

Cape York Land Council



Annual Report 2009 -2010

20 years achieving our original charter

Front Cover Artwork by Mavis Ngallametta copyright 2009

Title of painting: „The Beach at Iklet“

Medium: Acrylic on Linen

Size: 211 x 142 cm

Artist's comment: The blue part is the water and the other part is the sand and the cliffs at Iklet. On the beach there is all the shells and stones.

Mavis Ngallametta can be contacted through the Aurukun Arts Centre

CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION **ANNUAL REPORT** **2009-2010**



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15 October 2010

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

Dear Minister

It is with pleasure that I present you with the Annual Report of the Cape York Land Council Aboriginal Corporation (CYLC). This Annual Report covers the reporting period from 1 July 2009 until 30 June 2010.

In this our 20th year of incorporation, CYLC continues to achieve the goals set down by the Aboriginal Elders of Cape York at the time of its incorporation and to set precedents for Aboriginal people across Australia. We do this while adhering to the requirements of our funding agreement and the current legislation.

Yours sincerely,

Richard Ah Mat
Chairperson
Cape York Land Council



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Abbreviations

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



Chairpersons Report

Under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* Directors have greater responsibility and accountability as they provide direction to the Land Council. I was honoured to be elected Chairperson by the Cape York Land Council Board of Directors in December 2009. In this role I am privileged to work with a Board of community members elected to ensure that the organisation continues its original charter to advance the self-determination of Aboriginal people of Cape York Peninsula. In this role I am supported by the Deputy Chairperson, Robbie Salee.



Chairperson,
Richard Ah Mat

Along with 16 other Aboriginal community leaders, I was chosen to sit on the Board to provide direction and leadership to the Land Council as we progress the Native Title Applications in Cape York and take up the fight against Wild Rivers on behalf of the traditional owners of Cape York.

I am passionate about the rights of traditional owners in Cape York. These rights include recognition, consent and respect. Consent is a core principle that was not recognised when the Queensland Government introduced Wild Rivers legislation. Consent is critical to protect us against decisions like this, made behind closed doors with no consideration of the consequences to the people of Cape York. This legislation breaches the UN Declaration on the Rights of Indigenous People and strips Native Title Rights to economic development. The Aboriginal people of Cape York were deceived and our submissions against the legislation were ignored.

I have returned to a role with CYLC to stand with the Aboriginal leadership to vehemently oppose this legislation, and any further legislation that the State Government imposes on Cape York, without proper traditional owner consultation and consent. We need to consider what this means for us now and also how it affects the future generations ability to create small business opportunities. These opportunities will lead our people away from the cycle of welfare dependency. We will not accept Cape York having further preservation areas put in place without the consultation and consent of the traditional owners whose lands, livelihood and future is directly affected.

This is an important time for Cape York Land Council as the organisation fights to protect these rights through a committed team of staff, guided by strong management. During my time as Chairperson I have worked closely with the CEO and management to support new processes, implemented to ensure that the organisation is available to support Aboriginal people of Cape York now and in the future. I have been available to support the management of CYLC as required, represent the organisation at various meetings with



Government at both State and Commonwealth levels and worked to progress the directions set by the Board at each meeting.

I believe that the strengths and experience of the current Board of Directors, the CEO and the staff at CYLC will see the Land Council face the hurdles laid in front of us by Government and those who try to impair our Native Title rights. I look towards the next 18 months with a commitment to protect these rights for the future of Cape York.



CYLC Overview

Aboriginal people representing the communities of Cape York formed CYLC in 1990. CYLC's original Charter of Aims was set down at an inaugural Land Summit in Lockhart River in that year. CYLC was incorporated under the *Aboriginal Councils and Associations Act 1976 (Cth)*.

CYLC was first recognised as a NTRB for the Cooktown region by the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs in 1993. It was re-recognised as an NTRB under the 1998 amendments to the *Native Title Act* on 15 January 2001. Further reviews of our operations and performance have led to re-recognition in May 2007 for a 3 year period and CYLC was advised in June 2010 that we had received re-recognition until 30 June 2013.

It is CYLC's vision to be recognised as a key part of a network of specialist community-based organisations representing the interests of the Aboriginal peoples of Cape York, focusing on achieving timely and meaningful outcomes for constituents on land and Native Title matters within the region.

To this end, the CYLC's mission is to:

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

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

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



NTRB Role and Functions

As a NTRB under the *Native Title Act 1993 (Cth)*, CYLC undertakes a range of statutory functions in connection with Native Title. The statutory functions of CYLC are set out at s203B in Part 11, Division 3 of the *Native Title Act*:

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

Several general requirements exist in relation to the performance of these functions. Except in certain circumstances, a NTRB must perform its statutory functions personally (s203B(3)). A NTRB must use its best efforts to perform its functions in a timely manner, having particular regard to statutory timeframes (s203BA(1)). Finally, a NTRB must perform its functions in a manner that maintains organisational structures and administrative processes which promote satisfactory representation of Native Title holders and effective consultation with Aboriginal and Torres Strait Islanders within their region (s203BA(2)(a), (b)). These structures and processes must also operate in a fair manner (s203BA(2)(c)). The organisational structure of CYLC is represented at Figure 4.

Irrespective of any prioritisation of functions or allocation of resources that a NTRB may be required to determine, their ultimate priority must be the protection of Native Title holders' interests (s203B(4)).



Popular swimming area on the Coen River,
protected by traditional owners of the area

The map below shows CYLC's NTRB Boundary Area and CYLC's current NTDA. The map was provided by the NNTT.

[illegible]



Organisational Unit Overview

The Board comprises 17 elected members from Cape York communities. Board members hold office for a two-year period and undertake training to assist them to provide direction to the Management Team of CYLC in accordance with the original charter of the Land Council established 20 years ago.

Figure 2 shows the 17 Communities of Cape York from which representatives are elected to the Board of Directors and the location of the CYLC Cairns Office.

Figure 2 : Cape York Communities Respresented on Board of Directors





Figure 3 : The Operational Structure of Cape York Land Council Aboriginal Corporation

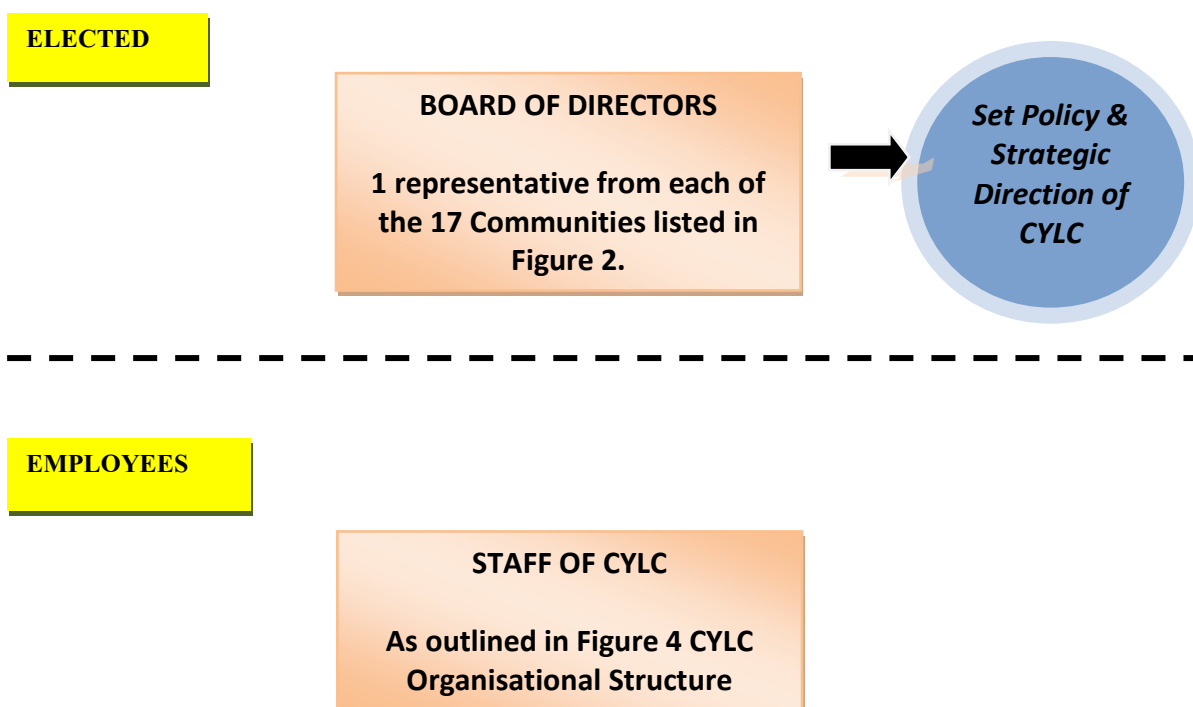
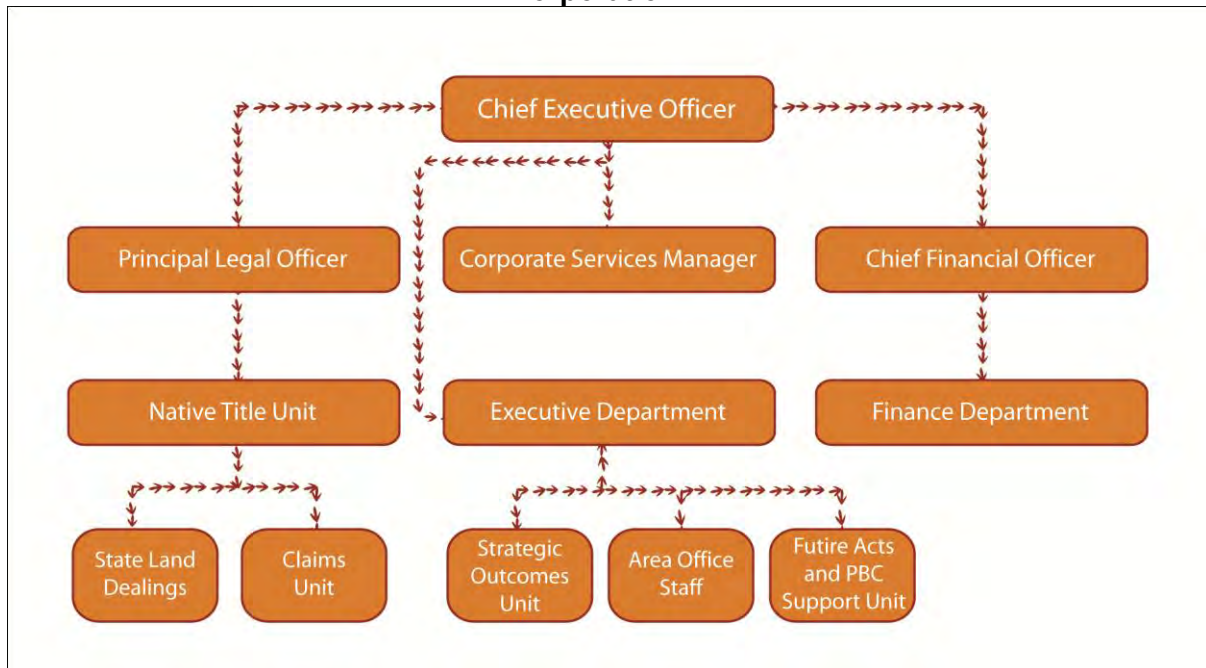


Photo 1: Directors Michael Ross, Toby Accoom, Clara Day and Robbie Salee attending a Board meeting in June 2010

Figure 4 : The Organisational Structure of Cape York Land Council Aboriginal Corporation



An outline of the organisational structure of Cape York Land Council is shown at Figure 4. The organisation is led by the Chief Executive Officer and the Management Team consists of the Principal Legal Officer, Chief Financial Officer and Corporate Services Manager.

Senior Management Roles

There were some changes to the Senior Management of CYLC in the 2009-2010 financial year. In 2009 the Board endorsed a trial of a new management position, Corporate Services Manager. This role incorporated the former Human Resource Officer duties along with additional duties providing support to the Chief Executive Officer. This was trialled for a 6-month period before being endorsed and supported by the Board of Directors in February 2010.

In addition to this, the Principal Legal Officer completed her employment contract with CYLC in February 2010. After a lengthy recruitment process, CYLC successfully recruited Matthew Moharich to this role in April 2010.

Peter Callaghan, the CEO of CYLC, is responsible for the daily management of CYLC and oversaw the day-to-day functions of the organisation. The CEO is responsible for personnel, financial and operational matters and for achieving Native Title outcomes. The CEO provides regular reports at each Board meeting on the operations and details of the CYLC operating environment. The CEO has an Executive Assistant, Area Officers (Weipa and Cooktown), Strategic Outcomes Unit and the Future Acts & PBC Support Unit as part of the Executive Department.



Matthew Moharich, the Principal Legal Officer (PLO) of CYLC, is responsible for the effective running of the NTU. The NTU consists of two separate Units - Claims Unit and State Land Dealings Unit.

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

Kirsty Broderick, Corporate Services Manager (CSM), is responsible for the Human Resource Management of the organisation as well as the coordination of training and development of staff. In addition, this position now provides support to the Chief Executive Officer and Board of Directors on all operational matters and allows the Chief Executive Officer to work closer with the Chairperson and Board to implement strategic and operational direction set by them during their term.

The PLO, CFO and CSM report to the CEO and provide reports to the Board of Directors at each meeting.



Chief Executive Officer's Report



Chief Executive Officer,
Peter Callaghan

In the past 12 months CYLC has undergone significant changes to the leadership of the organisation. The term of the Board of Directors (2007-2009) ended in December 2009 with the endorsement of the current Board of Directors (2009-2011). With that came the election of office bearers and we are fortunate to have Richie Ah Mat elected Chairperson and Robbie Salee elected as Deputy Chairperson. We welcome the new Board and the enthusiasm and drive that they have to advance the goals of Cape York Land Council.

I thank Michael Ross and the previous Board of Directors for the work progressed by them during their term.

We began the year when Justice Greenwood of the Federal Court sat in Aurukun on 29 July 2009 and recognised Native Title over Rio Tinto's bauxite mining leases to the south of the Embley River. This was the first Native Title Determination made under the Western Cape Communities Coexistence Agreement (WCCCA), to a further 1,200 square kilometres of Wik and Wik Way traditional land and water. This followed consent determinations in 2000 and 2004 of Wik and Wik Way lands.

On 22 October 2009, we celebrated with the people of Kowanyama when Justice Greenwood recognised exclusive Native Title rights over 2,518 square kilometres of land and further recognition of non-exclusive rights over 213 square kilometres of sea, beach and tidal areas. This was the third Native Title achievement for Cape York during 2009, following on from Kuku Ya'u and Wik.

In addition to this, the State Land Deals team achieved handovers of Errk Oykgand National Park (formerly Mitchell Alice Rivers National Park), Marpa National Park (formerly Cliff Islands National Park), Kalinga & Mulkay (including creation of the new Alwal National Park [Cape York Peninsula Aboriginal Land]) and Marina Plains Rindoparr Area B – an additional 70 hectares of Aboriginal freehold transferred to the Lama Lama people.

One of the biggest challenges that the organisation faces is that CYLC is not funded by the State to engage in land tenure issues. Both the State and traditional owners recognise our knowledge and valuable input, however we continue to struggle to obtain



State funding to assist traditional owners to achieve justice in issues facing Indigenous community members including land tenure for future housing, home ownership and economic development.

The elections for the Board of Directors (2009-2011) commenced in November 2009 and occupied a great deal of CYLC resources. Under our Constitution to ensure fairness and transparency, a CYLC staff member must be present at each community election. This involved staff travelling across the Cape to provide notice, prepare, attend and officiate over the 17 community elections during the 6-week period. The resulting community representatives were endorsed by the CYLC members present at the Annual General Meeting on 16 December 2009.

CYLC received advice on 2 June 2010 from Minister Jenny Macklin that we have been re-recognised as the NTRB for the Cape York region until 30 June 2013. This date coincides with the date that all other NTRB recognition periods will cease and a comprehensive assessment of all NTRBs will be undertaken.

After negotiation between management and staff of CYLC and the endorsement of both FaHCSIA and the CYLC Board of Directors, the CYLC Workplace Agreement 2009-2011 was accepted by the Workplace Authority and became operational from August 2009. The new agreement provides further recognition of the importance of a family/work life balance through increased parental leave, personal leave, annual CPI salary increases and recognition of extended family commitments. As management we are confident that these conditions add to the desire of working with the Land Council to contribute to change for Aboriginal people in Cape York.

As evidence of our commitment to the development and training of Indigenous staff and in support of the work being achieved by the Cape York Institute, CYLC approved 6 applications for Indigenous staff to be part of the Cape York Leadership program. This program provides an opportunity for these CYLC staff to attend monthly workshops on topics such as Public Speaking, Influential Leadership, Building Stronger Communities, Planning and Project Presentations. Each workshop allows the individual to focus on their professional development and take advantage of guest speakers and further training opportunities.

Further to this, we were able to take advantage of the Aurora Project providing training in Cairns in February 2010. The majority of the Native Title Unit professional staff attended training in Foundations of Native Title, Understanding ILUAs and Negotiation skills. We welcomed the opportunity and convenience of the training in Cairns as we were able to encourage attendance by the majority of staff for whom this training was beneficial.

As well as receiving training support from the Aurora Project team, we were given further support through the Internship program during the Summer and Winter programs this year. CYLC was able to accept both Legal and Anthropological students who provided support to the Native Title Unit on a number of research matters.



In December 2009 the office at 32 Florence Street began a dramatic transformation. Funding was provided by FaHCSIA to renovate the offices which were no longer suitable due to issues with office space and privacy due to lack of sound proofing. The mammoth task of project management by our Chief Financial Officer, Keith Tooke commenced and almost half of the staff were relocated to other regional offices and files placed in secure off site storage. For 3 months parts of the building were not accessible while renovations were in progress. I thank the staff for their patience, Keith for his management of the project and Balkanu for providing us with office space and resources for our staff during this time. The result is a revamped, modern office that makes maximum use of the space available and allows us to further reduce costs by holding meetings in the newly expanded, sound-proofed conference facilities at the office.

Our Chairperson, after further negotiations with the Indigenous Land Corporation, acquired further funding at the start of 2010 to increase the reception area to provide us with a waiting area for community members who come to CYLC for support and information. This stage of the renovations were completed in the second half of 2010.

This year, through support from Rose Manzini and her team, we were able to participate in the Cape York Indigenous Community Partnership Secondment Program through the Indigenous Enterprise Partnerships. The secondee provided support to the Chairperson and myself, to develop our website and create material for marketing the organisation to potential funding providers, employees and for use in future public relations.

CYLC has continued to manage expenditure and ensure that grant funds are expended appropriately. Since the preparation of the 2009-2010 financial statements by the Auditors, CYLC has obtained additional funding from FaHCSIA which resulted in the deficit only consisting of the outstanding employee entitlement liability. These employee entitlement liabilities are guaranteed by FaHCSIA

Despite office relocations, and other challenges to the organisation, our team have continued their commitment to the traditional owners of Cape York, leading to a growing list of achievements made by CYLC. I believe that this commitment was evident in the achievements of the Land Council during the past year and I look forward to reporting further on this in the coming year.

As CYLC looks forward to celebrating its 20th year since being incorporated in 1990, I look forward to managing the CYLC team and working closely with the Board of Directors, in particular the Chairperson, Mr Richie Ah Mat as we lead the organisation towards further achievement.



Corporate Governance

Corporate Governance Policies

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

The Board of Directors is responsible for governance of CYLC. This includes the setting of the broad strategic direction for the organisation. The Strategic direction is supported by the operational plan that details activities and associated resource and performance information. The NTU produces work plans for all matters, in line with the operational plan. All activities are related to an output within the outcomes and outputs framework.

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

- Receiving and considering reports from the CEO and other senior staff regarding the work of CYLC;
- Monitoring the financial position of CYLC;
- Deciding on allocation of resources to particular projects;
- Being informed of changes or proposed changes to the way the CYLC conducts its work;
- Dealing with complaints; and
- Other functions as delegated from time to time.

The CYLC requires its Directors to observe the highest standards of conduct and ethical behaviour in all of their activities. The CYLC Board of Directors follows a Code of Conduct for CYLC Board of Directors, endorsed in 2009 and tabled at the first meeting of newly elected Board of Directors. The purpose of the code is to assist the Directors in carrying out their duties under the *CATSI Act*, the *Native Title Act 1993*, the CYLC Rule Book and other legislation.

The Board of Directors are made up of one representative from each of the 17 Cape York communities, see Table 1 and Table 3. The nominations for the Board are endorsed by the members of CYLC at the Annual General Meeting and at the first meeting on 16 December 2009 the new Board elected Richard Ah Mat as its Chairman and Robbie



Salee as its Deputy Chairperson for its two year term 2009-2011. The full Board of Directors meets at least four times a year as per the rules of the *CATS/ Act*. The Board guides the policies and direction of CYLC, receives reports from Senior Management and makes decisions on the activities of CYLC after consideration of these reports and other advice provided by the Management Team. The Board of Directors operate under a Code of Conduct and attend regular training to allow them to perform in their role as a Director.

Board of Directors

Table 1 : List of Board of Directors (2007 – 2009)

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

Table 2 : List of Executive Committee Members (2007 - 2009)

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

**Table 3 : List of Executive Committee Members (2007 – 2009)**

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

Table 4 : List of Board of Directors (2009 – 2011)

COMMUNITY	REPRESENTATIVES	ALTERNATES/ RESERVES
Aurukun	Jacob Walmbay	Douglas Ahlers
Coen	Allan Creek	Dion Creek
Cooktown	Brian Cobus	Erica Deeral
Hopevale	Gerhardt Pearson	Elizabeth Lakefield
Kaurareg	Isaac Savage	Garagu Kanai
Injinoo	Robbie Salee (Deputy Chairperson)	Meun Lifu
Kowanyama	Leslie Gilbert	Michael Yam
Laura	Michael Ross	Fred Coleman
Lockhart River	Toby Accoom	Rodney Accoom
Mapoon	Raymond Ah Mat	Neomi Roseblade
Mossman	Richard Ah Mat (Chairperson)	Delores Friday
Napranum	Richard Barclay	Sarina Adams
New Mapoon	Clara Day	Percy Clermont
Pompuraaw	Richard Tarpencha	Lenny Ned
Port Stewart	Gavin Bassani	Robert Spratt
Umagico	Bernard Charlie	Polly Mooka
Wujal Wujal	Graham Woibo	Doreen Jones

At the Special General meeting held on 16 December 2009 the members of Cape York Land Council resolved to accept an amended Rule Book which detailed the way in which applications for membership to CYLC could be made. This change sets out clearly and provides a template for how applications are to be tabled for endorsement.

Meetings of the Board of Directors were held during the year and these are detailed further in Table 5 and Table 6.

At these meetings, the Committees accept reports from the CEO, PLO, CFO and Corporate Services Manager. The Board makes decisions on the activities of CYLC after consideration of these reports and other advice provided by the Management Team.



Attendance by Board Members

Table 5 shows attendance by Board Members (2007 – 2009 term) at Board meetings during the period 1 July 2009 – 30 November 2009.

Table 5: Attendance by Committee Members July 2009 to November 2009

COMMUNITY	REPRESENTATIVES	15-16 JUL 2009	22 AUG 2009	8-9 SEP 2009	17 NOV 2009	MTGS ATTENDED
Aurukun	Lionel Ngakyunkwokka	NO	NO	NO	NO	0
Coen	Patricia Claremont	NO	NO	NO	NO	0
	<i>Lutonyah Creek</i>	<i>NO</i>	<i>NO</i>	<i>YES</i>	<i>NO</i>	<i>1</i>
Cooktown	Michael Ross	YES	YES	YES	YES	4
Hopevale	Graham Woibo	YES	NO	YES	YES	3
Kaurareg	Isaac Savage	NO	NO	YES	YES	2
Injinoo	Robbie Salee	YES	YES	YES	YES	4
Kowanyama	Darby Horace	YES	NO	YES	YES	3
Laura	Fred Coleman	NO	YES	YES	YES	3
Lockhart River	Toby Accoom	YES	YES	YES	YES	4
Mapoon	Josey Dickson	YES	YES	YES	NO	3
	<i>William Busch</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>YES</i>	<i>1</i>
Mossman	Hazel Douglas	N/A	N/A	N/A	N/A	N/A
Napranum	Donald Callope	YES	YES	YES	NO	3
	<i>Priscilla Blanco</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>YES</i>	<i>1</i>
New Mapoon	John Mark	YES	NO	NO	YES	2
Pormpuraaw	John Clark	YES	YES	NO	YES	3
Port Stewart	Gavin Bassani	NO	YES	YES	NO	2
Umagico	Charles Woosup	NO	NO	NO	NO	0
Wujal Wujal	Doreen Jones	YES	YES	NO	YES	3
Total number of Attendees at each meeting (quorum reached)		10	9	10	10	

Note: *Italic print represents attendance by Alternate Community Representative*



Table 6 shows attendance by Board Members (2009 – 2011 term) at Board meetings during the period 1 December 2009 to 30 June 2010.

Table 6 : Attendance by Committee Members December 2009 to June 2010

COMMUNITY	REPRESENTATIVES	16 DEC 2009	23 FEB 2010	18 MAY 2010	8-10 JUN 2010	MTGS ATTENDED
Aurukun	Jacob Walmbey	NO	NO	NO	NO	0
	<i>Douglas Ahlers</i>	YES	YES	NO	NO	2
Coen	Allan Creek	YES	YES	NO	YES	3
Cooktown	Brian Cobus	YES	YES	YES	YES	4
	<i>Elizabeth Lakefield</i>	NO	YES	NO	YES	2
Hopevale	Gerhardt Pearson	YES	YES	YES	YES	4
Kaurareg	Isaac Savage	YES	YES	YES	YES	4
Injinoo	Robbie Salee	YES	YES	YES	YES	4
Kowanyama	Leslie Gilbert	NO	YES	YES	YES	3
Laura	Michael Ross	YES	NO	NO	YES	2
Lockhart River	Toby Accoom	YES	NO	YES	YES	3
Mapoon	Raymond Ah Mat	NO	YES	YES	NO	2
Mossman	Richard Ah Mat	YES	YES	YES	YES	4
	<i>Neomi Roseblade</i>	YES	NO	NO	NO	1
Napranum	Richard Barkley	YES	YES	YES	YES	4
New Mapoon	Clara Day	YES	YES	YES	YES	4
Pompuraaw	Richard Tarpencha	NO	NO	NO	NO	0
Port Stewart	Gavin Bassani	NO	YES	NO	NO	1
	<i>Robert Spratt</i>	YES	NO	NO	YES	2
Umagico	Bernard Charlie	YES	YES	YES	NO	3
Wujal Wujal	Graham Woibo	YES	NO	YES	YES	3
Total number of Attendees at each meeting (quorum reached)		12	12	12	12	48

Note: *Italic print represents attendance by Alternate Community Representative*



Training and Development of Board Members

Board Members are made aware of the responsibilities that accompany their positions on the Board as part of the election process. Further training and workshops are also part of ongoing development. At the second meeting of the Board (2009-2011) in February 2010, the Directors participated in Governance training provided by FaHCSIA. This training outlined the roles of Directors, *CATSI Act* requirements and further understanding about the roles of the Board and roles of the management of CYLC.



Photo 2: Participants Attending Corporate Governance Training Homerule Rainforest Resort

Corporate and Operational Planning

CYLC continues to work under the Strategic Direction set by the Board of Directors. During the year in review the relevant Operational Plan provided the means of directing work, reporting to the Board of Directors, measuring performance and managing finances.

CYLC's mission is the return of land in Cape York to traditional owners and CYLC has worked under the strategic direction given by the Board of Directors to achieve that end.

During the reporting period, both Boards (2007-2009 and 2009-2011) participated in Governance Training. The Board of Directors provides strategic direction in all aspects of CYLC operations. Reporting by the Management Team on all areas of CYLC operations takes place at each meeting of the Board of Directors and allows the Management Team to take direction from the Board and set targets which will complement the aims of the community members.

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



Risk Management

The financial affairs of the CYLC come under the scrutiny of the CFO and the CEO. Regular reports are provided and matters of concern are taken to the Board of Directors. In addition to this an independent financial audit of CYLC is undertaken shortly after the end of each financial year and reported to the Board of Directors and the membership of CYLC.

Ethical Standards

In addition to the CYLC Code of Conduct, employees and Board Members have undertaken Governance, Equity and Cross-Cultural Awareness training which formed an important part of reinforcing high ethical standards. There is a high level of awareness amongst staff of ethical issues and good practical application of that knowledge. CYLC management has taken further action to increase awareness of these standards by placing informative material on the notice boards and common areas of the office. These included Anti-Discrimination awareness posters and brochures.

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

CYLC seeks ways to have the topic commonly arise in the workplace and to provide the opportunity for non-lawyer employees and the Board of Directors to attend courses. In addition, Lawyers with up-to-date knowledge can provide in-house training for staff and Board members if required.



**Photo 3: Chairperson, Richie Ah Mat and Chief Executive Officer, Peter Callaghan
Attending a Board Meeting in June 2010**



Executive Department Report

Future Acts and PBC Support Unit

This Unit deals with notifications received from State and Federal Governments and other authorities which propose to grant permits, licenses or other rights to people which may have an impact on Native Title rights. Depending on the rights being applied for traditional owners have various rights to notification, comment, consultation, and negotiation in relation to the granting of permits. Notifications received by CYLC are distributed to traditional owners with an explanatory letter to provide an opportunity to protect Native Title rights.

The Unit provides administrative assistance and support to eight registered Prescribed Body Corporate entities that have been entered on the National Native Title Register. Assistance provided includes support with compliance, governance and capacity-building activities. Support is provided to ensure corporations develop capacity to manage and fund their entities and to comply with governing documents, relevant laws and requirements of regulatory bodies and to fund their own affairs. Cape York Region registered PBCs:

- Jabalbina Yalanji Aboriginal Corporation RNTBC (ICN 7002);
- Hopevale Congress Aboriginal Corporation RNTBC (ICN 3135);
- Walmbaar Aboriginal Corporation RNTBC (ICN 3144);
- Dhubbi Warra Aboriginal Corporation RNTBC (ICN 2833);
- Kuuku Ya'u Kanthanampu Aboriginal Corporation RNTBC (ICN 7193);
- Abm Elgoring Ambung Aboriginal Corporation RNTBC (ICN 7163);
- Thaa-Nguigarr Strathgordon Aboriginal Corporation RNTBC (ICN 4732); and
- Ngan Aak-Kunch Aboriginal Corporation RNTBC (ICN 4097).

Substantial negotiations for mining agreements have been progressed with Cape Alumina Limited and Gulf Alumina Limited in CYLC's North West Cape region. The Cape Alumina Pisolite Hills Project and negotiations have been affected by the declaration of the Wenlock River under the Wild Rivers legislation. Negotiations with Gulf Alumina for its Skardon River Project are continuing. CYLC attended meetings with the Western Cape Communities Co-existence Agreement Coordinating Committee and Main Trust Meetings. Development of the Filemaker Pro Future Acts database continued and benefited from the dedicated assistance of two Indigenous Community Volunteers.



The process of advising traditional owners and their representatives of Future Acts Notices (FANs) related to mineral exploration was restricted due to a lack of funding support and uncertainties as to future funding arising from the transfer of responsibilities from the Department of Environment and Resource Management to Department of Employment, Economic Development and Innovation. During the reporting period a total of 554 non-mining FANs were processed (see Table 7 below).

Table 7 : Non-Mining (s24) Future Act Notices 2009 – 2010

DATE RECEIVED	AGENCY	TOTAL RECEIVED
01/07/09 – 30/06/10	Great Barrier Reef Marine Park Authority	187
01/07/09 – 30/06/10	Department of Primary Industries	25
20/10/09 & 13/11/09	Qld Maritime Safety	2
21/08/09	Environmental Protection Agency	1
01/07/09 – 30/06/10	Department of Environment and Resource Management	47
01/07/09 – 30/06/10	Department of Employment, Economic Development & Innovation	292
Total Received		554

Strategic Outcomes Unit

CYLC made numerous submissions on Commonwealth, State and Local Government legislative and policy reforms that impact on Native Title rights and interests. For example, CYLC provided detailed submissions in response to the Commonwealth's Discussion Paper on the *Heritage Protection Act 1984*. CYLC raised a range of concerns including the lack of resourcing for consultations over the review; failure to meet international obligations, and inadequacies in the scope of protection provided; the emphasis on physical objects, such that many aspects arising from the broader connection of Indigenous people to their traditional country are not protected; and the practical difficulties caused by the current link between registered Native Title claims and cultural heritage processes. Submissions were also made regarding proposed minor Native Title amendments; *Native Title Act Housing Bill* and *Native Title Act* proposed historical extinguishment amendment; and in response to the State's ongoing Review of the *Aboriginal Land Act 1991 (Qld)*, Wild Rivers declarations, draft Coastal Plan and *Natural Resources & Other Legislation Amendment Bill 2010*.

Wild Rivers Legislation

CYLC, Balkanu and the Cape York Institute continued to actively lobby against the declarations of Wild Rivers under the *Wild Rivers Act 2005*. Issues raised include concerns over Native Title implications, the lack of consent by our communities to Declarations, potential adverse impact of the legislation on economic development, the



terminology used in the legislation (such as the use of “wild” and “preservation”) and other issues of concern to the Cape York Indigenous people. In April 2009, the State Government declared the Archer, Stewart and Lockhart Rivers under the *Wild Rivers Act 2005*. Consent was not obtained from traditional owners to these Declarations, and the submissions made to the Government expressing grave concerns about the legislation and the declaration proposals were ignored in their final assessment.

Since then, the CYLC and the other organisations have raised the issue to national prominence in the Federal parliament. The road to the current Private Member’s Bill sponsored by Opposition Leader Tony Abbott, which would ensure the consent of traditional owners is sought before any Declaration is made by the State Government, took most of last year. Mr Abbott, who has a long association with Cape York, introduced the Private Member’s Bill in February. It became the subject of a Senate Committee Hearing, where parties including the State Government aired their views at public meetings in Cairns and Canberra. The *Wild Rivers [Environmental Management] Bill*, giving back to traditional owners the right to consent to Wild River Declarations passed the Senate in an exciting late night session in June. But the dissolving of parliament in July for the election meant it was back to the drawing board, and the Bill is being re-introduced in an uncertain political atmosphere where a clutch of independents hold the balance of power in the Lower House.

Along the way, CYLC and Balkanu also referred the State Government’s lack of transparency and obfuscation around the Declaration of the Archer, Stewart and Lockhart Rivers to the Queensland Government’s Integrity and Accountability Review. We have taken up legal arms also, preparing and lodging legal action that is now in the Federal Court, against the Queensland Government, citing an infringement of Native Title rights, breaches of the *Racial Discrimination Act* and breaches of legislative process and ministerial powers in the State’s processes when declaring the Archer, Stewart and Lockhart Rivers. On behalf of and with the forceful support of traditional owners, CYLC has continued to fiercely speak out in public and through media forums against the Declaration of Wild Rivers without traditional owner consent.

While it is a David and Goliath fight, it is one we are determined to win on behalf of our communities and future generations. If we don’t, the land rights battles of the last forty years will mean little.



Native Title Unit Report

The Native Title Unit includes a Claims Unit and State Land Dealings and the following provides an overview description of the main functions performed.

Claims Unit

Performs the services required as a Native Title Representative Body (NTRB) in addressing the responsibilities defined in Part 11, Division 3, of *the Native Title Act 1993*. The functions performed include two core and related functions. Firstly, the making of new Native Title applications and the provision of advice and assistance for Applicants and Native Title claim groups to deal with matters arising in relation to the current Native Title determination applications in the Cape York Region. Secondly, the negotiation of Indigenous Land Use Agreements on behalf of Native Title claim groups.

During 2009-2010 the Native Title Unit (NTU) was involved in two Native Title determinations by consent: Wik and Wik Way Peoples #2 (QUD6029/01) and Kowanyama People (Part A) (QUD6119/1998). On 29 July 2009 the Wik and Wik Way Peoples had Native Title rights and interests recognised by the Federal Court of Australia at a consent determination hearing held at Aurukun. On 22 October 2009 the Kowanyama People had a predominantly exclusive Native Title rights and interests recognised by the Federal Court of Australia over 2,730 square kilometres of land and waters at a consent determination hearing held at Kowanyama. In addition to these outcomes the NTU was also involved in the following:

- 8 Indigenous Land Use Agreements (ILUAs) negotiated and registered (see Table 8);
- 1 State Land Dealings land handover was facilitated;
- 25 Native Title determination applications (NTDAs) were represented or assisted; and
- 554 non-mining Future Acts Notices were received and processed.

Broader Settlement Framework

In 1996 CYLC signed the Cape York Heads of Agreement (CYHOA) along with the Australian Conservation Foundation, the Wilderness Society, the Cattleman's Union and Balkanu Cape York Development Aboriginal Corporation. The agreement represented a sensible balance between the interests of Cape York's three major factions: Indigenous groups, the pastoralists and the environmental lobby. Under this framework Land Use Agreement provided for land acquisitions and Native Title resolution for traditional owners, World Heritage Listing and environmental conservation for the environmental lobby and pastoral industry security and tenure upgrade for the cattlemen. The CYHOA provided a precedent for a peaceful settlement of land use on the Cape York Peninsula that



addressed the needs of all three groups. The Queensland Government recognised the value of this approach to land use and became a party to the agreement in 2001.

CYLC continues to advocate the benefits of this agenda, particularly for all parties to consult properly with Aboriginal people of Cape York and in late 2008, CYLC entered into discussions with the Commonwealth Government and the State of Queensland to consider options for broader settlement of Native Title claims on a regional basis on Cape York. Based on these discussions the Commonwealth Attorney-General, the Queensland Minister for Natural Resources and Water, and the Chairperson of CYLC released a Joint Communique on Native Title on 20 August 2008 on the commitment of the parties to sub-regional negotiations that addresses both tenure issues and Native Title.

This framework was endorsed by the remarks made by the Attorney-General Hon. Robert McClelland MP at the Kowanyama Native Title Determination Hearing held at Kowanyama on 22 October 2009, *"The Australian Government, Queensland Government and Cape York Land Council have agreed on a framework process for progressing Native Title in the Cape York region. That process is about adopting a regional focus, and looking beyond recognition of Native Title, to see whether traditional owners have other aspirations that can be met through negotiations with Governments"*. CYLC expects the broader settlement framework that has been implemented for Kowanyama to continue. The Kowanyama People NTDA will be progressed in three parts beginning with the consent determination for Part A in October 2009. In addition to Kowanyama, the North West Cape (NWC) and Olkola areas have been identified as sub-regions and it is expected that this collaborative approach would facilitate land tenure resolution outcomes.

Table 8 : ILUAs Registered with NNTT

REGIS-TRATION	INDIGENOUS LAND USE AGREEMENTS
Oct 2009	Portland Roads ILUA
	Wik & Wik Way People and Rio Tinto Aluminium Limited ILUA
	Wik & Wik Way and Cook Shire Council Agreement #2
Nov 2009	Kuuku Ya'u People Marine Park ILUA
	Kuuku Ya'u People Protected Areas ILUA
Jan 2010	Strathgordon / Cook Shire Council ILUA
	Strathgordon Roads Body Corporate ILUA
Feb 2010	Kowanyama Child Safe House Area ILUA (Notification Day: 24 Feb 2010)

The following provides an update on the performance of each of the NTU Units and includes a history and review of each NTDA represented by CYLC. The section concludes with the NTU Outlook for 2010-2011.



Kowanyama People (QUD6119/98)

The Kowanyama People Native Title claim was filed on 25 March 1997, and after being subsequently amended it was entered on the Register of Native Title Claims on 24 December 2004. The Applicant, State of Queensland and Commonwealth agreed to prioritise resolution of the Application in separate parts (Part A, B and C). As a result of that agreement, in October 2009 a determination of Native Title was made by the Federal Court of Australia over Part A of the claim area. The Federal Court of Australia, CYLC and all other respondent parties consider this Native Title claim as a high priority and are currently focused on progressing Part B and Part C which includes the Kowanyama township area. Tenure resolution and Working Group meetings are ongoing and ILUA negotiations are continuing. Independent legal advice was provided to the first group of identified *Land Holding Act* lease holders. In addition to this CYLC has been engaging with traditional owners in respect to the National Park area, and has commenced engagement with the other stakeholders in respect to the pastoral properties in Part B of the claim.



Photo 4: Mural Painted in 2010



Photo 5: Kowanyama Part A Determination in October 2009



Photo 6: Township Tenure Resolution Meeting 2010

Wik and Wik Way Peoples #2 (QUD6029/01)

On 29 July 2010 a consent determination was made in Aurukun by Justice Greenwood of the Federal Court in relation to the land and waters covered by the Wik and Wik Way Peoples" #2 NTDA over Rio Tinto Aluminium's bauxite mining leases to the south of the Embley River, which commenced in 2001 in accordance with the WCCCA. Following the registration of two ILUAs in October 2010, this consent determination came into force and the NTDA was finalised.

Wik and Wik Way People #1 (QUD6001/98)

Following the Wik and Wik Way Peoples #2 consent determination the focus of mediation has now returned to the remaining areas – areas the subject of term leases for pastoral purposes – covered by the Wik and Wik Way Peoples" #1 NTDA and as at June 2010 the parties to that NTDA were very close to reaching agreement on the terms of a consent determination of Native Title. Negotiations in relation to a number of related ILUAs are also being progressed and it is anticipated that a consent determination may be able to be made in relation to these remaining areas during 2011, bringing to close almost 17 years of Native Title litigation. CYLC continues to assist the Wik and Wik Way Peoples and their PBC, Ngan Aak-Kunch Aboriginal Corporation RNTBC, responding to an increasing level of Future Act activity in the Wik region, particularly with applications for exploration permits, with a number of exploration agreements negotiated with mining companies during this period. CYLC has also assisted Ngan Aak-Kunch Aboriginal Corporation RNTBC to meet its regulatory compliance obligations under the *CATS/ Act*.



Photo 7: Wik Dancers at the Celebration of the Wik Determination in July 2009

Wuthathi People #2 (QUD6022/02)

The Wuthathi People #2 NTDA was lodged in 2002 and entered on the NNTT Register of Claims on 10 February 2003. Inter-Indigenous issues have been mediated on a number of occasions however these meetings have delayed the setting of a date for a Consent Determination Hearing.

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

The above six NTDAs were lodged in 2003 and 2004 in response to Future Act Notices pursuant to s29 of the *Native Title Act 1993 (Cth)*. The six claims have remained in place following those initial notices to preserve the right to negotiate with the Future Act proponents. As outlined above, these claims have been identified as a sub-region in CYLCs priority setting and land tenure resolution approach attempting to progress broader Native Title settlement of NTDAs. Consideration of issues concerning possible amalgamations and/or restructures of the six NTDAs is ongoing. As part of this process, meetings with TOs were convened in late 2009, and research in relation to connection material for mediation purposes has been progressed.



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

The Wuthathi, Kuuku Ya'u and Northern Kaanju NTDA was lodged in 2002 and was entered on the NNTT Register of Claims on 26 May 2003. While the State has accepted the application of s47B *Native Title Act* over the NTDA area, it has further engaged the Applicant in discussions concerning some connection issues. Work on these issues, including consultation with the consultant anthropologists and obtaining advice from legal counsel, is ongoing.

North West Cape Region

The North West Cape Region includes the area of the Weipa Township north to the Jardine River and easterly as far as the Northern Development Road. A number of Native Title determination applications were filed in this region around the time of the Western Cape Communities Co-existence Agreement. A number of overlap issues remain. These overlap issues must be resolved before the Native Title determination applications (NTDAs) can proceed. CYLC continued to work with traditional owners to progress anthropological research which is expected to assist them to engage and resolve the existing overlaps and layer sustainable NTDAs over the balance of the NWC Region.

The NWC region includes six NTDAs: Weipa Peninsula People (QUD6009/02) - NTDA was lodged in 2002 and was entered on the NNTT Register of Claims on 22 April 2004. This claim was lodged in part to comply with the WCCCA 2001. This claim forms part of the NWC regional approach however the NTDA does not overlap other claims. The claim area is also the subject of WCCCA related land transfers involving Rio Tinto Alcan and CYLC is working with the State to assist in this tenure resolution and transfer process. Thanakwithi People (QUD6014/00). Mapoon People (QUD6010/02) - NTDA was lodged in 2002 and was accepted for registration on the NNTT Register of Claims. This claim was lodged in part to comply with the Western Cape Communities Co-existence Agreement (WCCCA) 2001. Angkamuthi People #2 (QUD6008/02) - NTDA was lodged by CYLC in 2002 however it was not accepted for registration by the NNTT.



Photo 8: Les & Harriet Flinders at Mapoon

While CYLC is not the legal representative for Ankamuthi People #1 (QUD6158/98) and Thankawithi People #2 (QUD6011/02), as the NTRB it is working with the Applicant as one of the NTDAs in the North West Cape region as part of a staged regional approach to resolving overlapping claim issues for six NTDAs.

CYLC have identified the resolution of the existing overlaps in this region as a high priority. This year saw CYLC staff manage the work of consultant anthropological research, a series of meetings with traditional owners and the taking of oral histories from a number of senior traditional owners.



Photo 9: NNTT Mediation between Yupungathi & Thanakwithi Traditional Owners



Photo 10: Mabel Bond, Linda Cooktown and Grace McLachlan at Mapoon



**Photo 11: Steven Hall,
Thancoupie, Maryanne
Coconut at Weipa**

**Photo 12: Legal Officer, Coby
Foster with Mapoon
Traditional Owners**





South East Cape Region

CYLC is focusing on south-east Cape (SEC) as a regional area. CYLC engaged an anthropologist to begin research on the region and to provide assistance on claim and connection issues. The SEC region includes four NTDA: Kalpowar Holdings Native Title Claim (QUD6155/98) – NTDA lodged on 28 October 1997 and amended in 2005 following a successful State land dealing negotiation that resulted in the creation of Aboriginal Freehold, National Park and Reserves. CYLC met with the claim group in December 2009 and March 2010 and outlined claim issues. Juunyuwarra People Native Title Claim (QUD6014/99) – NTDA lodged on 19 March 1999 after a mining lease application was filed in the Munburra Resources Reserve. A connection report was provided to the State in June 2007. The State has sought further connection material and CYLC met with the claim group in March 2010 to outline the connection issues and the regional approach. Melsonby (Gaarraay) People Native Title Claim (QUD452/06) NTDA lodged on 21 November 2006 following a successful State land dealing negotiation that resulted in the creation of Aboriginal Freehold and a National Park. CYLC met with the claim group in March 2010 to discuss the SEC region research. Archer Point People Native Title Claim (QUD352/06) NTDA was lodged on 6 September 2006 following a successful State land dealing negotiation that resulted in the creation of Aboriginal freehold, national park and a resources reserve. CYLC met with the claim group in March 2010 to discuss the SEC region research.

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

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

Northern Kaanju People and Yianh People (QUD6152/98)

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

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

These NTDAs were both withdrawn.



Gudang Yadhaykenu People Sea Claim (QUD269/08)

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

Western Yalanji #7 (QUD3/05)

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

State Land Dealings

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

CYLC has continued its support of the State Land Dealing and National Park Transfers programs, which are administered by Balkanu Cape York Development Corporation. In the year to 30 June 2010, four dealings were completed and substantial progress was made in advancing several other dealings. A brief report on each of the completed dealings is provided below.

Errk Oygangand National Park (Cape York Peninsula Aboriginal Land) *Formerly Mitchell and Alice Rivers National Park*

In a ceremony at Kowanyama on 23 October 2009, the title deeds to this National Park were handed over to traditional owners as Aboriginal freehold estate. At that time, traditional owners gave the park its new name, making history as the first State-owned National Park on Cape York to be handed back to traditional owners.



**Marpa National Park (Cape York Peninsula Aboriginal Land)
Formerly Cliff Island National Park**

At a ceremony in Coen on 29 April 2010, the title to Cliff Island National Park was transferred to the Lama Lama Land Trust, with the new name given to the park by traditional owners, Marpa, being celebrated. New joint management arrangements have allowed a focus on protecting important aspects of the cultural landscape, as well as developing an appropriate patrol and law enforcement training program.

Kalinga / Mulkay

The return of some 80,000 hectares of traditional homelands to Possum, Thaypan and Olkola Peoples took place at a ceremony on Kalinga Station on 26 May 2010. With Kalinga Station transferred to Possum and Thaypan people as a tenanted and operational cattle station, the Mulkay block was transferred to Olkola People who agreed to its dedication as a new jointly managed National Park, Alwal National Park (Cape York Peninsula Aboriginal Land). Covering some 37,000 hectares of richly vegetated country spanning west of Kalinga and across the Morehead River, Alwal National Park (CYPAL) boasts many rare and endangered species, and most notably is a key breeding ground for the endangered golden shouldered / ant bed parrot (called "Alwal" in Olkola language).

Marina Plains / Rindoparr Area B

On 2 June 2010, Lama Lama Land Trust received the title deeds to a parcel of 70 hectares adjacent to the existing Rindoparr Co-ordinated Conservation Area, which is surrounded by Lakefield National Park. The Land Trust entered into a Conservation Agreement to create a nature refuge over this area, the terms of which preserve economic opportunities for traditional owners to take advantage of.

Previously Completed Dealings

The dealings completed prior to 2009-2010 include:

- Lama Lama (Lilyvale and Running Creek);
- KULLA (Mt Croll and McIlwraith Range);
- Marina Plains;
- Archer Point / Dowling's Range;
- Kalpowar; and
- Melsonby.



Corporate Services

In February 2010, the Board of Directors endorsed the organisational structure, amended to include the role of Corporate Services Manager. This role was created to manage Human Resources, training and development within the Land Council, but equally important, was created to provide support to the Chief Executive Officer in the management of staff, corporate support and to provide a point of contact for staff to allow the CEO to focus on the directions set by the Board of Directors to advance the focus of CYLC.

In accordance with CYLC's Policy and Procedures, all recruitment processes are managed to demonstrate the organisation's commitment to equal opportunity employment. We are committed to selecting the best candidate by using a merit-based selection process. All recommendations for employment are tabled with the CEO for approval. CYLC is committed to giving every potential applicant equal opportunity to apply for positions and ensures that all processes are free from discrimination.

During the reporting year, we have demonstrated our commitment to the multi-skilling of staff by promoting within where identified skills and further development allows these opportunities. CYLC recognises the importance of supporting staff to gain opportunities that will aid their personal and professional development and broaden their skills base.

Workforce Planning, Staff Turnover and Retention

In addition to this the Future Acts and PBC Support Unit were combined as the two were seen as complementary and matters would be better coordinated from the one Unit.

In February 2010 the Land Council began a major recruitment drive for positions within the Native Title Unit. A great deal of interest was shown in roles within CYLC and the Cape York Agenda. In particular, feedback received was that professional staff saw CYLC as an employer of choice and of particular appeal was the desire to be part of the success of CYLC and the work we do with the regional organisations to achieve the history of outcomes that we are so proud of.

After a thorough assessment of the current resources CYLC succeeded in recruiting two legal officers and a Senior Legal Officer with strong legal backgrounds, experience in Native Title and the issues facing Cape York Aboriginal people. In early 2010, after internal promotion and staff development, the former Team Leader of the Future Acts Unit has refocused his experience into a Senior Legal Officer role within the NTU leaving his former role vacant. This led to the successful recruitment of a new Manager – Future Acts



and PBC Support Unit. The State Land Deals team welcomed a new Legal Officer in April 2010.

Following the end of the employment contract of the former Principal Legal Officer, and after a lengthy recruitment process, CYLC appointed Matthew Moharich as the Principal Legal Officer on a fixed term contract. Matthew joins us from Northern Land Council where he worked as a Senior Legal Advisor.

The movements within the NTU have allowed the team to become a combination of new talent and the experience and knowledge of our Senior Legal staff who have been part of the team and the achievements of CYLC in the past few years.

These internal staff movements allowed CYLC to develop our own staff, provide the opportunity for staff to broaden their skills while recognising commitment to CYLC by current staff.

In addition to the recruitment of professional staff the administrative arm of CYLC has seen a number of internal promotions, acting roles and additional training aimed at ensuring our staff are challenged to develop and contribute to the organisation's charter.

Training and Development

CYLC is committed to providing appropriate, high-quality training opportunities for its employees.

As previously mentioned a number of staff have received internal training and development. This has provided the opportunity for members of the team to perform in acting roles and understand the responsibilities of their peers while performing more senior roles and developing skills that will provide multi-skilling capacity.

All employees are encouraged to identify training and development needs through the performance management process and the Corporate Services Manager provides assistance to managers in facilitating and coordinating training activities for staff.

During the 2009/2010 financial year, the total expenditure for training and development, including course fees and other associated expenses was \$49,857.00 excluding staff time and excluding the cost of Aurora Project delivery.

In addition to individual training events undertaken, several specialised programs provided our staff with opportunities for growth and career development. These are provided by the Aurora Project aimed at enhancing the capacity of staff within Indigenous organisations. The Land Council has benefited from training programs including: Management Development, Human Resources Program, Understanding ILUAs, Negotiation skills and Future Acts training.



Aurora Project Internship program

CYLC was able to benefit from the Aurora Internship program during the year in review. CYLC benefited from the enthusiasm that selected Aurora Alumni, studying law or anthropology brought to the Land Council during the Winter and Summer vacation periods.

During the Winter program, CYLC was able to benefit from legal interns who were fully funded by southern law firms to travel to Cairns for a 5-6 week period to undergo an internship with CYLC working on various legal research tasks.

Employee Collective Agreements

CYLC staff voted and approved the CYLC Workplace Agreement 2009-2011 on 29 June 2009. The Agreement passed the required testing with the Workplace Authority and became operational on 12 August 2009.

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

The current Agreement will expire on 30 June 2011 and negotiations for a new Agreement will commence in early 2011.

Staff Overview

CYLC employed an average of 30 permanent employees during the year 2009-2010. CYLC employs staff with a wide range of skill levels and backgrounds. This reflects its core business as a service organisation. Two thirds of CYLC employees are female. Indigenous (Aboriginal and Torres Strait Islander) employees made up 43 percent of CYLC employees. CYLC is proud of the increase in Indigenous staff by an additional 12 percent during the reporting period.

**Table 9: Total Staff by Category as at 30 June 2010**

	Indigenous		Male		Female		Full or Part Time		Total	
YEAR	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010
Executive (Management team)	-	1	2	3	1	1	3 F/T	3 F/T 1 P/T	3	4
Professional Staff	-	-	9	6	6	4	10 F/T 5 P/T	7 F/T 3 P/T	15	10
Administrative/ Clerical	10	10	1	1	17	13	15 F/T 3 P/T	12 F/T 2 P/T	18	14
Field	2	2	-	-	2	2	2 F/T	2 F/T	2	2
Trainee	1	-	-	-	1	-	1 F/T	-	1	-
Total	13	13	12	10	27	20	39	30	39	30

Occupational Health & Safety

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

Indemnities and Insurance Premiums

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

Association Liability insurance cover to the amount of \$10,000,000.00 was held with CGU Insurance Limited at a total premium of \$18,654.08.

Remuneration of Senior Management

CYLC negotiates Senior Management salaries on an individual basis with reference to the market and other NTRB pay scales as reviewed by an independent Assessor. In accordance with our Program Funding Agreement, we seek FaHCSIA's view on appointments to senior positions and salaries where required. The Board of Directors are involved in all senior appointments and are responsible for the employment of the Chief Executive Officer.



Consultants & Competitive Tendering and Contracting

Consultants are engaged by CYLC to provide specific expert services and advice not otherwise available from among CYLC permanent staff in relation to its functions as a NTRB.

CYLC utilised the services of a wide range of consultants in the legal, anthropological and land management planning fields during the financial year. The CEO and PLO approves the engagement of all consultants for Native Title work to ensure the appropriate level of standards are maintained, that the consultant's service costs are within the budget and they represent value for money.

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

During 2009-2010 CYLC engaged the services of 27 consultants on projects to a total value of \$1,094,195. The following is a breakdown of 2009-2010 consultant costs.

Table 10: Breakdown of 2009-2010 Consultant Costs

PAYMENT RANGE	No. OF CONSULTANTS	TOTAL COST
< \$30,000	17	\$142,467
> \$30,000	10	\$951,728
TOTAL		\$1,094,195

A horizontal band of Aboriginal artwork, featuring a dense pattern of small dots in brown, blue, and white, creating a textured, landscape-like effect.

Financial Statements

**CAPE YORK LAND COUNCIL ABORIGINAL
CORPORATION
ABN 22 965 382 705**

ANNUAL FINANCIAL REPORT

30 JUNE 2010



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

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ABBREVIATIONS

DEWHA	Department of the Environment, Water, Heritage and the Arts
DERM	Department of Environment and Resource Management
DNR	Department of Natural Resources
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
NTRB	Native Title Representative Body



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2010

The directors present their report together with the financial report of Cape York Land Council Aboriginal Corporation (the Corporation) for the financial year ended 30 June 2010 and the auditor's report thereon.

OPERATING AND FINANCIAL REVIEW

The net surplus from ordinary activities after income tax amounted to \$485,574 (2009: net deficit \$6,282).

STATE OF AFFAIRS

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

PRINCIPAL ACTIVITIES

The principal activities of the Corporation during the course of the financial year were advocacy of land issues on behalf of the people of the Cape York Peninsula region. There were no significant changes in the nature of the activities of the Corporation during the year.

EVENTS SUBSEQUENT TO REPORTING DATE

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

LIKELY DEVELOPMENTS

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

ENVIRONMENTAL REGULATION

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

DISTRIBUTIONS

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

DIRECTORS

The directors of the Corporation at any time during or since the end of the financial year are:

Name and qualifications	Experience and special responsibilities
Richard Ah Mat	Chairperson and director for Mossman elected 16 December 2009
Michael Ross	Chairperson and director for Cooktown elected 28 November 2007 (term ended 16 December 2009)
	Director for Laura elected 16 December 2009
Robbie Salee	Deputy Chairperson and director for Injinoo elected 16 December 2009
	Director for Injinoo elected 28 November 2007 (term ended 16 December 2009)
Josey Dickson	Deputy Chairperson and director for Mapoon elected 28 November 2007 (term ended 16 December 2009)
Alison Sailor	Alternate director for John Mark elected 28 November 2007 (term ended 16 December 2009)
Allan Creek	Director for Coen elected 16 December 2009



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2010

DIRECTORS (CONTINUED)

Name and qualifications	Experience and special responsibilities
Bernard Charlie	Director for Umagico elected 16 December 2009
Brian Cobus	Director for Cooktown elected 16 December 2009
Carol Toby	Alternate director for Doreen Jones elected 28 November 2007 (term ended 16 December 2009)
Cecil Macumboy	Alternate director for Toby Accoom elected 28 November 2007 (term ended 16 December 2009)
Clara Day	Director for New Mapoon elected 16 December 2009
Charles Woosup	Director for Umagico elected 28 November 2007 (term ended 16 December 2009)
Colin Lawrence	Alternate director for Darby Horace elected 28 November 2007 (term ended 16 December 2009)
Darby Horace	Director for Kowanyama elected 28 November 2007 (term ended 16 December 2009)
Delores Friday	Alternate director for Richard Ah Mat, elected 16 December 2009
Dion Creek	Alternate director for Allan Creek elected 16 December 2009
Donald Callope	Director for Napranum elected 28 November 2007 (term ended 16 December 2009)
Doreen Jones	Alternate director for Graham Woibo elected 16 December 2009
	Director for Wujal Wujal elected 28 November 2007 (term ended 16 December 2009)
Douglas Ahlers	Alternate director for Jacob Walmbly elected 16 December 2009
	Alternate director for Lionel Ngakyunkwokka elected 28 November 2007 (term ended 16 December 2009)
Elizabeth Lakefield	Alternate director for Gerhardt Pearson elected 16 December 2009
Erica Deeral	Alternate director for Brian Cobus elected 16 December 2009
Felicity Bowen	Alternate director for Fred Coleman elected 28 November 2007 (term ended 16 December 2009)
Fred Coleman	Alternate director for Michael Ross elected 16 December 2009
	Director for Laura elected 28 November 2007 (term ended 16 December 2009)
Garagu Kanai	Alternate director for Isaac Makaku elected 28 November 2007
Gavin Bassani	Director for Port Stewart elected 28 November 2007
Gerhardt Pearson	Director for Hopevale elected 16 December 2009
Graham Woibo	Director for Wujal Wujal elected 16 December 2009
	Director for Hopevale elected 28 November 2007 (term ended 16 December 2009)
Hazel Douglas	Director for Mossman elected 28 November 2007 (resigned August 2008)
Isaac Makaku	Director for Horn Island elected 28 November 2007
Isabel Coleman	Alternate director for John Clark elected 28 November 2007 (term ended 16 December 2009)
Jacob Walmbly	Director for Aurukun elected 16 December 2009
Jason Port	Alternate director for Hazel Douglas elected 28 November 2007 (resigned August 2008)
Jason Woibo	Alternate director for Graham Woibo elected 28 November 2007 (term ended 16 December 2009)
John Clark	Director for Pormpuraaw elected 28 November 2007 (term ended 16 December 2009)
John Mark	Director for New Mapoon elected 28 November 2007 (term ended 16 December 2009)
Karen Liddy	Alternate director for Gavin Bassani elected 28 November 2007 (term ended 16 December 2009)
Latonya Creek	Alternate director for Patricia Claremont elected 28 November 2007 (term ended 16 December 2009)



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2010

DIRECTORS (CONTINUED)

Name and qualifications	Experience and special responsibilities
Lenny Ned	Alternate director for Richard Tarpencha elected 16 December 2009
Leslie Gilbert	Director for Kowanyama elected 16 December 2009
Lionel	
Ngakyunkwokka	Director for Aurukun elected 28 November 2007 (term ended 16 December 2009)
Meun Lifu	Alternate director for Robbie Salee elected 28 November 2007
Michael Yam	Alternate director for Leslie Gilbert elected 16 December 2009
Neomi Roseblade	Alternate director for Raymond Ah Mat elected 16 December 2009
Patricia Claremont	Director for Coen elected 28 November 2007 (term ended 16 December 2009)
Patricia Young	Alternate director for Charles Woosup elected 28 November 2007 (term ended 16 December 2009)
Percy Clarmont	Alternate director for Clara Day elected 16 December 2009
Polly Mooka	Alternate director for Bernard Charlie elected 16 December 2009
Priscilla Blanco	Alternate director for Donald Callope elected 28 November 2007 (term ended 16 December 2009)
Raymond Ah Mat	Director for Mapoon elected 16 December 2009
Richard Barclay	Director for Napranum elected 16 December 2009
Richard Tarpencha	Director for Pormpuraaw elected 16 December 2009
Robert Spratt	Alternate director for Gavin Bassani elected 16 December 2009
Rodney Accoom	Alternate director for Toby Accoom elected 16 December 2009
Ron Harrigan	Alternate director for Michael Ross elected 28 November 2007 (term ended 16 December 2009)
Sarina Adams	Alternate director for Richard Barkley elected 16 December 2009
Toby Accoom	Director for Lockhart River elected 28 November 2007
William Busch	Alternate director for Josey Dickson elected 28 November 2007 (term ended 16 December 2009)



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2010

DIRECTORS' MEETINGS

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

Director	No of meetings attended	No of meetings held*
Richard Ah Mat	4	4
Michael Ross	6	8
Robbie Salee	8	8
Josey Dickson	3	4
Alison Sailor	-	4
Allan Creek	3	4
Bernard Charlie	3	4
Brian Cobus	4	4
Carol Toby	-	4
Cecil Macumboy	-	4
Clara Day	4	4
Charles Woosup	-	4
Colin Lawrence	-	4
Darby Horace	3	4
Delores Friday	-	4
Dion Creek	-	4
Donald Callope	3	4
Doreen Jones	3	8
Douglas Ahlers	2	8
Elizabeth Lakefield	2	4
Erica Deeral	-	4
Felicity Bowen	-	4
Fred Coleman	3	8
Garagu Kanai	-	8
Gavin Bassani	3	8
Gerhardt Pearson	4	4
Graham Woibo	6	8
Hazel Douglas	-	4
Isaac Makaku	6	8
Isabel Coleman	-	4
Jacob Walmbay	-	4
Jason Port	-	4
Jason Woibo	-	4
John Clark	3	4
John Mark	2	4
Karen Liddy	-	4
Latonya Creek	1	4
Lenny Ned	-	4
Leslie Gilbert	3	4
Lionel Ngakyunkwokka	-	4
Meun Lifu	-	8
Michael Yam	-	4



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2010

DIRECTORS' MEETINGS (CONTINUED)

Director	No of meetings attended	No of meetings held*
Neomi Roseblade	1	4
Patricia Claremont	-	4
Patricia Young	-	4
Percy Clarmont	-	4
Polly Mooka	-	4
Priscilla Blanco	1	4
Raymond Ah Mat	2	4
Richard Barkley	4	4
Richard Tarpencha	-	4
Robert Spratt	2	4
Rodney Accoom	-	4
Ron Harringan	-	4
Sarina Adams	-	4
Toby Accoom	8	8
William Busch	1	4

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

LEAD AUDITOR'S INDEPENDENCE DECLARATION

At no time during the financial year ended 30 June 2010 was an officer of the Corporation an auditor, a partner in the audit firm, or a director of the audit firm that undertook the audit of the Corporation for that financial year.


The lead auditor's independence declaration is set out on page 31 and forms part of the directors' report for the financial year ended 30 June 2010.

PROCEEDINGS ON BEHALF OF THE CORPORATION

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

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

This report is made with a resolution of the directors:



Director

Dated at Cairns this 13th day of October 2010.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

**STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2010**

	Note	2010 \$	2009 \$
ASSETS			
Cash and cash equivalents	6	293,573	923,759
Trade and other receivables	7	203,310	73,081
Prepayments		16,915	62,904
Total current assets		513,798	1,059,744
 Property, plant and equipment	8	1,110,800	622,621
Total non-current assets		1,110,800	622,621
Total assets		1,624,598	1,682,365
 LIABILITIES			
Trade and other payables			
Suppliers	9	716,775	728,298
Grants	9	158,848	697,269
Loans and borrowings			
Finance lease	10	10,635	9,610
Total current liabilities		886,258	1,435,177
 Loans and borrowings			
Finance lease	10	44,290	54,925
Employee benefits	11	16,213	-
Total non-current liabilities		60,503	54,925
Total liabilities		946,761	1,490,102
Net assets		677,837	192,263
 EQUITY			
Retained surplus / (deficit)		317,909	(167,665)
Reserves	13	359,928	359,928
Total equity		677,837	192,263

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

**STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2010**

	Note	2010 \$	2009 \$
INCOME			
Revenue			
Revenue from government sources	14(a)	5,834,232	4,716,491
Revenue from non-government sources	14(b)	433,046	424,754
		<u>6,267,278</u>	<u>5,141,245</u>
 EXPENSES			
Employee expenses	15	2,867,056	2,505,178
Supplier expenses	15	2,744,423	2,543,449
Depreciation and amortisation expenses	15	193,398	156,054
Write down and impairment of assets	15	-	(37,036)
Loss on disposal of property, plant and equipment		9,112	11,957
		<u>5,813,989</u>	<u>5,179,602</u>
 Results from operating activities		<u>453,289</u>	<u>(38,357)</u>
Finance income		38,413	39,130
Finance costs		(6,128)	(7,055)
 Net finance income		<u>32,285</u>	<u>32,075</u>
 Net surplus/(deficit) before income tax		485,574	(6,282)
Income tax expense	3(k)	-	-
 Net surplus/(deficit) for the year		485,574	(6,282)
Other comprehensive income		-	-
 Total comprehensive income for the year		<u>485,574</u>	<u>(6,282)</u>

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

**STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2010**

	Note	2010 \$	2009 \$
RETAINED SURPLUS			
Opening balance at 1 July		(167,665)	(161,383)
Net surplus (deficit) for the year		<u>485,574</u>	<u>(6,282)</u>
Closing balance at 30 June		<u>317,909</u>	<u>(167,665)</u>
 RESERVES			
Asset revaluation reserve			
Opening balance at 1 July		359,928	359,928
Revaluation of property, plant and equipment		<u>-</u>	<u>-</u>
Closing balance at 30 June		<u>359,928</u>	<u>359,928</u>

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

**STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2010**

	Note	2010 \$	2009 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Cash receipts from services provided and grants		6,183,038	5,073,763
Interest received		<u>38,413</u>	<u>39,130</u>
		6,221,451	5,112,893
Cash paid to suppliers and employees		<u>(6,145,210)</u>	<u>(4,431,719)</u>
Net operating cash flows	17	<u>76,241</u>	<u>681,174</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Acquisition of property, plant and equipment		(698,417)	(144,207)
Proceeds from sale of property, plant and equipment		<u>7,728</u>	<u>8,500</u>
Net investing cash flows		<u>(690,689)</u>	<u>(135,707)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
Payment of finance lease liabilities		(9,610)	(8,683)
Interest paid		<u>(6,128)</u>	<u>(7,055)</u>
Net financing cash flows		<u>(15,738)</u>	<u>(15,738)</u>
Net increase (decrease) in cash and cash equivalents		(630,186)	529,729
Cash and cash equivalents at 1 July		<u>923,759</u>	<u>394,030</u>
Cash and cash equivalents at 30 June	6	<u>293,573</u>	<u>923,759</u>

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

1. REPORTING ENTITY

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

2. BASIS OF PREPARATION

(a) Statement of compliance

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

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

(b) Basis of measurement

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

(c) Functional and presentation currency

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

(d) Use of estimates and judgements

The preparation of financial statements in conformity with AASBs requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses. Actual results may differ from these estimates. Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimates are revised and in any future periods affected.

(e) Change in accounting policy

From 1 July 2009, the Corporation changed its accounting policy for the presentation of financial statements.

3. SIGNIFICANT ACCOUNTING POLICIES

The accounting policies set out below have been applied consistently to all periods presented in these financial statements, except as explained in Note 2(e).

(a) Financial instruments

(i) Non-derivative financial assets

The Corporation initially recognises loans and receivables and deposits on the date that they are originated. All other financial assets are recognised initially on the trade date at which the Corporation becomes a party to the contractual provisions of the instrument.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(a) Financial instruments (continued)

(i) Non-derivative financial assets (continued)

The Corporation derecognises a financial asset when the contractual rights to the cash flows from the asset expire, or it transfers the rights to receive the contractual cash flows on the financial asset in a transaction in which substantially all the risks and rewards of ownership of the financial asset are transferred. Any interest in transferred financial assets that is created or retained by the Corporation is recognised as a separate asset or liability.

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

The Corporation has the following non-derivative financial assets:

Loans and receivables

Loans and receivables are financial assets with fixed or determinable payments that are not quoted in an active market. Such assets are recognised initially at fair value plus any directly attributable transaction costs. Subsequent to initial recognition loans and receivables are measured at amortised cost using the effective interest method, less any impairment losses.

Loans and receivables comprise trade and other receivables.

Cash and cash equivalents

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

(ii) Non-derivative financial liabilities

The Corporation initially recognises debt securities issued and subordinated liabilities on the date that they are originated. All other financial liabilities are recognised initially on the trade date at which the Corporation becomes a party to the contractual provisions of the instrument. The Corporation derecognises a financial liability when its contractual obligations are discharged or cancelled or expire. Financial assets and liabilities are offset and the net amount presented in the statement of financial position when, and only when, the Corporation has a legal right to offset the amounts and intends either to settle on a net basis or to realise the asset and settle the liability simultaneously.

The Corporation has the following non-derivative financial liabilities: loans and borrowings, bank overdrafts, trade and other payables.

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

(ii) Derivative financial instruments

The Corporation holds no derivative financial instruments.

(iii) Compound financial instruments

The Corporation has not issued any compound financial instruments.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(b) Property, plant and equipment

(i) *Recognition and measurement*

Items of property, plant and equipment are initially measured and recognised at cost.

Cost includes expenditures that are directly attributable to the acquisition of the asset. Purchased software that is integral to the functionality of the related equipment is capitalised as part of that equipment.

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

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

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

(ii) *Subsequent costs*

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

(iii) *Depreciation*

Depreciation is recognised in expenses on a straight-line basis over the estimated useful lives of each part of an item of property, plant and equipment. Leased assets are depreciated over the shorter of the lease term and their useful lives unless it is reasonably certain that the Corporation will obtain ownership by the end of the lease term.

The estimated useful lives for the current and comparative periods are as follows:

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

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

(c) *Leased assets*

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

Other leases are operating leases and the leased assets are not recognised on the Corporation's statement of financial position.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(d) Impairment

(i) Financial assets

A financial asset is assessed at each reporting date to determine whether there is any objective evidence that it is impaired. A financial asset is impaired if objective evidence indicates that a loss event has occurred after the initial recognition of the asset, and that the loss event had a negative effect on the estimated future cash flows of that asset that can be estimated reliably.

An impairment loss in respect of a financial asset measured at amortised cost is calculated as the difference between its carrying amount and the present value of the estimated future cash flows discounted at the asset's original effective interest rate. Losses are recognised in finance costs and reflected in an allowance account against receivables. Interest on the impaired asset continues to be recognised through the unwinding of the discount. When a subsequent event causes the amount of impairment loss to decrease, the decrease in impairment loss is reversed through income.

(ii) Non-financial assets

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

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

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

Impairment losses recognised in prior periods are assessed at each reporting date for any indications that the loss has decreased or no longer exists. An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

(e) Employee benefits

(i) Defined contribution plans

A defined contribution plan is a post-employment benefit plan under which an entity pays fixed contributions into a separate entity and will have no legal or constructive obligation to pay further amounts. Obligations for contributions to defined contribution plans are recognised as a personnel expense in the periods during which services are rendered by employees. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in future payments is available. Contributions to a defined contribution plan that are due more than 12 months after the end of the period in which the employees render the service are discounted to their present value.

(ii) Other long-term employee benefits

The Corporation's net obligation in respect of long-term employee benefits is the amount of future benefit that employees have earned in return for their service in the current and prior periods plus related on-costs; that benefit is discounted to determine its present value, and the fair value of any related assets is deducted. The discount rate is the yield at the reporting date on AA credit-rated or government bonds that have maturity dates approximating the terms of the Corporation's obligations. The calculation is performed using the projected unit credit method. Any actuarial gains or losses are recognised in expenses in the period in which they arise.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(e) Employee benefits (continued)

(iii) Termination benefits

Termination benefits are recognised as an expense when the Corporation is demonstrably committed, without realistic possibility of withdrawal, to a formal detailed plan to either terminate employment before the normal retirement date, or to provide termination benefits as a result of an offer made to encourage voluntary redundancy. Termination benefits for voluntary redundancies are recognised as an expense if the Corporation has made an offer encouraging voluntary redundancy, it is probable that the offer will be accepted, and the number of acceptances can be estimated reliably. If benefits are payable more than 12 months after the reporting period, then they are discounted to their present value.

(iv) Short-term benefits

Short-term employee benefit obligations are measured on an undiscounted basis and are expensed as the related service is provided.

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

(f) Provisions

A provision is recognised if, as a result of a past event, the Corporation has a present legal or constructive obligation that can be estimated reliably and it is probable that an outflow of economic benefits will be required to settle the obligation. Provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the liability. The unwinding of the discount is recognised as finance costs.

(g) Revenue from non-government sources

Revenue from the non-government sources is measured at the fair value of the consideration received or receivable, net of returns, trade discounts and volume rebates. Revenue is recognised in income in proportion to the stage of completion of the transaction at the reporting date. The stage of completion is assessed by reference to surveys of work performed.

(h) Government grants

(i) Grants received

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

Reciprocal grants received

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(h) Government grants (continued)

(i) Grants received (continued)

Non-reciprocal grants received

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

(ii) Contributions

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

(i) Lease payments

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

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

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

Determining whether an arrangement contains a lease

At inception of an arrangement, the Corporation determines whether such an arrangement is or contains a lease. A specific asset is the subject of a lease if fulfilment of the arrangement is dependent on the use of that specified asset. An arrangement conveys the right to use the asset if the arrangement conveys to the Corporation the right to control the use of the underlying asset. At inception or upon reassessment of the arrangement, the Corporation separates payments and other consideration required by such an arrangement into those for the lease and those for other elements on the basis of their relative fair values. If the Corporation concludes for a finance lease that it is impracticable to separate the payments reliably, an asset and a liability are recognised at an amount equal to the fair value of the underlying asset. Subsequently the liability is reduced as payments are made and an imputed finance charge on the liability is recognised using the Corporation's incremental borrowing rate.

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

(j) Finance income and finance costs

Finance costs comprise interest expense on borrowings. Borrowing costs that are not directly attributable to the acquisition, construction or production of a qualifying asset are recognised in expenses using the effective interest method.

(k) Income tax

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

3. SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(l) Goods and services tax

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

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

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

(m) Presentation of financial statements

The Corporation applies revised AASB 101 *Presentation of Financial Statements* (2007), which became effective as of 1 January 2009. As a result, the Corporation presents in the statement of changes in equity all owner changes in equity, whereas all non-owner changes in equity are presented in the statement of comprehensive income.

Comparative information has been re-presented so that it also is in conformity with the revised standard.

(n) New standards and interpretations not yet adopted

The following standards, amendments to standards and interpretations have been identified as those which may impact the entity in the period of initial application. They are available for early adoption at 30 June 2010, but have not been applied in preparing this financial report:

- AASB 2009-5 *Further amendments to Australian Accounting Standards arising from the Annual Improvements Process* affect various AASBs resulting in minor changes for presentation, disclosure, recognition and measurement purposes. The amendments, which become mandatory for the Corporation's 30 June 2011 financial statements, are not expected to have a significant impact on the financial statements.
- AASB 124 *Related Party Disclosures* (revised 2009) amends the definition of a related party. The IASB made the definition symmetrical to ensure that if one entity is identified as a related party in another entity's financial statements, then the other entity also will be a related party in the first entity's financial statements. The revised standard will become mandatory for the Corporation's 30 June 2012 financial statements and is not expected to have a significant impact on the financial statements.
- AASB 9 *Financial Instruments*, published on 7 December 2009, is part of phase I of the IASB's comprehensive project to replace IAS 39. It deals with classification and measurement of financial assets. The requirements of this standard represent a significant change from the existing requirements of AASB 139 in respect of financial assets. The standard contains two primary measurement categories for financial assets: amortised cost and fair value. The standard eliminates the existing AASB 139 categories of held to maturity, available for sale and loans and receivables. The standard will become mandatory for the Corporation's 30 June 2014 financial statements. The Corporation has not evaluated the potential effect of this standard. Given the nature of the Corporation's operations, this standard is not expected to have a significant impact on the Corporation's financial statements.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

4. GOING CONCERN AND ECONOMIC DEPENDENCY

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

In respect of the year ended 30 June 2010, the Corporation reported a net surplus of \$485,574 (2009: deficit of \$6,282). At 30 June 2010, current liabilities amounted to \$886,258 (2009: \$1,435,177) and current assets amounted to \$513,798 (2009 \$1,059,744) leaving a shortfall in working capital of \$372,460 (2009: shortfall of \$375,433).

As at 30 June 2010, the Corporation had non-current assets of \$1,110,800 (2009: \$622,621) and non-current liabilities of \$60,503 (2009: \$54,925) such that total assets exceeded total liabilities by \$677,837 (2009: \$192,263). Therefore, the Corporation had sufficient assets, although not in a liquid form, to cover the shortfall in working capital should no other alternative be available. However, any solution involving the sale of property, plant and equipment would be subject to restrictions which apply to the sale of assets purchased with grant funds and would reduce or curtail existing operations.

The majority of the shortfall in the Corporation's working capital arose some years ago. Because the Corporation is a not-for-profit entity and the majority of its revenue is derived from grants which must be expended on specific future projects, there is little opportunity for the Corporation to remedy its working capital shortfall. In the circumstances, the Corporation is able to meet its debts as and when they are payable out of grant funds for these future projects.

Accordingly the ability of the Corporation to continue its operations at current levels and continue as a going concern is dependent upon future ongoing funding and support being provided by government funding bodies. Such funding and support from the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Corporation's main funding provider, has been secured until the year ending 30 June 2013. Therefore, the directors are confident that the Corporation will continue as a going concern at least until the year ending 30 June 2013.

5. DETERMINATION OF FAIR VALUES

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

6. CASH AND CASH EQUIVALENTS

	2010	2009
	\$	\$
Cash at bank	292,373	922,359
Cash on hand	<u>1,200</u>	<u>1,400</u>
Cash and cash equivalents in the statement of cash flows	<u>293,573</u>	<u>923,759</u>

The Corporation's exposure to interest rate risk and a sensitivity analysis for financial assets and liabilities are disclosed in Note 12.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

	2010 \$	2009 \$
7. TRADE AND OTHER RECEIVABLES		
Trade receivables	292,536	225,520
Less: Allowance for impairment losses	(152,439)	(152,439)
	140,097	73,081
GST receivable	55,843	-
Other debtors	7,370	-
	<u>203,310</u>	<u>73,081</u>

The Corporation's exposure to credit and currency risk and impairment losses related to trade and other receivables are disclosed in Note 12.

8. PROPERTY, PLANT AND EQUIPMENT

2010	Leasehold improvements \$	Plant and equipment \$	Motor vehicles \$	Total \$
At 1 July 2009				
Gross book value	-	422,307	354,825	777,132
Accumulated depreciation	-	(83,546)	(70,965)	(154,511)
Opening net book value	-	338,761	283,860	622,621
Additions by purchase	560,295	138,122	-	698,417
Depreciation/amortisation	(5,066)	(115,657)	(61,965)	(182,688)
Disposals by sale	-	(5,050)	(22,500)	(27,550)
At 30 June 2010	<u>555,229</u>	<u>356,176</u>	<u>199,395</u>	<u>1,110,800</u>
Gross book value	560,295	555,379	332,325	1,447,999
Accumulated depreciation	(5,066)	(199,203)	(132,930)	(337,199)
Closing net book value	<u>555,229</u>	<u>356,176</u>	<u>199,395</u>	<u>1,110,800</u>
Carrying amount under the cost model	555,229	261,546	116,507	933,282
2009				
At 1 July 2008				
Gross book value	-	278,100	376,825	654,925
Accumulated depreciation	-	-	-	-
Opening net book value	-	278,100	376,825	654,925
Additions by purchase	-	144,207	-	144,207
Depreciation/amortisation	-	(83,546)	(70,965)	(154,511)
Disposals by sale	-	-	(22,000)	(22,000)
At 30 June 2009	<u>-</u>	<u>338,761</u>	<u>283,860</u>	<u>622,621</u>
Gross book value	-	422,307	354,825	777,132
Accumulated depreciation	-	(83,546)	(70,965)	(154,511)
Closing net book value	<u>-</u>	<u>338,761</u>	<u>283,860</u>	<u>622,621</u>
Carrying amount under the cost model	-	215,656	168,134	383,790



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

8. PROPERTY, PLANT AND EQUIPMENT (CONTINUED)

Assets at valuation

The most recent valuation of property, plant and equipment was carried out as at 30 June 2008. The valuation was conducted by a registered, independent appraiser having an appropriate recognised qualification and recent experience in the location and category of the property being valued. All assets were subject to the appraisal. Fair values were determined on the basis of market value. Directors are of the opinion that carrying amounts for plant and equipment and motor vehicles at 30 June 2010 represent fair values at that date.

Assets held under finance leases

The Corporation leases plant and equipment under finance lease arrangements. The lease provides the Corporation the opportunity to purchase the equipment at a beneficial price. The leased equipment secures lease obligations (see Note 10). At 30 June 2010 the carrying amount of leased plant and equipment was \$27,789 (2009: \$58,386).

	2010 \$	2009 \$
9. TRADE AND OTHER PAYABLES		
Trade creditors	262,204	243,004
Accruals	27,464	145,083
GST payable	-	21,153
PAYG/Group tax	28,335	21,720
Salaries and wages accrued	60,000	49,000
Superannuation payable	-	561
Liability for annual leave	146,053	136,404
Liability for sick leave	92,370	74,231
Liability for long service leave	56,752	37,142
Liability for TOIL	43,597	-
	<u>716,775</u>	<u>728,298</u>
Grant funds unexpended, repayable or in advance	158,848	697,269
	<u>875,623</u>	<u>1,425,567</u>

The Corporation's exposure to liquidity risk related to trade and other payables is disclosed in Note 12.

10. LOANS AND BORROWINGS

Finance lease liabilities

Finance lease liabilities are payable as follows:

	Future minimum lease payments 2010 \$	Interest 2010 \$	Present value of min. lease payments 2010 \$	Future minimum lease payments 2009 \$	Interest 2009 \$	Present value of min. lease payments 2009 \$
Less than one year	15,738	5,103	10,635	15,738	6,128	9,610
Between one and five years	50,613	6,323	44,290	66,351	11,426	54,925
More than five years	-	-	-	-	-	-
	<u>66,351</u>	<u>11,426</u>	<u>54,925</u>	<u>82,089</u>	<u>17,554</u>	<u>64,535</u>



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

	2010 \$	2009 \$
11. EMPLOYEE BENEFITS		
Non-current		
Liability for long service leave	16,213	-

The Corporation makes contributions to defined contribution plans. The amount recognised as an expense was \$212,437 for the year ended 30 June 2010 (2009: \$192,120).

Long service leave

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

12. FINANCIAL INSTRUMENTS

(a) Financial risk management

(i) Overview

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

- credit risk
- liquidity risk
- market risk.

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

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

(ii) Credit risk

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

Approximately 93.1% (2009: 91.7%) of the Corporation's revenue is attributable to Government funding.

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

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

12. FINANCIAL INSTRUMENTS (CONTINUED)

(a) Financial risk management (continued)

(iii) Liquidity risk

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

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

(iv) Market risk

Market risk is the risk that changes in market prices, such as interest rates will affect the Corporation's income. Interest on deposits is minimal and makes up approximately 0.61% (2009: 0.76%) of the Corporation's income. The Corporation's policy is to ensure monies are held with a major bank at the best available interest rate.

Interest rate risk

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

(b) Credit risk

(i) Exposure to credit risk

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

	2010 \$	2009 \$
Cash and cash equivalents	293,573	923,759
Trade and other receivables	203,310	73,081
	<u>496,883</u>	<u>996,840</u>

(ii) Impairment losses

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

	Gross 2010 \$	Impairment 2010 \$	Gross 2009 \$	Impairment 2009 \$
Not past due	63,611	-	20,970	-
Past due 0-30 days	-	-	27,115	-
Past due 31-120 days	642	-	24,996	-
Past due 121 days to one year	75,844	-	1,382	(1,382)
More than one year	152,439	(152,439)	151,057	(151,057)
	<u>292,536</u>	<u>(152,439)</u>	<u>225,520</u>	<u>(152,439)</u>



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

12. FINANCIAL INSTRUMENTS (CONTINUED)

(b) Credit risk (continued)

(ii) Impairment losses (continued)

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

	2010 \$	2009 \$
Balance at 1 July	152,439	199,702
Allowance for impairment loss released	-	(47,263)
Balance at 30 June	152,439	152,439

(c) Liquidity risk

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

	Carrying amount \$	Contractual cash flow \$	6 months or less \$	6-12 months \$	1-2 years \$	2-5 years \$	More than 5 years \$
2010							
Finance lease liabilities	54,925	66,351	7,869	7,869	15,738	34,875	-
	54,925	66,351	7,869	7,869	15,738	34,875	-
2009							
Finance lease liabilities	64,535	82,089	7,869	7,869	15,738	50,613	-
	64,535	82,089	7,869	7,869	15,738	50,613	-

An unused credit card facility of \$10,000 exists at 30 June 2010 (2009: \$5,000).

(d) Currency risk

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

	2010 \$	2009 \$
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(e) Interest rate risk

(i) Profile

At the reporting date the interest rate profile of the Corporation's interest-bearing financial instruments was:

Fixed rate instruments

Financial assets	-	-
Financial liabilities	(54,925)	(64,535)

Variable rate instruments

Financial assets	293,573	923,759
Financial liabilities	-	-

(ii) Fair value sensitivity analysis for fixed rate instruments

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

12. FINANCIAL INSTRUMENTS (CONTINUED)

(e) Interest rate risk (continued)

(iii) Cash flow sensitivity analysis for variable rate instruments

A change of 100 basis points in interest rates at the reporting date would have increased (decreased) equity and net surplus by the amounts shown below. This analysis assumes that all other variables remain constant. The analysis is performed on the same basis for 2009.

	Income or expenses		Equity	
	100bp increase	100bp decrease	100bp increase	100bp decrease
	\$	\$	\$	\$
2010				
Variable rate bank deposits	2,936	(2,936)	-	-
2009				
Variable rate bank deposits	9,238	(9,238)	-	-

(f) Fair values

The fair values of financial assets and liabilities approximate the carrying amounts shown in the statement of financial position.

13. CAPITAL AND RESERVES

Revaluation reserve

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

	2010	2009
	\$	\$
14. REVENUE		
(a) Revenue from government sources		
<i>Native title activities</i>		
Grants received – FaHCSIA	5,038,854	4,989,752
Grants received – DERM/DNR	78,195	68,182
Grants received – DEWHA	178,762	97,000
Unexpended grant balances at the beginning of the year	697,269	258,826
Unexpended grant balances at the end of the year	(158,848)	(697,269)
	<u>5,834,232</u>	<u>4,716,491</u>
(b) Revenue from non-government sources		
Recoverable income	196,007	231,128
Reimbursements received – State land dealings	217,039	193,626
Donations	20,000	-
	<u>433,046</u>	<u>424,754</u>



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

	2010	2009
	\$	\$
15. EXPENSES		
Employee expenses		
Wages and salaries	2,025,757	1,829,758
Superannuation	212,437	192,120
Leave and other entitlements	503,334	350,752
Staff professional development	32,000	92,810
Fringe benefits tax	21,721	10,114
Other employee expenses	71,807	29,624
	<u>2,867,056</u>	<u>2,505,178</u>
Supplier expenses		
Motor vehicle expenses	150,221	131,002
Rent and occupancy costs	107,765	114,662
Service expenses	1,564,158	1,335,216
Supplies	151,429	199,444
Travel expenses	755,956	763,125
Grants repaid	14,894	-
	<u>2,744,423</u>	<u>2,543,449</u>
Depreciation and amortisation		
Leasehold improvements	5,066	-
Plant and equipment	117,441	83,546
Motor vehicles	70,891	72,508
	<u>193,398</u>	<u>156,054</u>
Write down and impairment of assets		
Impairment of receivables	-	(37,036)
	<u>-</u>	<u>(37,036)</u>

16. OPERATING LEASES

Non-cancellable operating lease rentals are payable as follows:

Less than one year	116,919	5,745
Between one and five years	395,998	-
More than five years	-	-
	<u>512,917</u>	<u>5,745</u>

During the year ended 30 June 2010 \$39,444 was recognised as an expense in respect of operating leases (2009: \$5,745). A new building lease with Cape York Building Pty Ltd of \$100,000 per year was negotiated for a 5 year term, commencing from 1 April 2010.



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

	2010	2009
	\$	\$
17. RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES		
Cash flows from operating activities		
Net surplus/(deficit) for the year	485,574	(6,282)
<i>Adjustments for:</i>		
Depreciation	193,398	156,054
Interest expense	6,128	7,055
Loss on sale of property, plant and equipment	9,112	11,957
Operating surplus before changes in working capital and provisions	694,212	168,784
Change in trade and other receivables	(130,229)	(30,425)
Change in prepayments	45,989	(37,057)
Change in trade and other payables	(549,944)	529,596
Change in provisions and employee benefits	16,213	50,276
Net cash from operating activities	76,241	681,174

18. RELATED PARTIES

Transactions with key management personnel

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

(i) Key management personnel compensation

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

Short-term employee benefits	522,763	397,665
Other long term benefits	-	-
Post-employment benefits	46,759	34,097
Termination benefits	-	-
	569,522	413,762

(ii) Loans to key management personnel

No loans have been made to key management personnel during the year (2009: nil).

Transactions with key management personnel (continued)

(iii) Other key management personnel and related parties transactions

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

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



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

18. RELATED PARTIES (CONTINUED)

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

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

Apunipima Cape York Health Council Aboriginal Corporation – Gavin Bassani was a director during the financial year.

Balkanu Cape York Development Corporation Pty Ltd – Toby Accoom, Allan Creek, Gerhardt Pearson, Richard Ah Mat and Elizabeth Lakefield were directors during the financial year.

Cape York Partnerships for Welfare Reform Pty Ltd – Gerhardt Pearson and Richard Ah Mat were directors during the financial year.

Cape York Corporation Pty Ltd as trustee for the Cape York Aboriginal Charitable Trust – Gerhardt Pearson, Richard Ah Mat and Allan Creek were directors during the financial year. Cape York Corporation Pty Ltd as a trustee for the Cape York Aboriginal Charitable Trust owns 100% of the shares of the following entities:

- Cape York Partnerships for Welfare Reform Pty Ltd
- Cape York Building Pty Ltd as Trustee for the Cape York Building Unit Trust
- Balkanu Cape York Development Corporation Pty Ltd
- Adai Cape York Investments Pty Ltd

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

2010	Transactions during the financial year		Balances at the end of the financial year	
	Income \$	Expenses \$	Debtors \$	Creditors \$
Apunipima Cape York Health Council Aboriginal Corporation	-	545	-	-
Balkanu Cape York Development Corporation Pty Ltd	206,389	4,804	18,287	-
Cape York Building Pty Ltd	-	79,982	-	9,167
Cape York Partnerships for Welfare Reform Pty Ltd	11,293	60,000	-	-
2009				
Apunipima Cape York Health Council Aboriginal Corporation	-	545	-	-
Balkanu Cape York Development Corporation Pty Ltd	212,936	34,956	-	-
Cape York Building Pty Ltd	-	59,400	-	-
Cape York Partnerships for Welfare Reform Pty Ltd	-	60,000	-	-



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

19. AUDITOR'S REMUNERATION

	2010	2009
	\$	\$
Audit services		
Auditors of the Corporation – KPMG		
Audit of the financial report	<u>20,000</u>	<u>18,000</u>
Other services		
Auditors of the Corporation – KPMG		
Other assurance services	<u>7,159</u>	<u>6,925</u>



CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

DIRECTORS' DECLARATION

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

- (a) the financial statements and notes, set out on pages 6 to 27 are in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the *Native Title Act 1993*, including:
 - (i) giving a true and fair view of the Corporation's financial position as at 30 June 2010 and of its performance for the year ended on that date; and
 - (ii) complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Corporations (Aboriginal and Torres Strait Islander) Regulations 2007 and any applicable determinations made by the Registrar of Indigenous Corporations under Division 336 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; and
- (b) there are reasonable grounds to believe that the Corporation will be able to pay its debts as and when they become due and payable;
- (c) the financial report does not comply with International Financial Standards as disclosed in Note 2 (a);
- (d) the receipt, expenditure and the investment of money and the acquisition and disposal of assets by the Corporation during the year have been in accordance with the *Native Title Act 1993* and any grant conditions imposed under subsection 203 CA(1) of that Act;
- (e) the financial report relates to the performance of the Corporation's representative body functions as required by the *Native Title Act 1993*, section 203 DC(3); and
- (f) the financial report complies with the form of financial statements as required by the *Native Title Act 1993*, section 203 DC(4).

Signed in accordance with a resolution of the directors:

Director

Dated at Cairns this 13th day of October 2010.



INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION

We have audited the accompanying financial report of Cape York Land Council Aboriginal Corporation (the Corporation), which comprises the statement of financial position as at 30 June 2010, and the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies and other explanatory notes 1 to 19 and the directors' declaration.

Directors' responsibility for the financial report

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

Auditor's responsibility

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

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

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

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

Independence

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




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

Auditor's opinion

In our opinion:

1. The financial report of Cape York Land Council Aboriginal Corporation is in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the *Native Title Act 1993*, including:
 - (a) giving a true and fair view of the Corporation's financial position as at 30 June 2010 and of its performance for the year ended on that date; and
 - (b) complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and any applicable determinations made by the Registrar of Aboriginal Corporations under Division 336 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; and
2. The receipt, expenditure and the investment of money and the acquisition and disposal of assets by the Corporation during the year have been in accordance with the *Native Title Act 1993* and any grant conditions imposed under subsection 203 CA(1) of that Act.


KPMG


Graham Coonan
Partner


Cairns
13 October 2010



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

I declare that, to the best of my knowledge and belief, in relation to the audit for the financial year ended 30 June 2010 there have been:

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



KPMG



Graham Coonan
Partner

Cairns
13 October 2010



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