSE GRANTS		**1,177,881**	**0**

The accompanying notes form part of these financial statements.
The accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

OPERATING STATEMENT

FOR THE YEAR ENDED 30TH JUNE 1994

	NOTES	1994 $	1993 $
UNFUNDED CHARGES			
BAD DEBTS		9,473	53,973
DEPRECIATION		348,562	281,817
LOSS/(PROFIT) ON DISPOSAL OF FIXED ASSETS		(134,131)	(54,818)
PROVISION FOR ANNUAL LEAVE		(24,184)	(8,589)
PROVISION FOR DOUBTFUL DEBTS		0	5,484
PROVISION FOR LEAVE FARES		(37,526)	77,881
PROVISION FOR LONG SERVICE LEAVE		34,876	21,111
ASSETS WRITTEN OFF		102,903	0
TOTAL UNFUNDED CHARGES		**299,973**	**376,859**
TOTAL AVAILABLE FOR APPROPRIATION		**941,417**	**(914,228)**
SECTION 35(1) DISTRIBUTION		0	(546,003)
OPERATING RESULT AFTER APPROPRIATION		**941,417**	**(1,460,231)**
ACCUMULATED FUNDS AS AT 1 JULY		**667,706**	**2,127,937**
ACCUMULATED FUNDS AS AT 30 JUNE		**1,609,123**	**667,706**

The accompanying notes form part of these financial statements.
The accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

BALANCE SHEET

AS AT 30TH JUNE 1994

	NOTES	1994 $	1993 $
CURRENT ASSETS			
Funds, held in Trust	17	1,808,467	2,574,125
Cash	6	1,204,568	154,678
Receivables	7	232,265	159,696
Other	8	28,376	0
TOTAL CURRENT ASSETS		**3,273,676**	**2,888,499**
NON-CURRENT ASSETS			
Investments	9	3	3
Property, plant and equipment	10	1,524,295	1,667,527
Property held in Trust	11	1,240,597	0
TOTAL NON-CURRENT ASSETS		**2,764,895**	**1,667,530**
TOTAL ASSETS		**6,038,571**	**4,556,029**
CURRENT LIABILITIES			
Creditors and borrowings	12	688,655	727,947
Provisions	13	653,412	526,403
Funds and property held in Trust	11 & 17	3,049,064	2,574,125
TOTAL CURRENT LIABILITIES		**4,391,131**	**3,828,475**
NON-CURRENT LIABILITIES			
Provisions	13	38,317	59,848
TOTAL NON-CURRENT LIABILITIES		**38,317**	**59,848**
TOTAL LIABILITIES		**4,429,448**	**3,888,323**
NET ASSETS		**1,609,123**	**667,706**
ACCUMULATED FUND		**1,609,123**	**667,706**
Summary of significant Accounting Policies	1		
Commitments	5		

The accompanying notes form part of these financial statements.
The accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30TH JUNE 1994

	NOTES	1994 $	1993 $
CASH FLOW FROM OPERATING EXPENSES			
Inflows from Operating Activites:			
Receipts from royalties section 64(1) and 64(7)		8,469,501	8,226,278
Interest received		27,395	37,253
Outflows from Operating Activites:			
Payments to suppliers and employees		(8,787,341)	(8,468,657)
Net cash provided or used by operating activities		**(290,445)**	**(205,126)**
CASHFLOW FROM INVESTING ACTIVITIES			
Inflows from Investing Activites:			
Proceeds from sale of property, plant and equipment		295,595	54,818
Outflows from Investing Activites:			
Payment for property, plant and equipment		(396,424)	(268,376)
Section 35(1) Disbursement		0	(545,003)
Net cash provided or used in investing activities		**(100,829)**	**(758,561)**
NET INCREASE/(DECREASE) IN CASH HELD		**(391,274)**	**(963,687)**
Cash at beginning of reporting period		154,678	1,118,365
Cash at end of reporting period		**(236,596)**	**154,678**

NOTE 1 : RECONCILIATION OF CASH

Cash at the end of the year as shown the statement of cash flows is reconciled to the related items in the balance sheet as follows:

Cash at Bank	0	132,943
Petty Cash	1,400	1,300
Long Service Leave Fund	8,051	20,435
Overdraft	(246,047)	0
Cash	**(236,596)**	**154,678**

NOTE 2 : RECONCILIATION OF CASHFLOW FROM OPERATIONS WITH OPERATING SURPLUS BEFORE ABNORMAL ITEMS

Operating surplus/(deficit) statutory operations	63,509	(537,369)
Changes in assets and liabilities		
(Increase)/decrease in receivables	(66,090)	93,510
Increase/(decrease) in Provision for Doubtful Debts	0	(59,457)
(Increase)/decrease in other assets	(28,376)	35,863
(Increase)/decrease in investments	0	(3)
Increase/(decrease) in trade creditors and accruals	(383,211)	262,330
Increase/(decrease) in other provisions	123,723	0
Cash Flows from Operations	**(290,445)**	**(205,126)**

The accompanying notes form part of these financial statements.
The accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

NOTE 1 : STATEMENT OF ACCOUNTING POLICIES

The principal accounting policies adopted by the Northern Land Council are stated to assist in a general understanding of these accounts. These policies have been consistently applied except as otherwise indicated.

(a) - BASIS OF ACCOUNTING

The accounting methods adopted by the Council are in accordance with Australian Accounting Standards required by the Australian Accounting Bodies and / or by Law and Guidelines for Financial Statements of Public Authorities and Commercial Activities prepared by the Department of Finance, Canberra, (January 1994). The accounts have been prepared on the basis of historical costs and except where stated do not take into account current valuations of non-current assets. Non-current assets are revalued from time to time as considered appropriate. The Council has not adopted a policy of revaluing its non-current assets on an annual basis.

(b) - DEPRECIATION

Property, plant and equipment other than freehold land, are depreciated over their estimated useful lives using the primecost method. The useful lives of all assets were reviewed this year and rates adjusted to reflect this.

Asset write offs totalled $102,903 (1993 $0).

Profits and losses on disposal of property, plant and equipment are taken into account in determining the surplus or deficit for the year.

(c) - INCOME TAX

No provision for income tax has been made in these financial statements.

Apart from mining withholding tax paid on mining royalties received by the Council and State levied payroll tax, it is believed that no other income received or receivable by the Council to date is assessable for income tax purposes.

The Council is exempt from sales tax and fringe benefits tax also.

(d) - CASH FLOWS

For the purpose of Statements of Cash Flows, cash includes cash on hand, deposits held at call with banks and investments in money market instruments, net of bank ovedrafts. It excludes funds held in trust for other organisations.

(e) - FUNDS HELD IN TRUST

Royalties received on behalf of associations of aboriginal people and individuals which are subject to payment in accordance with Section 35 of the Aboriginal Land Rights (Northern Territory) Act 1976 are held in the Royalty Trust Account. Details are disclosed at note 17. These amounts have been included in the Balance Sheet of the Council as an asset and a liability.

(f) - EMPLOYEE BENEFITS

Provision is made in respect of the Council's liability for annual leave, airfares and long service leave at balance date based on Australian Public Service conditions. Long service leave is accrued in respect of all employees with more than 7 years of service. Contributions are made by the Council to an employer superannuation fund and are charged as expenses when incurred.

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

(g) - SECTION 35(1) DISBURSEMENTS

Under section 35(1) of the Aboriginal Land Rights (Northern Territory) Act 1976, the Council may make determinations as required for disbursements of surplus monies.

The determination of section 35 (1) disbursements is based on surplus funds at year end which are not specifically committed to particular future expenditure and are not incorporated into annual budgets of expenditure. No section 35(1) distribution was made during 93/94.

(h) - COMPARATIVE FIGURES

Where required by the Australian Accounting Standards, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

(i) - ECONOMIC DEPENDENCY

The Council received Section 64(1) and 64(7) distributions from Aboriginal Benefits Trust Account (ABTA) during the year. The continued operations of the Council are dependent on the continued release of such funding.

NOTE 2: FUNDING CONDITIONS

The funding conditions of the Council are laid down by the Aboriginal Land Rights (Northern Territory) Act 1976 and any Special Purpose Grant guidelines. Accounting for monies received from the ABTA is subject to conditions approved by the minister of Aboriginal Affairs.

Mining Royalties: Mining royalties were received from the ABTA after a deduction was made for mining withholding tax. Only those mining royalty receipts received in this financial year have been included in the accounts.

NOTE 3: AUDITORS REMUNERATION

Amounts received or due and receivable, by the auditors for:	1994	1993
	$	$
Auditing the Accounts	23,000	16,000
Other Services	1,200	3,000
	24,200	**19,000**

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

NOTE 4: STATEMENT OF BUDGET AND ACTUAL EXPENITURE

	BUDGET	ACTUAL	VARIANCE (over)/under	%
	$	$	$	$
Chairman's Office	125,025	107,032	17,993	14%
Administration	4,956,136	5,290,897	(334,761)	(7%)
Directorate	246,778	198,826	47,952	19%
Operations	575,646	372,072	203,574	35%
Exploration (ELAs)	225,291	98,145	127,146	56%
Litigation	987,496	1,043,528	(56,032)	(6%)
Meetings	287,324	277,963	9,361	3%
Land Claims	460,002	432,149	27,853	6%
Excisions	88,302	38,016	50,286	57%
Fleet	500,000	471,845	28,155	6%
New Regional Offices	176,000	176,000	0	0%
IT Upgrade	79,000	79,000	0	0%
EXPENDITURE	**8,707,000**	**8,585,473**	**121,527**	**1%**

NOTE 5: CAPITAL

At 30th June 1994 the Council was in the process of constructing and fitting out regional offices at Borroloola, Timber Creek and Ngukurr. The unexpended portion of budget approvals ($54,702) for this purpose will be expended in 1994/95 and has been treated as a commitment at Note 4. Similarly extensive upgrading of Information Technology resources at the Council was in progress at 30th June 1994 and the unexpended portion of budget approvals ($69,021) for this purpose will be expended in 1994/95 and has been treated as a commitment at Note 4.

NOTE 6: CASH

	1994	1993
	$	$
Petty Cash	1,400	1,300
Cash at Bank	0	132,943
Special Purpose Grant - Cash at Bank	125,117	0
Special Purpose Grant - 11AM Deposits	1,070,000	0
Long Service Leave Fund	8,051	20,435
	1,204,568	**154,678**

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

	1994	1993
NOTE 7: RECEIVABLES	$	$
Trade and other Debtors	252,716	186,626
Provision for doubtful debts	(26,930)	(26,930)
	225,786	159,696
Special Purpose Grant - Debtors	6,479	0
	232,265	**159,696**
Trade Debtors (net of bad debts)	97,882	186,626
Other Debtors (all recoverable)	154,834	0
	252,716	**186,626**
NOTE 8: OTHER		
Prepayments	**28,376**	**0**

NOTE 9: INVESTMENTS

Investment in North Australian Aboriginal Investment Corporation Pty Ltd (NAIC).

This investment represents the Council shareholding of 3(1993, 3) fully paid ordinary shares of $1.00 each at cost. The investment was aquired for the purposes of participating in North Australian Ventures on behalf of aboriginal people. The investment is pursuant to Section 22(1)(C) and 23(1)(b) of the Aboriginal Land Rights (Northern Territory) Act 1976.

The profits of NAIC will be distributed according to its Charitable Trust Deed for the benefit of aboriginal people in the Northern Australian Region and as such, the Council cannot treat NAIC as a controlled entity, with 3 of the 4 shares issued. The remaining share is held by Yirrkala Business Enterprises Pty Ltd.

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

NOTE 10: PROPERTY, PLANT AND EQUIPMENT	1994 $	1993 $
Land	47,200	47,200
Buildings	173,913	223,929
Accumulated depreciation	(39,614)	(40,726)
	181,499	230,403
Motor Vehicles	1,282,051	1,257,531
Accumulated depreciation	(499,605)	(487,020)
	782,446	770,511
Furniture and Equipment	388,844	847,900
Accumulated depreciation	(200,540)	(535,199)
	188,304	312,701
Fixtures and Fittings	366,900	674,069
Accumulated depreciation	(88,181)	(356,176)
	278,719	317,893
Sundry Equipment	41,813	54,491
Accumulated depreciation	(16,298)	(18,473)
	25,515	36,018
Special Purpose Grant Assets	67,812	0
Accumulated depreciation	0	0
	67,812	0
TOTAL PROPERTY, PLANT AND EQUIPMENT	**1,524,295**	**1,667,526**

NOTE 11: PROPERTY HELD IN TRUST

Titles are registered in the name of Northern Land Council for Fitzroy and Muckaty Stations. They are held on trust for the Fitzroy Aboriginal Corporation and Muckaty Aboriginal Corporation respectively.

PROPERTY HELD IN TRUST		Cost	Accumulated Depreciation	Written Down Value
FITZROY	- Land	476,000	0	476,000
	- Buildings and Yards	319,862	37,005	282,857
				758,857
MUCKATY	- Land	215,509	0	215,509
	- Buildings and Yards	310,300	44,069	266,231
				481,740
TOTAL				**1,240,597**

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

	1994	1993
	$	$
NOTE 12: CURRENT CREDITORS AND ACCRUALS		
Creditors	317,661	701,240
Other	33,420	26,707
Bank overdraft	246,047	0
Special Purpose Grants - Creditors	91,527	0
	688,655	**727,947**
NOTE 13: PROVISIONS		
CURRENT		
Employee Entitlements : -		
Provision for Annual Leave	314,312	329,907
Provision for Airfares	72,079	109,605
Provision for Long Service Leave	143,298	86,891
	529,689	**526,403**
NON-CURRENT		
Employee Entitlements : -		
Long Service Leave	**38,317**	**59,848**
NOTE 14: OPERATING LEASING COMMITMENTS		
Payable		
- not later than one year	170,500	146,000
- later than one year but not later than 2 years	200,363	170,500
- later than 2 year but not later than 5 years	207,493	407,856
- later than 5 years	0	0
	578,356	**724,356**

NOTE 15: CONTINGENT LIABILITIES

By the nature of its Statutory responsibilities, the Council is engaged in a number of legal actions. Costs may be awarded for or against the Council in any of these cases, depending on the outcome. The total of the costs of other parties in these cases is estimated to be in the order of $1,500,000.

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

NOTE 16: RELATED PARTY DISCLOSURES

i) Payments to related parties by the Council consisted of payments to NAIC. The Council holds three shares in NAIC, the trustee of the North Australia Aboriginal Charitable Trust. The remaining share is held by Yirrkala Business Enterprises Pty Ltd. The Council rents the Casuarina head office premises from NAIC at a commercial cost of $341,340 per year.

ii) The current Director of the Council was appointed on 8th July 1993. He is also a Director on the Board of a company that tenders on the supply of motor vehicles to the Council. This company also sub leased a building from the Council for the purposes of conducting a Motor Vehicle repair business. The Council has entered into an agreement with the latter for the servicing of the Council's fleet.

Whilst the lease was effective 30th August 1993 - 30th August 1994, arrangements were finalised prior to the appointment of the New Director. Further, the Director is not immediately involved in the Council's Fleet management.

NOTE 17: ROYALTY TRUST ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS

	1994 $	1993 $
Cash at Bank, Term Deposits and Debtors as at 1 July	2,574,125	2,168,624
add Receipts		
Section 64(3) statutory royalty equivalents	4,236,611	2,203,913
Other monies	3,720,121	3,944,988
TOTAL RECEIPTS	**7,956,732**	**6,148,901**
TOTAL PAYMENTS	**8,722,390**	**5,743,400**
Cash at Bank, Term Deposits and Debtors as at 30 June	**1,808,467**	**2,574,125**
Represented by funds held in Trust for:		
Access Northern Aust-Weemol	512	102
AFMECO - ERLA 127	3,167	0
Agalde clan/Coburg	1	0
Alawa Aboriginal Land Trust	320	320
Bank Charges	(5,669)	(5,412)
Borroloola Common - Narwindi	3,040	3,040
Braithwaite/Hall Point	0	174
BTEC Comp - Daly River	21,400	0
BTEC Comp - Laurie Creek/Harrower	445	4,449
BTEC Comp - NWA Area 1	6,900	6,900
BTEC Comp - Wagait Reserve	5,600	0
BTEC Comp - Daly/Fawcett T/O's	6,026	17,144
Bungar/Daly - Pastoral Development	0	1,810
Cape Scott	(2,291)	1,035
CNW Explorations-Beacons	1,128	3,006
Cobourg Outstation Maintenance	577	18,564

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

	1994	1993
	$	$
Crocodile Egg Collection	37,542	36,857
Cuprex	1,099	1,099
Daly River Pig Contract/G.McSkimming	5	2,805
Daly River/Fawcett Contract	2,751	13,315
Desa Cattle Contract	7,339	1,496
Djabuluka Association	10,145	79,129
EL3597/EL4015	8,215	7,387
EL6284/EL6285	1	16,980
Endyalgout Island	688	508
Goomadeer River	805	0
Grant - Arnhemland Crocodiles	0	3,887
Grant - Bungar/Daly Pastoral	1,810	0
Grant - Goulburn Island Goats	0	12,480
Grant - Gunbalunya Pastoral	(55)	0
Grant - Murwangi Pastoral	2,375	0
Gravel Pit Royalties	90,787	87,924
Gulun Gulun Beet	4	0
Gunbalunya Adventure Tours	1,338	698
Gunbalunya Lease Agreements	7,864	7,670
Gurig Association	554	0
Interest Received	92,571	71,087
Gravel	2,488	2,488
Kakadu Arhemland Tours	468	468
Kakadu Traditional Owners	19,041	26,779
Kamu Storer	4,885	0
King River Fishing Safaris	0	1,160
Kumulkbum - Pigs	495	0
Lord of Kakadu Tours	891	1,040
Malak Malak Salzgerber Card 2	0	21,980
Mann River Safari Operations	10,170	10,170
Mann River T/O's - F.McLeod	2,917	2,189
Marathiel - Pigs	(2)	0
Marathiel T/O's T.Fawcett	7,266	6,889
Mardidi Barge Chindi	0	316
Mayat Land Trust	14	914
Mount Goodwin	1	2,798
Mudginberri	421	421
Mudjunbalmi clan/Cobourg	2,427	0
Muran Clan/Cobourg	8,252	0
Murangi Butcher Shop	2,625	8,970
Murangi Swamp 25%	0	1,525
Murangi Swamp 60%	0	2,411
Murangi Working A/C 15%	0	50

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners.

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

	1994	1993
	$	$
Narbalek Traditional Owners Association	69,980	14,642
Nangkurrungum	3,516	3,516
New Year Island	0	2,791
Mgaindjagar clan/Cobourg	160	0
Ngukurr Store Lease	1,000	(5,500)
Nitimiluk Gorge - Jawoyn	3,075	1,456
North Goulburn Island	0	477
Numbulwar Store Lease	0	20,000
NWA - GMS Pty Ltd	23,658	23,658
NWA Road Access	8,421	5,177
Outback NT Touring Company	1,366	2,411
Palumpa Landowners	5	3,519
Peppimenant Leases	0	45
Port Keats - Pigs	163	1,376
Queensland Mines - ELA 2508	42,183	96,748
Ramingining Lot 10	28	492
Retention Release	13,119	13,119
Rirratjingu Association Inc.	0	820
Robinson River	0	3,269
Snow Drop Creek/Stodham Pty Ltd	25,925	29,299
Supervising Scientist	0	2,500
Suspense	300	600
T/O's Outstanding Royalties	7,907	9,969
Take This Child - B.Cummings	732	1,053
Telecom Towers	1,049	1,049
Top End Sports Fishing Safaris	1,952	0
Ulbu Bunidj - Davidson Safaris	7,060	3,092
Umorrduk Safaris - Arnhemland	5,292	6,495
Uranerz Aust - ELA 3418	18,824	709
Uranerz Aust - ELA 3421	24,710	24,310
Wessel Island Marine	0	40,956
Wimray Safaris - Gan Gan Area	2,050	4,080
Woodcutters Joint Venture ML977	0	8,964
	631,828	**806,114**

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners

NORTHERN LAND COUNCIL

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 1994

	1994	1993
	$	$
INTEREST BEARING DEPOSITS		
Marathiel Association	0	4,288
Malak Malak	23,106	2,255
Kamu Clan	4,885	4,728
Narbalek	11,857	11,810
Narbalek	0	69,394
ELZ508	0	41,507
Tin Camp Creek	5,163	0
	45,011	**133,982**
OTHER BANK ACCOUNTS		
Uranerz	26,122	55,453
Mimosa Trust Account	0	12,294
Community Ranger - Nicholson River	0	(25)
Ngalakan Aboriginal Corporation	0	150,354
Community Ranger - Gunbalunya	649	682
Yanyuwa Camp Aboriginal Corporation	1,245	147,553
Fitzroy Aboriginal Corporation	0	145,095
Rock Art Programme	0	820
Dak Marrar Aboriginal Corporation	89,168	85,836
Mimosa Pigra 92/93 Programme	13,659	55,744
Diya Diya	658	3,215
Jabiluka Administration Monies	1,000,127	977,008
	1,131,628	1,634,029
TOTAL	**1,808,467**	**2,574,125**

These accounts should be read in conjunction with the attached report by Horwath, Gamble and Partners