



**ANINDILYAKWA LAND COUNCIL**  
**2017/18 CORPORATE PLAN**  
Covering the period 2017/18 - 2020/21

## **FOREWORD**

This document is designed to outline the priorities of Anindilyakwa Land Council (ALC) in pursuit of our Vision during the period 2017/18 - 2020/21. We are conscious that our priorities will evolve and require periodic adjustment to coincide with social, political and economic changes as they arise.

This plan focuses on medium and long-term priorities, which is hoped, will make a genuine difference to securing a sustainable future for our people. To do so, we must be innovative and proactive. The vision of ALC is to ensure that Traditional Aboriginal Owners people benefit socially, culturally and economically from the secure possession of our land, waters and seas.

To assist Indigenous people in the Groote Archipelago by:

- Enhancing their inherent rights and interests, including their rights to land, territories and resources deriving from their culture, traditions and customary laws;
- Empowering their control over developments affecting their land, territories, resources and culture;
- Providing greater unity by provision of equitable representation and an unbiased focus for political, social, economic and cultural action and research.

The ALC is unique when compared to the other Northern Territory Land Councils constituted under the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) The ALC is subjected to high volume and highly complex payments flowing to it arising out of the ALRA environment due to the extraction of manganese by Groote Eylandt Mining Company (GEMCO). GEMCO, a BHP Billiton/South32 subsidiary, operates the mine near the community of Angurugu. In operation since the early 1960s, the mine produces around 4 million tonnes of high-grade ore annually – about a quarter of the world’s total. It should be noted that, as at September 2011, over 84% of the substantial income of the Aboriginals Benefit Account created by the ALR (NT) Act, for the use and benefit of Traditional Owners across the entire Northern Territory were generated from the extractive mining occurring on Groote Eylandt.

Our corporate mission is to have an effective and capable organisation that effectively serves Aboriginal peoples' interests in across the Groote Archipelago – one that is fully focused and committed to achieve our strategic goals over the next four years.

Our focus is targeting development on Groote Archipelago including the introduction of the Royalty Development Unit (RDU), the reform of the 64(3) Royalty payment system, and the preparation of priority plans for the region.

We will provide increased governance support to the ALC. We will increase community engagement and deliver more accessible and efficient services to Aboriginal people of the ALC region.

We recognise the fundamental importance of working with government and other key stakeholders in all sectors of the community. This Corporate Plan sets out our strategic framework. It outlines the critical success factors driving our organisation.

We are confident that by successfully delivering on our Corporate Plan we will deliver effective and efficient corporate management and good governance and we will take positive and meaningful steps to realise our vision for the ALC.

This confidence is supported by the ALC's approved 15 YEAR STRATEGIC PLAN 2012- 2027, guiding the ALC as both an advocacy organisation and a Commonwealth corporate entity created by legislation, well prior to 4 year corporate planning became mandatory.

We as the accountable authority of the Anindilyakwa Land Council, present the 2017/2018 Anindilyakwa Council Corporate Plan, which covers the financial years 2017/18 to 2020/21 (a period of four years), as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.



Mark HEWITT  
**CHIEF EXECUTIVE OFFICER**



Tony WURRAMARRBA AO  
**CHAIRMAN**

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## 1. INTRODUCTION

Anindilyakwa Land Council (ALC) is an Australian Corporate Commonwealth Entity (PGPA) created to carry out the functions specified to it by the ALRA as amended.

ALC's main source of funding comprises allocations from the Aboriginals Benefit Account (ABA) established under section 64 (1) of ALRA. ALC also receives special purpose grants from various agencies.

Anindilyakwa Land Council does not have any subsidiaries.

This Corporate Plan is a key component of the performance framework for Anindilyakwa Land Council.

### 1.1 INTRODUCTION TO ANINDILYAKWA LAND COUNCIL

Anindilyakwa Land Council is an independent statutory authority of the Commonwealth.

In 1976 the Parliament of Australia passed the ALRA which is our enabling legislation.

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

The ALC officially commenced in 1991, replacing the role previously carried out by the Northern Land Council (NLC). The NLC however, continues to function as the Native Title representative body for the Groote Archipelago.

Groote Archipelago has approx 1300 Aboriginal residents, in communities ranging in size from small family outstations to communities.

The ALC's key constituents are the Traditional Aboriginal Owners within its region. The Anindilyakwa people primarily reside in the three townships of Angurugu, Umbakumba on Groote Eylandt and Milyakburra located on Bickerton Island. There are also a number of homeland centres, or outstations, associated with the townships.

- There are seven homeland centres, or outstations associated with Angurugu, these are Ananja, Bartalumba Bay, Emerald River, Leske Pools, Little Paradise, Malkala and Yenbakwa.
- There are 4 homeland centres, or outstations, associated with Umbakumba, these are Thompsons Bay, 4 Mile, Salt Lake and Six Mile.

The majority of Aboriginal peoples in the ALC region speak an Aboriginal language as their first language. Many are multi-lingual, and English is often a secondary language.

As the peak representative body for the Traditional Aboriginal Owners across the Groote Archipelago, ALC seeks to take a leading role in improving the lives of our people through sound stewardship, advocacy and economic empowerment. In accordance with our corporate priorities and our values.

## 2. PURPOSE STATEMENT

To enable/assist Indigenous people of the Groot Eylandt Archipelago communities to acquire and manage land and promote economic and community development.

The purposes ascribed to Anindilyakwa Land Council (ALC) comprise the powers and functions detailed in ALRA

The role of Anindilyakwa Land Council (ALC) is described in published documents including its annual report and the published ALC 15 year Strategic Plan (which provides the ALC's vision, mission, strategic goals and performance measures).

This corporate plan elaborates on the goals for function attainment, and details the strategies to ensure goal achievement

### 2.1. POWERS and FUNCTIONS STATUTORY FUNCTIONS UNDER SECTION 23 (ALRA)

The Powers and statutory functions of the ALC are detailed in Sections 23(1) and 27 of the (ALRA).

## 3. ALC PRIORITIES FOR 2017-2021

Section 23AA of ALRA specifies that the Land Council must:

- From time to time determine the priorities it will give to performing its functions.
- Allocate resources in the way it thinks fit so as to be able to perform its functions efficiently.
- Give priority to the protection of the interests of traditional Aboriginal owners of, and other Aboriginals interested in, Aboriginal land in the area of the Council.

This Corporate Plan addresses these requirements. The priorities of the ALC are explained by a planning arrangement that comprises:

- Strategic Goals.
- Strategies designed to achieve the strategic goals
- A performance framework designed to measure the successful attainment of the progress of the strategies
- A monitoring system that periodically assesses progress of specific actions designed to achieve the strategies [Note: organisational management develop annual 'action' plans for every strategy, and these actions are the basis for achievement of the priorities].

#### 4. LOCATIONS AND OFFICES

The ALC operations are primarily located on Groote Eylandt. The main office is at the township of Alyangula, with the Finance team and some RDU officers located in Cairns.

#### 5. ACCOUNTABLE AUTHORITY (PGPA)

Public Governance, Performance and Accountability Rule 2014, Rule 7A, states that the Accountable Authority of the Anindilyakwa Land Council (ALC) is the “The group of persons made up of:

- (a) The Chair of the Land Council; and
- (b) The Chief Executive Officer of the Land Council

The Chief Executive Officer of Anindilyakwa Land Council (ALC) is the most senior manager appointed by the Council.

The Chair is elected by the Council, generally for a 3 year term, in accordance with ALRA.

#### 6. STRUCTURE

The ALC board is currently made up of 21 representatives, 9 of whom are women. The elected members serve a term of 3 years.

The ALC Board comprises clan representatives from the Indigenous clans within the ALC area and one community representative from each of the larger townships of Angurugu and Umbakumba. Due to the small population of the Milyakburra Township only one representative was required from Milyakburra to take up membership on the Board and this position is held by a Wurramara clan representative.

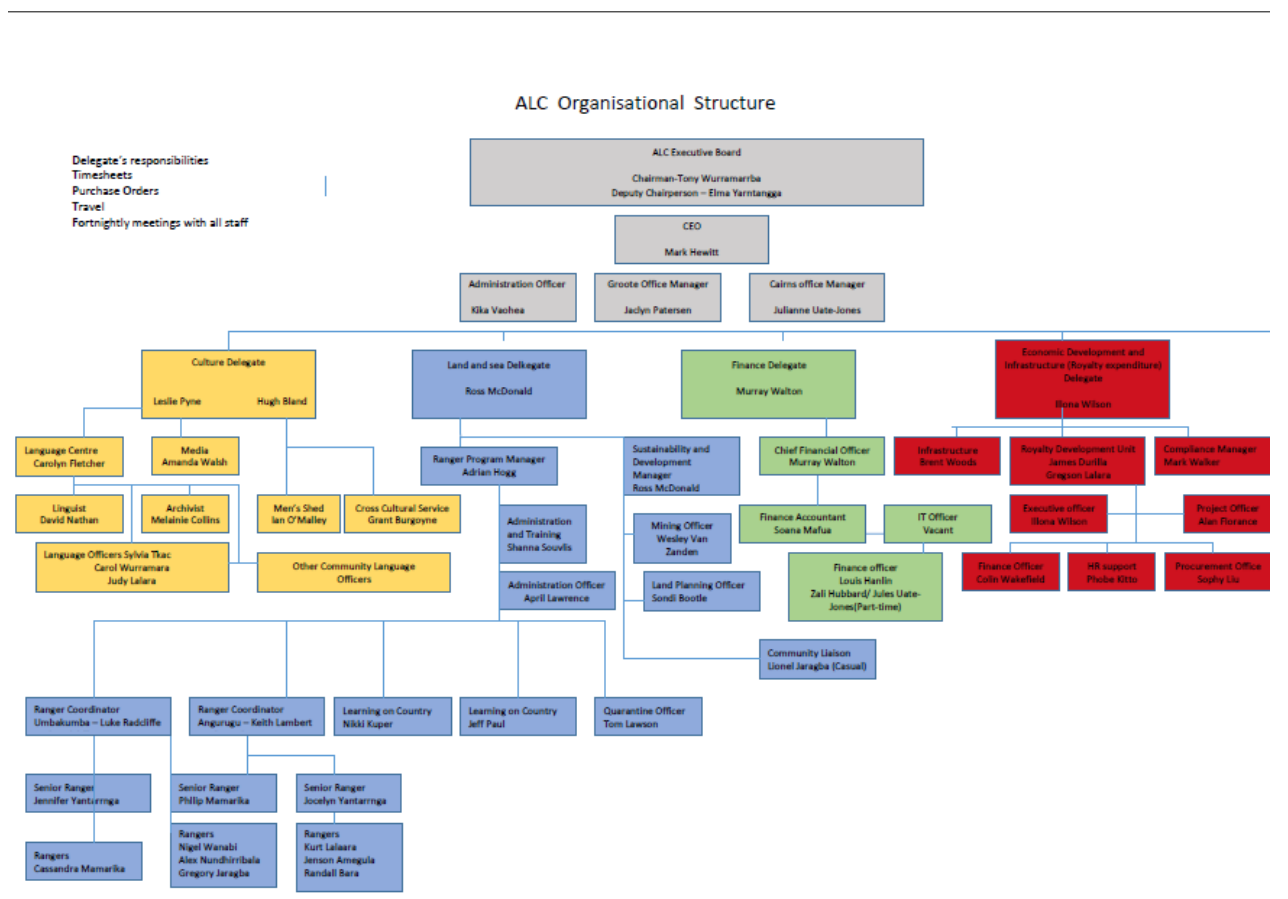
The ALC Board provides the strategic vision and oversight of the ALC. The Chairman and Deputy Chairman are appointed by the ALC Board and are held accountable for their performance by the ALC Board.

On 11 March 2015 the ALC Board resolved to create a Finance Committee under Section 29A of the ALRA to assist the ALC board make recommendations to the ALC concerning distribution of S35(2) funds. The Finance Committee is a 7 member Committee which comprises the Chairman and Deputy Chairman, plus members elected from each of the regions.

The ALC has an Audit Committee with an independent Chair, a Mining Liaison Committee to discuss GEMCO specific matters and a Land and Sea Management Plan Advisory Committee to support the work of the Land and Sea Ranger Program. Ad hoc working groups meet from time to time to discuss issues of mining, tradition, culture, land management, education and economic development.

The ALC Board appoints the Chief Executive Officer who has day-to-day responsibility for administrative operations. The CEO works closely with the Chairman and the Board. The CEO is

responsible for the leadership and management of the organisation, implementing Full Council decisions including policies, driving the ALC’s strategic direction, setting priorities and enforcing sound corporate governance.



## 6.1. STAFFING

The current staffing profile of the ALC administration includes 57 employees of whom 25 are female, five are employed part-time and nine are employed on a casual basis. Indigenous staff make up 40% of the total number of employees. Those ALC board Members who are only paid sitting fees are excluded from these figures

4 specialist committees are included in the organisational structure, as follows:

- The FINANCE SUB-COMMITTEE deals with the priorities and issues relevant to applications for funding under 64 (3)
- The AUDIT COMMITTEE places a corporate lens on the delivery of good governance within the organisation.



- The LAND SEA MANAGEMENT PLAN ADVISORY COMMITTEE
- The MINING LIASION COMMITTEE

## 6.2. BUSINESS UNITS

The following business units support the CEO, Chairman and ALC Board:

1. ANTHROPOLOGY: identifies and consults with Traditional Owners in order to secure and protect their rights in land.
2. LAND AND SEA: hosts and provides support for land and sea Ranger Groups.
3. MINING AND ENVIRONMENT: provides advice to enable Aboriginal people to understand and consent to (or refuse) proposals to develop, explore/mine for minerals or petroleum products on their land.
4. GOVERNANCE/COMPLIANCE: provides policy and strategic support to the CEO and Chairman and all branches
5. FINANCE: delivers financial support and management to the CEO, Chairman and all branches.
6. ROYALTY DEVELOPMENT: facilitates the effective use of monies by recipient ORIC corporations.
7. ADMINISTRATION: delivers IT, human resource and administrative support, including property and fleet asset management to all branches.

## 7. KEY EXTERNAL STAKEHOLDERS

- Australian Government
- Northern Territory Government
- Industries: Mining (GEMCO), Tourism and Fishing
- Businesses
- Non-Government Organisations
- Aboriginal Corporations
- Other Land Councils.

## 8. VISION AND GOALS

### 8.1. VISION

The VISION of the ALC is to:

- Protect, maintain and promote Anindilyakwa culture
- Invest in the present to build a self-sustainable future
- Create pathways for youth to stand in both worlds.

## 8.2. OUR VALUES

To assist Indigenous people in the Groote Archipelago by:

- Enhancing their inherent rights and interests, including their rights to land, territories and resources deriving from their culture, traditions and customary laws
- Empowering their control over developments affecting their land, territories, resources and culture
- Providing greater unity by provision of equitable representation and an unbiased focus for political, social, economic and cultural action and research.
- Be responsive to Traditional Owner needs and advocate on Aboriginal peoples' behalf
- Be open, transparent and accountable
- Proudly reflect the corporate image of the organisation.

## 9. GOALS

The goals of the ALC as shown in our Strategic Plan are to:

- Protect the land and sea
- Develop best practice service delivery
- Develop a living cultural economy
- Strengthen community capacity
- Working with all partners

These goals will inform how ALC directs its mining derived income and how it partners with Indigenous organisations, governments at all levels and industry to achieve the ALC outcomes.

Our Goals over the next four years are:

To assist Indigenous people in the Groote Archipelago by:

- Enhancing their inherent rights and interests, including their rights to land, territories and resources deriving from their culture, traditions and customary laws;
- Empowering their control over developments affecting their land, territories, resources and culture;
- Providing greater unity by provision of equitable representation and an unbiased focus for political, social, economic and cultural action and research.
- To protect the interests of traditional Aboriginal owners of, and other Aboriginal interests in, Aboriginal land in the area of the ALC
- To consult with traditional Aboriginal owners of, and other Aboriginals interested in, Aboriginal land in the area of the ALC with respect to any proposal relating to the use of that land
- To assist traditional Aboriginal owners in the area of the ALC to carry out commercial activities (including resource development, the provision of tourist facilities and agricultural activities), in any manner that will not cause the ALC to incur financial liability or enable it to receive a financial benefit

- Assist our people in having access to, and contributing towards, a sustainable economic environment, including appropriate education and training and sustainable employment
- improve health and living standards through targeted community based projects

## 10. GOVERNANCE

Good governance requires elements of structure, frameworks, regulations and policies as well as people and values.

This corporate plan assists to address the key components of governance, including legislation, planning, organisational structure and a strategic framework aligned to organisational outputs and outcomes and its people.

A key consideration for a Commonwealth corporate entity with an elected Council, is the understanding of the division between the responsibilities of the elected board and the administrative arms of the land council.

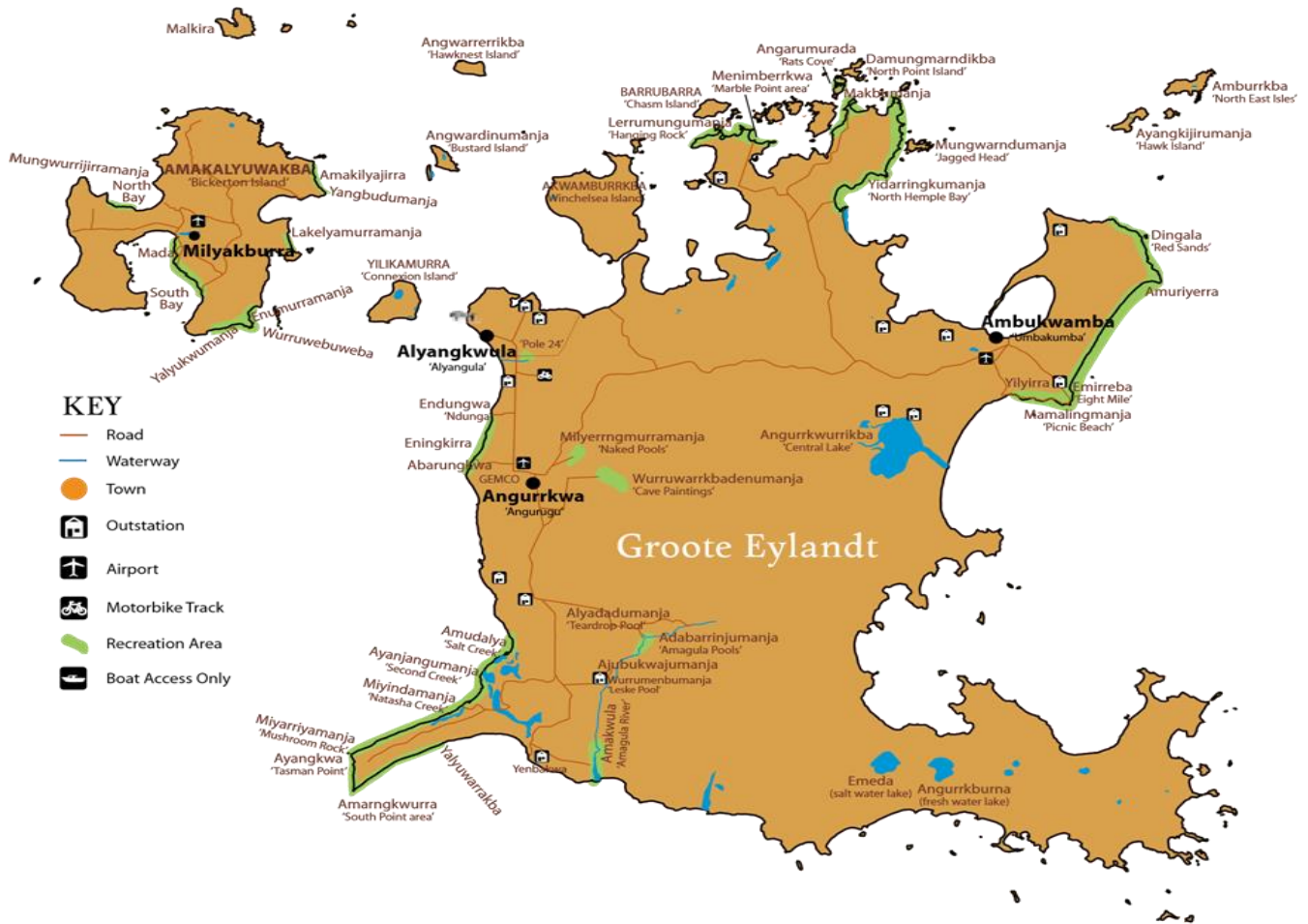
## 11. ENVIRONMENT

The ALC operates within the following environment:

### 11.1. GEOGRAPHIC

- The GROOTE ARCHIPELAGO is situated in the Northern Territory (NT) on the western side of the Gulf of Carpentaria, approximately 640km east southeast of Darwin and some 50km off the Arnhem Land coast.
- Substantial parts of the ARCHIPELAGO are not well serviced in terms of roads and communications.
- The ARCHIPELAGO is within the wet-dry tropics of Australia and in the wet season from November to April 93% of the annual rainfall occurs

The ALC unlike the other ALRA land Councils is remotely located. The Central Land Council is based in the substantial Alice Springs Township, the Northern land Council is based in Darwin city as is the Tiwi land Council whose operations are more easily accessed on the Tiwi Islands. This has a



substantial impact on the work of the ALC. This includes access to and cost of provision of services based only in these larger (or road accessible) towns in particular affecting travel and communications access, the costs of providing core services especially accessing those services based in mainland Northern Territory.

## 11.2. SOCIAL, ECONOMIC AND REGULATORY

- Over the last several years, various government initiatives have, led to an increase in activity of core functions for the ALC
- The increasing attention of governments arising from the call of Aboriginal interests to find meaningful employment for Traditional Aboriginal Owners, as well as the need for economic development in the communities, is leading to a greater focus for sustainable economic development.

Funding of the ALC needs to reflect the increased demand for core services. If the funding is not sufficient, there is a real risk to effectively manage and deliver our services in an acceptable and timely manner.

A significant focus for the ALC over the period of the plan is facilitating the responsible and sustainable use of Statutory Royalty Equivalents, detailed further at 16.1 and 16.4. These flows

are dependent on the extent of mining activity, ore prices and currency exchange all of which vary widely. Mine operators consider such information where known as “Commercial in Confidence” and tend not to provide predictions to this level. Performance measures are therefore unpredictable. Those performance measures in the table at 19 that are dependent on Statutory Royalty Equivalent fund flows are designed to reflect and cater for this variability. Section 35(2) Determinations {section 64(3) Statutory Royalty Equivalents} were \$38M in 2013/14, \$31M, in 2014/15, \$27.1M after and \$15.2M in 2016/17

## 12. PLANNING FRAMEWORK

This Corporate Plan has been developed to meet the requirements of the PGPA.

Along with the strategic framework it will assist to determine the medium and long term priorities of the ALC,

On a 3 yearly basis the ALC will work with its newly elected board to review its objectives.

The corporate plan is supported by a long term financial model, which enables various scenarios to be modelled to understand the impact on ALC finances of the strategic decisions it makes or the services demands made upon it.

The next phase is to assign resources, through a medium term framework. The medium term framework is both a prudential tool to ensure that appropriate financial discipline is maintained and a prioritisation tool that enables staging of expenditures where objectives cannot be resourced immediately. For example a commitment to asset management principles requires a steady and annual investment as the upgrade resources required are beyond any individual financial year budget.

Appropriate monitoring and evaluation is achieved by regularly comparing results with the corporate plan, both during financial years and annually.

Where monitoring and evaluation identifies that there is a need for change the plan should be revised and resources being applied adjusted

## 13. PRIORITIES

Our Corporate Priorities are we will pursue over the next four years are as follows:

- **Land, Sea and Natural Resource Management Support Services**
- **Land Claims and Acquisitions Support Services**
- **Economic Development and Commercial Services**
- **Advocacy Services**
- **Strong Leadership and Governance**
- **Administration and Support Services**

## 13.1 MANAGE LAND

**Objectives:** Indigenous people have cultural responsibilities to care for each other and their land and sea country. Traditional Owners are the major cultural and natural resource managers of the region, which remains one of the most pristine and biologically diverse areas in Australia. The ALC Land and Sea Management Unit works to protect and manage the biodiversity, cultural and recreational values of the Anindilyakwa Indigenous Protected Area (IPA) and surrounding sea country. Funding is provided by the Department of Prime Minister and Cabinet (PM&C) through the Working on Country (WoC) and IPA Programs to undertake this work.

### **STRATEGY/ACTIVITIES:**

- Indigenous Ranger Employment Program
- Strategic Planning and Governance of the Anindilyakwa IPA
- Learning on Country Program
- Administer and Issue Permits for Access to Areas in the Anindilyakwa IPA
- Raising community awareness of the ALC Rangers and Threats to the Anindilyakwa IPA

## 13.2. ACQUIRE LAND

### **Objectives**

- Pursue all appropriate avenues to achieve the acquisition of land for the benefit of Indigenous people.

### **STRATEGY/ACTIVITY:**

The ALC has been seeking protection for sea country surrounding Groote Eylandt since 2009. The NLC and ALC are working co-operatively to assert the Native Title of the Traditional Owners over their sea country, including the waters around Groote Eylandt, and the waters between the mainland and Groote Eylandt. Continue to assist Traditional Owners to process claims under ALRA in relation to acquiring and protecting Aboriginal property rights.

## 13.3. ECONOMIC AND COMMUNITY DEVELOPMENT

ALC aims to contribute to improving the lives and futures of its Traditional Owners through achieving sustainable change

ALC has created the RDU to assist and facilitate Traditional Owners to gain access to resources to economically and socially develop their own groups, and to support sustainable development across Aboriginal Corporations. Significant work is being done by this new business unit.

Economic development outcomes have historically been pursued through a small number of ORIC on behalf of Traditional Owners. Enterprise development by a wider range of small and large island based ORICs is being supported through the unit which will see 64(3) money invested in wide range of ventures.

In order to contribute to economic development ALC believes that social and cultural outcomes must be a priority, including improving health and education and employment.

## Objectives

- Process applications and assist in making land use agreements on Indigenous lands.
- Assist in the economic advancement of Aboriginal people through education, training and employment.
- Process applications for consent to explore and mine on Indigenous land.
- Provide research and assistance and identify infrastructure requirements to enable Indigenous landowners and other Indigenous people to undertake commercial activity.
- 

### STRATEGY/ACTIVITY:

Create the RDU to assist and facilitate Traditional Owners to gain access to resources to economically and socially develop their own groups, and to support sustainable development across Aboriginal Corporations.

### STRATEGY/ACTIVITY:

Develop and implement policies and procedures to improve leadership and governance, skill and gender representation of Aboriginal Corporations.

### STRATEGY/ACTIVITY:

Attend Mining Liaison Committee meetings, and provide accurate advice on potential environmental impacts and benefits of potential exploration and mining licence applications

### STRATEGY/ACTIVITY:

Continue to improve systems and resources to increase efficiency in these processes year by year.

### STRATEGY/ACTIVITY

Utilise funds received from GEMCO as a result of recent mining and exploration lease approvals to make major investments in economic and commercial activities on the Groote Archipelago consistent with the conditions agreed by GEMCO and the ALC over the use of these negotiated royalties. These proposals are currently commercial-in-confidence and will be reportable when developed further.

## 14. ADVOCACY SERVICES

To advocate on behalf of the Traditional Owners of the Groote Archipelago and to express Traditional Owners' views

### Objectives

- Promote public awareness on issues affecting Indigenous people, their land rights and other rights.

- Provide advocacy and representation as appropriate to the Traditional Owners and other clients of the Land Council.
- Assist in the resolution of disputes with respect to land.
- Provide cultural and heritage support as appropriate to the Traditional Owners and other clients of the ALC.
- Facilitate targeted Indigenous community development initiatives as appropriate with the Traditional Owners and other clients of the ALC.

**STRATEGY/ACTIVITY:**

To assist Aboriginal Corporations to secure economic, social and cultural benefits for Traditional Owners from developments taking place on the Groote Archipelago.

**STRATEGY/ACTIVITY:**

- To empower Traditional Owners to carry out commercial activities and build sustainable enterprises
- To actively support the establishment of Aboriginal Corporations, businesses and commercial entities

**STRATEGY/ACTIVITY:**

- To provide up to date information on issues affecting Traditional Owners through the ALC's "Ayakwa Newsletter" and other publications
- To raise public awareness of the ALC's statutory role.

**STRATEGY/ACTIVITY:**

Use the RDU to:

- strengthen the ALC's commercial advocacy and negotiating capabilities
- negotiate agreements that provide economic and business opportunities to Traditional Owners
- enter into partnership arrangements with, and to support Aboriginal Corporations within the ALC region
- Assist Aboriginal Corporations to act in accordance with ORIC and other relevant legislation.
- To assist Aboriginal people to achieve greater community development by facilitating access to leadership and governance programs, resources, infrastructure and government services, and economic and social development

## 15. ADMINISTRATION AND SUPPORT SERVICES

### Objectives

- Maintain an efficient and effective system of corporate governance.
- Enhance the capacity of Indigenous people to direct and manage the activities of the Land Council.
- Administer and distribute statutory, negotiated and other payments.



- Administer Land Trusts.
- Legislative obligations, compliance issues and statutory reporting requirements.

#### **STRATEGY/ACTIVITY:**

- To support and improve service delivery of ALC business
- To support and improve the structure and functions of the ALC to leverage organisation efficiency. To provide and operate within a safe working environment in accordance with the Work Health & Safety Act (Cwlth) 2011
- To strictly comply with ALRA, the Native Title Act (1993) (NTA) and the Public Governance, Performance and Accountability Act (Cwlth) 2013 (PGPA)
- To ensure consultations with Traditional Owners adopt best practice
- To facilitate and provide relevant information at all ALC meetings and ensure that Traditional Owner decisions are made in accordance with local traditional decision making processes.
- To assist Aboriginal people to achieve greater community development by facilitating access to leadership and governance programs, resources, infrastructure and government services, and economic and social development
- To encourage and support ALC Board members to attend, facilitate and if requested, chair forums and meetings.

### **15.1 CAPABILITY**

- The key strategies and plans the ALC will implement in each of the four years covered by this corporate plan have been detailed in the previous chapter.
- ALC's current capability to deliver outcomes is based on its resources, as follows:
- Human Resources
- Information and Communications Technology Resources
- Budgetary Resources

### **15.2 HUMAN RESOURCES**

ALC's has a small team of dedicated hard-working staff.

ALC will continue to review its structure annually to ensure it has the enough staff.

Over the next four years, as a part of its ongoing strategies ALC will continue to work on programs for training and development, updating and creating Human resources policies that correctly reflect the ALC's vision and Mission statement

### **15.3 INFORMATION AND COMMUNICATIONS TECHNOLOGY**

A review of the ICT resources has been completed and new equipment has been purchased to meet the current needs of the organisation.

The challenge over the next four years is to ensure that the needs of the organisation for specialist software continue to be met and that regular upgrades of hardware and systems are programed to maintain an efficient IT system.

## 16. ROYALTIES

### 16.1. ALC MINING RENTS & ROYALTY DISTRIBUTION FRAMEWOK

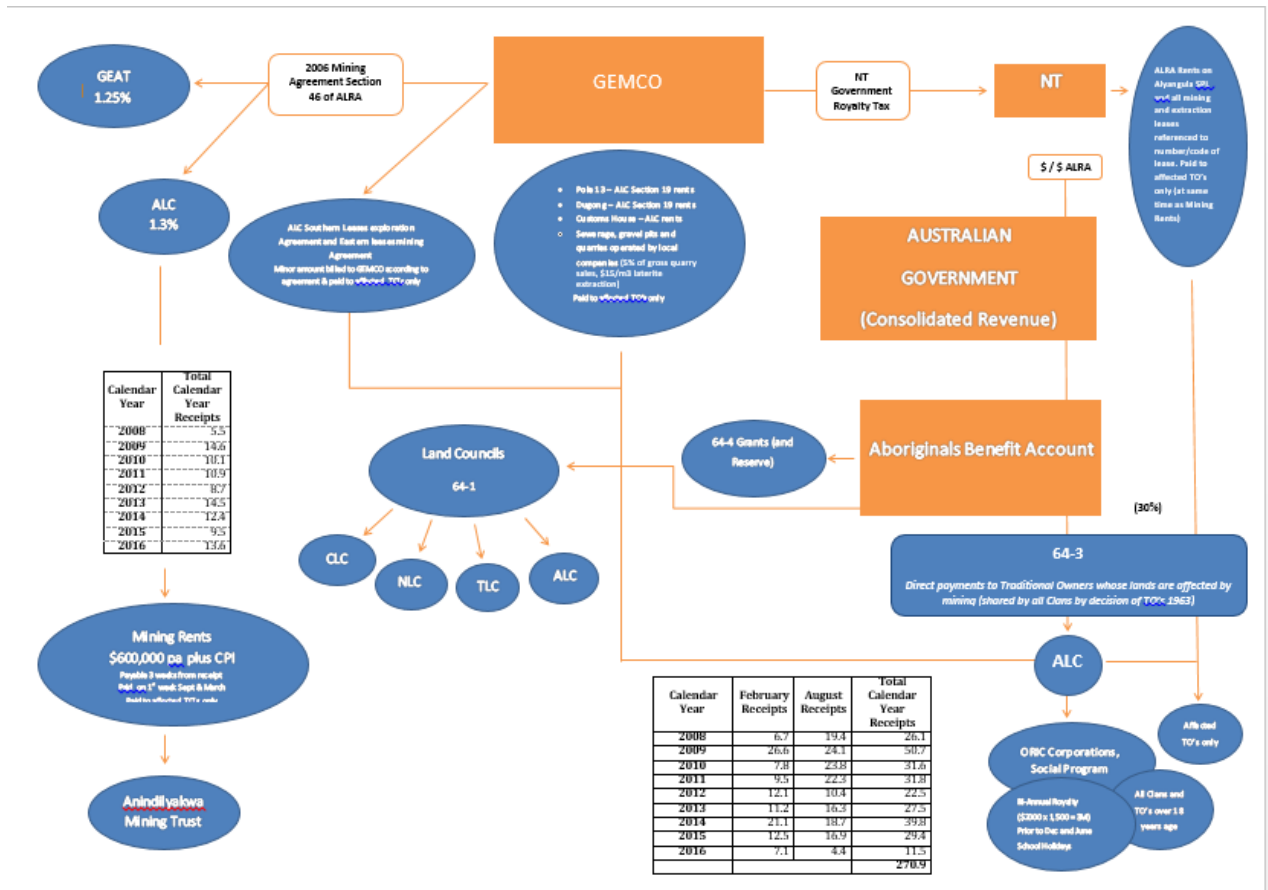
The *ALRA* contains an ongoing special appropriation whereby from time to time certain funds are placed into the Aboriginals Benefit Account (ABA) from Commonwealth consolidated revenue (see: s 63(1) of the Land Rights Act).

These Commonwealth payments are ‘equivalent’ in amount or value to the royalties paid to the Northern Territory from mining on Aboriginal land - which the Territory keeps and uses to benefit the general public by paying for hospitals, schools, roads etc., and are known as ‘statutory royalty equivalents’.

‘Statutory royalty equivalents’, however, are allocated to the ABA so as to benefit Aboriginal people in the Northern Territory – not the general public.

Over 40% of the statutory royalty equivalents are used for the administrative costs of NT Land Councils (s 64(1)). A total of 30% is allocated under s 35(2) to traditional owners and Aboriginal persons affected by mining on Aboriginal land (s 64(3)). The remainder (up to 30%) is allocated “to or for the benefit of [any or all] Aboriginals living in the Northern Territory” (s 64(4)).

It is now the current challenge of the ALC working together with ORIC Corporations and the Australian Government Minister for Indigenous Affairs and the NT Government to ensure that the underpinnings of a local economy are created through the strategic investment of rent and royalties.



## 16.2. OVERVIEW OF RENTS AND ROYALTIES FLOWING INTO THE ALC.

The following description summarises the treatment of each of the rents and royalty payments processed through the Land Council. *(For the sake of completeness not just rents and royalties are listed, rather all sources of ALRA derived incomes are now described)*

- NT Government ALRA Rents:

These are payments direct from the NT Government received for the township of Alyangula Special Purpose Lease held by GEMCO and for all mining and extraction leases referenced to the number/code of the lease. These payments arrive in the ALC account at all times of the year, according to the anniversary of the lease itself. For simplicity, the ALC pay these monies to the TO's of those lease areas at the same time as Mining Rents (first week of September and March each year)

- ALRA 64-3 Mining Derived Royalties:

These are the most significant incomes into the ALC, received twice a year (February and July). These are royalties that are shared with all 14 clans consistent with the wishes of Clan Elders of the mining affected areas at the inception of mining operations on Groote in 1966. These monies are held back by the ALC and now invested 50% in a competitively sought Fixed Term high interest bank deposit and 50% At Call bank deposit.

- 1) 64(3) royalties under the ALRA. Capital and Interest earned in these accounts are distributed to ORIC Corporations WITHIN 6 months. The current practice of the ALC Board is to consider ORIC bids during the 6-month period and release funds for accepted projects during the 6-month term.
- 2) The Social Program. This is currently delivered by GEBIE and distributes funds for funerals and ceremonies, medical expenses not covered by government education needs assistance and dental programs. Currently this expenditure amounts to \$3 million per annum.
- 3) The ALC as required under the ALRA maintains a list of Traditional Owners over the age of 18 years of age, which is regularly updated. Twice a year an amount is held back from the 64(3) accounts and distributed by the Social Program (currently via GEBIE) to individuals on that list. The amount is usually \$2000 per Traditional Owner (the list has approximately 1,500 people on it); therefore this payment represents \$3 million twice a year being paid out from 64(3) monies in direct payments to nominated bank accounts

- [ALRA Section 19](#)

Occupancy rents and negotiated extraction tolls for quarry operations. Currently these are as follows:

- Pole 13 light industrial area rents (GEBIE)
- Dugong Beach Resort rent (GEBIE)
- Customs House (NT Dept. Corrections)
- Septage disposal permit, gravel pits and quarries operated by local companies (calculated at 5% of gross quarry sales, \$15/m<sup>3</sup> laterite extraction)

These amounts are paid to affected TO's at the same time as Mining Rents (1<sup>st</sup> week of September and March)

- [ALRA Section 48AA:](#)

ALC Eastern Leases 2000 Exploration Agreement. These are very minor amounts linked to the amount of exploration drilling taking place on new prospective mining areas. They are paid to affected TO's only

- [ALC ALRA Section 46](#)

### **Negotiated Royalties and Rents: 2006 ALC/GEMCO Mining Agreement**

Under this agreement the ALC shares a split of royalties that dates back to the original mining agreement between GEAT and the GEMCO operation. When the leases were renewed in 2006, GEMCO under ALRA were required to renegotiate this agreement with the ALC. It was agreed to split 2.55% of gross proceeds of sale minus deductions for shipping and transportation.

Under this arrangement GEAT receives 1.25% and ALC receives 1.3%.

From the amount that the ALC receives it is required to pay 3 weeks from receipt (usually 1st week of September and March) to Traditional Owners of affected lands \$300,000 plus CPI each 6-month period. The balance of the amount is paid by the ALC into the Anindilyakwa Mining Trust (AMT).

## 17. ANINDILYAKWA MINING TRUST (AMT).

The AMT was incorporated after the 2006 Mining Agreement was signed and acts essentially as a superannuation fund for the Traditional Owners.

It is comprised of a Board of 5 TO's and 3 expert advisors and is managed by the Myers Family Company Ltd. It is chaired by the Chair of the ALC, Tony Wurramarrba.

## 18. RISK OVERSIGHT AND MANAGEMENT

The ALC understands the importance of properly managing risk and has given emphasis to instilling a risk management culture at all levels of the organisation.

The ALC's risk oversight and management systems will be based on a risk management plan and maintaining a risk register.

Commonwealth Authorities such as the ALC are not subject to the Australian Government Fraud Control Guidelines. ALC acknowledges that the Guidelines do provide good practice approaches for fraud control in the public sector and adopts practices from the Guidelines. Additionally, ALC takes a continual development and improvement approach to ensuring that the organisation appropriately manages risk.

### 18.1 STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS AFFECTING PERFORMANCE

Strengths and weaknesses are often internal, while opportunities and threats generally relate to external factors that may affect the performance and operation of the ALC.

The following tables represents the major strengths, weaknesses, opportunities and threats of the ALC and the RDU:

SWOT FOR ALC	
Strengths	Weaknesses
(64-3) Funding available	Royalty structures
Strong representation and Council structure	Technology not meeting needs
Strong leadership and culture	Staff resources. not enough staff with required skill sets
Strong consultation processes	Training and mentoring programs needed

**SWOT FOR ECONOMIC DEVELOPMENT BY ORIC CORPORATIONS**

<b>SWOT FOR ECONOMIC DEVELOPMENT BY ORIC CORPORATIONS</b>	
<b>Strengths</b>	<b>Weaknesses</b>
political environment	Projects too complex
Funding available	Projects too costly
Strong leadership	Environmental impacts
	Staff resources
<b>Opportunities</b>	<b>Threats</b>
Project will improve local economy	Opposition to change
Projects will improve health of communities	Environmental constraints
Projects will boost ALC/Eylandt' image	Time
Royalties for Traditional Owners to use in their economic development	Non-viability of some Projects
Strong governance	
<b>Opportunities</b>	<b>Threats</b>
Royalties for Traditional Owners to use in their economic development	Opposition to change
Projects will improve health of communities	Environmental constraints
Projects increase opportunities for partnerships	Time
	Non-viability of some Projects

## 19. PERFORMANCE PER REPORTING PERIOD AND MEASUREMENT

The Performance of the ALC strategies/activities to be pursued over the next four years, and their measurement, are laid out below.

The Delivery Strategies and Measurements of Performance for the future years are subject to change, and will likely change to incorporate performance and new factors when the corporate plan for those years are being prepared in future.

The organisation is prepared to report on the 2017-18 Measurements at the end of 2017/18 financial year.

To this end, the ALC has developed various internal practices and procedures to ensure appropriate authorisations and financial delegations are in place, and for rigorous monitoring and detection of any anomalies. Staff and management of the ALC operate under authorisation instruments which document appropriate financial delegations and authorities within a framework. Overlaying this framework of policy and procedure is a Code of Conduct which prescribes personal and professional behaviour and ethics in the workplace. The ALC is continually working to improve systems, policies and procedures to improve risk management and fraud control. Risk oversight and management will be consistent over the four years covered by this corporate plan.

An Audit Committee Charter was developed by ALC in 2012 which outlines the objectives and functions of the Committee. The role of the Audit Committee is to provide independent and objective assurance that the systems, processes and internal controls of the ALC are robust and that they comply in all respects with acceptable standards and Government requirements. The Audit Committee does not have executive powers, supervisory functions or decision making authority. The role of the Audit Committee is of oversight and review. The Audit Committee has the authority to request information of the ALC CEO and to discuss any matter with external auditors. The Audit Committee comprises an independent Audit Chair (Mark O'Shea of Enmark, Chartered Accountants) and five ALC Board members. Members of the ALC senior management are invited to attend relevant Audit Committee meetings. In addition to the Audit Committee meetings the Audit Chair, also met with ANAO during the reporting period.

The Australian National Audit Office (ANAO) is requested by the Minister for Indigenous Affairs to perform the annual audit of ALC Financial Statements. The purpose of the audit is for the ANAO to express an opinion as to whether the financial statements give a true and fair view in accordance with the Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2006) made by the Minister for Finance (FMOs) and Australian Accounting Standards (including the Australian Accounting Interpretations).

The annual report for a corporate Commonwealth entity for a reporting period must provide an index of the mandatory annual report requirements from sections 17BE and 17BF of the Public Governance, Performance and Accountability Rule 2014, identifying where relevant information can be found. The Annual Report is to be provided to the Minister for Finance and to the body's responsible Minister by the 15th October each year.

Those measures associated with Statutory Royalty Equivalents {Sect 64 (3)} ALRA will be reported on as actuals. However, Royalty levels and flows are unpredictable and outside the control of the

ALC and its Royalty Development Unit and therefore not reliably forecastable. As stated above these monies are not part to the ALC's financial statements but the effective use of the monies by recipient ORIC corporations is a principal ALC priority. The ALC's priority and purpose here is to use mechanisms established by it to influence the use of and outcomes from these flows. The effectiveness of these mechanisms will be significantly dependant on Ministerial engagement and collaboration, which has been a feature in the initiatives to date.

A significant proportion of ALC funding comes from of Grants/funding agreements from the Department of the Prime Minister and Cabinet (PM&C) via Working on Country and Indigenous Protected Areas funding see table at 16.1. This activity is captured in the following tables. It is likely that Performance Reporting to PM&C against these funding agreements is also aggregated into the PM&C annual performance statements.





Performance Measures		2017-18	2018-19	2019-20	2020-21
<p>2015-16 Actual outcomes are reported in the ALC's 2015-16 Annual Report and should be read in conjunction with the accompanying analysis</p> <p>2016-17 outcomes are reportable in the 2016-17 the Annual Report the contents which is under embargo until tabled after mid October 2017</p>					
Objective	Strategy/Activity and measurable objectives	Measure	Measure	Measure	Measure
13.1 Protect Land and Sea	Indigenous Ranger Employment Program	Number of paid ranger days .Program operated as per funding agreement with PM&C.	Number of paid ranger days .Program operated as per funding agreement with PM&C.	Number of paid ranger days .Program operated as per funding agreement with PM&C.	Number of paid ranger days .Program operated as per funding agreement with PM&C.
	Strategic Planning and Governance of the Anindilyakwa IPA	Number of IPA Management Committee Meetings and IPA Advisory Committee Meetings	Number of IPA Management Committee Meetings and IPA Advisory Committee Meetings	Number of IPA Management Committee Meetings and IPA Advisory Committee Meetings	Number of IPA Management Committee Meetings and IPA Advisory Committee Meetings

	Learning on Country Program	Number of students engaged in program and number of activities	Number of students engaged in program and number of activities	Number of students engaged in program and number of activities	Number of students engaged in program and number of activities
	Administer and Issue Permits for Access to Areas in the Anindilyakwa IPA	Number of Recreation Permits sold. Number of Recreation Permits checked and proportion of individuals (of those checked) holding a current Recreation Permit.	Number of Recreation Permits sold. Number of Recreation Permits checked and proportion of individuals (of those checked) holding a current Recreation Permit.	Number of Recreation Permits sold. Number of Recreation Permits checked and proportion of individuals (of those checked) holding a current Recreation Permit.	Number of Recreation Permits sold. Number of Recreation Permits checked and proportion of individuals (of those checked) holding a current Recreation Permit.
	Raising community awareness of the ALC Rangers and Threats to the Anindilyakwa IPA	Number of media products produced (e.g. picture booklets, videos, media announcements, digital noticeboard stories)	Number of media products produced (e.g. picture booklets, videos, media announcements, digital noticeboard stories)	Number of media products produced (e.g. picture booklets, videos, media announcements, digital noticeboard stories)	Number of media products produced (e.g. picture booklets, videos, media announcements, digital noticeboard stories)
13.2 Land Claims and Acquisitions Support Services	Pursue all appropriate avenues to achieve the acquisition of land for the benefit of Indigenous people	Report on Native Title claim Progress	Report on Native Title claim Progress	Report on Native Title claim Progress	Report on Native Title claim Progress
13.3. Economic Development and Commercial Services	Process applications and assist in making land use agreements on Indigenous lands.	Number of Section 19a agreements issued	Number of Section 19a agreements issued	Number of Section 19a agreements issued	Number of Section 19a agreements issued
	Process applications for consent to explore and mine on Indigenous land.	Monitor existing agreements	Monitor existing agreements	Monitor existing agreements	Monitor existing agreements
	Provide research and assistance and identify infrastructure requirements	Narrative of activity undertaken extracted	Narrative of activity undertaken extracted	Narrative of activity undertaken extracted	Narrative of activity undertaken extracted

	to enable Indigenous landowners and other Indigenous people to undertake commercial activity.	from ALC Traffic light report on RDU outputs	from ALC Traffic light report on RDU outputs	from ALC Traffic light report on RDU outputs	from ALC Traffic light report on RDU outputs
	Establish and operate the RDU	Narrative of activity undertaken extracted from ALC Traffic light report on RDU outputs	Narrative of activity undertaken extracted from ALC Traffic light report on RDU outputs	Narrative of activity undertaken extracted from ALC Traffic light report on RDU outputs	Narrative of activity undertaken extracted from ALC Traffic light report on RDU outputs
	Develop and implement policies and procedures to improve leadership and governance, skill and gender representation of Aboriginal Corporations	RDU KPI report to the AMT on support provided to ORIC corporations.	RDU KPI report to the AMT on support provided to ORIC corporations.	RDU KPI report to the AMT on support provided to ORIC corporations.	RDU KPI report to the AMT on support provided to ORIC corporations.
	Continue to work in partnership with industry and government stakeholders to increase training opportunities that lead to long-term employment opportunities.	Monitor and implement agreed strategies in collaboration with Government.	Monitor and implement agreed strategies in collaboration with Government.	Monitor and implement agreed strategies in collaboration with Government.	Monitor and implement agreed strategies in collaboration with Government.
	Attend Mining Liaison Committee meetings, and provide accurate advice on potential environmental impacts and benefits of potential exploration and mining licence applications	Meetings attended	Meetings attended	Meetings attended	Meetings attended

	Continue to improve systems and resources to increase efficiency in these processes year by year.	The RDU is responsible for increasing efficiency and reduction in red tape across all royalty recipient corporations	The RDU is responsible for increasing efficiency and reduction in red tape across all royalty recipient corporations	The RDU is responsible for increasing efficiency and reduction in red tape across all royalty recipient corporations	The RDU is responsible for increasing efficiency and reduction in red tape across all royalty recipient corporations
	Utilise funds received from GEMCO as a result of recent mining and exploration lease approvals to make major investments in economic and commercial activities on the Groote Archipelago consistent with the conditions agreed by GEMCO and the ALC over the use of these negotiated royalties.	These proposals are currently commercial-in-confidence and will be reportable when developed further.	These proposals are currently commercial-in-confidence and will be reportable when developed further.	These proposals are currently commercial-in-confidence and will be reportable when developed further.	These proposals are currently commercial-in-confidence and will be reportable when developed further.
14. Advocacy Services	assist Aboriginal Corporations to secure economic, social and cultural benefits for Traditional Owners from developments taking place on the Groote Archipelago	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"
	empower Traditional Owners to carry out commercial activities and build sustainable enterprises	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"

	actively support the establishment of Aboriginal Corporations, businesses and commercial entities	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"
	provide up to date information on issues affecting Traditional Owners through the ALC's "Ayakwa Newsletter" and other publications	Number of publications	Number of publications	Number of publications	Number of publications
	raise public awareness of the ALC's statutory role	Engagements with ORIC bodies and media announcements	Engagements with ORIC bodies and media announcements	Engagements with ORIC bodies and media announcements	Engagements with ORIC bodies and media announcements
Use the RDU to	strengthen the ALC's commercial advocacy and negotiating capabilities	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"
	negotiate agreements that provide economic and business opportunities to Traditional Owners	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"
	enter into partnership arrangements with, and to support Aboriginal Corporations within the ALC region	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"
	Assist Aboriginal Corporations to act in accordance with ORIC and other relevant legislation.	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"

	assist Aboriginal people to achieve greater community development by facilitating access to leadership and governance programs, resources, infrastructure and government services, and economic and social development	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"
15.ADMINISTRATION AND SUPPORT SERVICES	To support and improve service delivery of ALC business	Reports from HR, Compliance Finance units and the RDU	Reports from HR, Compliance Finance units and the RDU	Reports from HR, Compliance Finance units and the RDU	Reports from HR, Compliance Finance units and the RDU
	To support and improve the structure and functions of the ALC to leverage organisation efficiency. To provide and operate within a safe working environment in accordance with the Work Health & Safety Act (Cwlth) 2011	Dedicated Staff member responsible for Workplace health and safety. Production or policy and procedures. Monitoring and evaluation of reportable incidents and remedial measures taken	Dedicated Staff member responsible for Workplace health and safety. Production or policy and procedures. Monitoring and evaluation of reportable incidents and remedial measures taken	Dedicated Staff member responsible for Workplace health and safety. Production or policy and procedures. Monitoring and evaluation of reportable incidents and remedial measures taken	Dedicated Staff member responsible for Workplace health and safety. Production or policy and procedures. Monitoring and evaluation of reportable incidents and remedial measures taken
	To strictly comply with ALRA, the NTA and the Public Governance, Performance and Accountability Act (Cwlth) 2013 (PGPA)	Best practice legal advice and engagement at board meetings. Expert staff familiar will all aspects of the pieces of legislation.	Best practice legal advice and engagement at board meetings. Expert staff familiar will all aspects of the pieces of legislation.	Best practice legal advice and engagement at board meetings. Expert staff familiar will all aspects of the pieces of legislation.	Best practice legal advice and engagement at board meetings. Expert staff familiar will all aspects of the pieces of legislation.

		Implementation of 2014 Deloitte review.	Implementation of 2014 Deloitte review.	Implementation of 2014 Deloitte review.	Implementation of 2014 Deloitte review.
	To ensure consultations with Traditional Owners adopt best practice	RDU and senior legal counsel are charged to provide expert and detailed advice in TO language prior to all decision being taken. Evidenced by Minutes	RDU and senior legal counsel are charged to provide expert and detailed advice in TO language prior to all decision being taken. Evidenced by Minutes	RDU and senior legal counsel are charged to provide expert and detailed advice in TO language prior to all decision being taken. Evidenced by Minutes	RDU and senior legal counsel are charged to provide expert and detailed advice in TO language prior to all decision being taken. Evidenced by Minutes
	To facilitate and provide relevant information at all ALC meetings and ensure that Traditional Owner decisions are made in accordance with local traditional decision making processes.	Appropriate processes developed, implemented and reviewed.	Appropriate processes developed, implemented and reviewed.	Appropriate processes developed, implemented and reviewed.	Appropriate processes developed, implemented and reviewed.
	To assist Aboriginal people to achieve greater community development by facilitating access to leadership and governance programs, resources, infrastructure and government services, and economic and social development	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"	RDU reportable outcomes extracted from "Traffic Light Report"
	To encourage and support ALC Board members to	Meetings attended and chaired	Meetings attended and chaired	Meetings attended and chaired	Meetings attended and chaired

	attend, facilitate and if requested, chair forums and meetings.				





## 20. GLOSSARY OF TERMS

AAC	Angabunumanja Aboriginal Corporation
AAPA	Aboriginal Areas Protection Authority
ABA	Aboriginals Benefit Account
AEB	Anindilyakwa Education Board
ALC	Anindilyakwa Land Council
ALNF	Australian Literacy and Numeracy Foundation
ALRA	Aboriginal Land Rights (Northern Territory) Act 1976
ALT	Anindilyakwa Land Trust
CCP	Cultural Centres Program
CMS	Church Missionary Society
DBR	Dugong Beach Resort
PM&C	Department of the Prime Minister and Cabinet
EARC	East Arnhem Regional Council
GCC	GEBIE Civil and Construction
GEAT	Groote Eylandt Aboriginal Trust
GEBIE	Groote Eylandt and Bickerton Island Enterprises (Aboriginal Corporation)
GEMCO	Groote Eylandt Mining Company
IPA	Indigenous Protected Area
LoC	Learning on Country
NLC	Northern Land Council
NT	Northern Territory
NTA	Native Title Act (1993)
ORIC	Office of the Registrar of Indigenous Corporations
PGPA	Public Governance, Performance and Accountability Act 2013

RDU	Royalty Development Unit
RPA	Regional Partnership Agreement
TO	Aboriginal Traditional Owner
WHS	Work Health and Safety
WoC	Working on Country