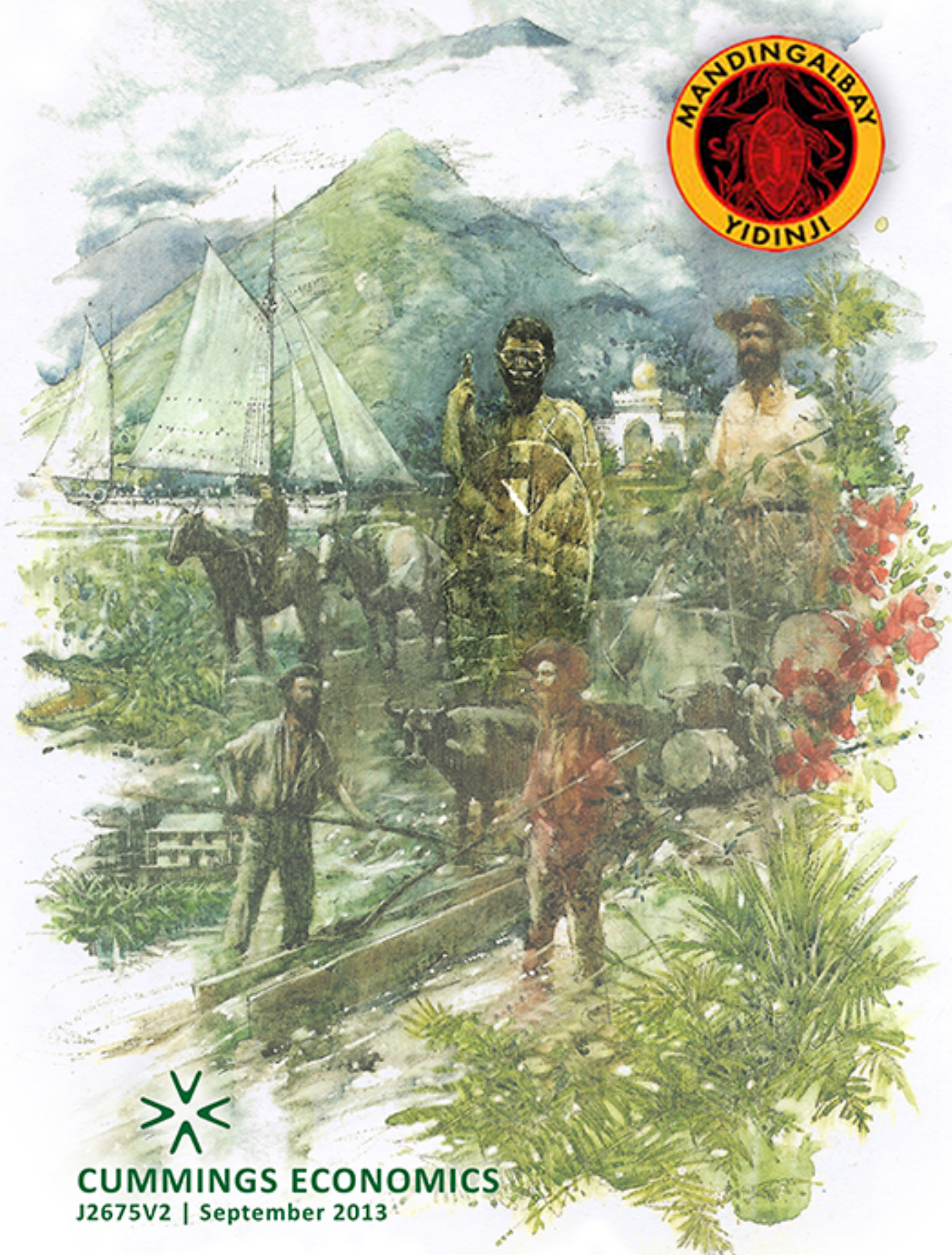


Mandingalbay

TOURISM PARK EAST TRINITY
OUTLINE DEVELOPMENT PROPOSAL



CUMMINGS ECONOMICS
J2675V2 | September 2013



MANDINGALBAY YIDINJI ABORIGINAL CORPORATION



Mandingalbay Tourism Park (East Trinity)

Outline Development Proposal

**Ref: J2675
September 2013**

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*Acknowledgement – Front cover artwork from “An Explorer’s Guide,
Bellenden Ker and The Heritage Trail” – Cairns City Council, 1995.*

1. INTRODUCTION

1.1 General

The following is an outline of a proposal that is being developed for the Mandingalbay Yidinji Aboriginal Corporation (MYAC), with input by partners who have an interest in Mandingalbay Yidinji traditional lands: Queensland National Parks and Wildlife Service, Wet Tropics Management Authority and Cairns Regional Council.

It provides background on how the Corporation proposes to develop the currently named East Trinity Reserve (ETR) if the State Government meets its request to transfer freehold title to the Corporation over the parcels of land making up the reserve.

1.2 Background to the Site

Map #1 shows location of the site on the opposite side of Trinity Inlet to the city of Cairns.

Map #2 shows tenure detail.

The site originally formed part of the traditional lands of the Mandingalbay Yidinji people.

The land was historically composed of mangrove swamp on the fringe of the inlet, some sand-ridge areas, salt pans, freshwater wetlands and forested lands rising towards the Murray Prior Range.

Chinese immigrants, the Wah Day family, took up farming land further inland along Hills Creek and have farmed cane and tropical fruits in the area for generations. As part of their operation, they constructed a tramway on a raised embankment to the inlet in early days of settlement, over which they transferred produce for delivery via a jetty and boat to Cairns (**see Map #3**, circa 1947).

In the 1960s, the Mulgrave Mill sought to extend cane growing into the area by building a bund wall along the inlet frontage to keep out tidal saltwater intrusion. The bund wall with sluice gates remains.

However disturbance of the acid sulphate soils in the area resulted in substantial environmental damage to marine life and tree and vegetation dieback. Cane growing was not successfully developed.

In the 1980s, a proposal was developed for a satellite city urban development under the name of Trinity East.

A change of government however led to this proposal not being proceeded with and the State Government buying the land for a reported sum of \$10m. Since then, the State Government has met the cost of:

- a) Maintaining the bund wall and the land;
- b) A remediation program using insertion of lime into water flows to neutralise acidity.

On the inlet side, there is an area of mangroves that form part of the land entrusted to Ports North.

The Yarrabah Road reserve passes along the inland side with some blocks of the reserve on the uphill side of the road.

Hills Creek passes through the middle of the reserve to enter the sea on the northern side. Firewood Creek also runs into Trinity Inlet on the southern side.

Most of the area has been cleared and is covered by tall grass that needs periodic mowing and cultural burning. There is some remnant freshwater wetland and forest along the northern side. (See **Map #3.**)

MANDINGALBAY TOURISM PARK (EAST TRINITY)
Outline Development Proposal

Map #1 – Site Location in relation to Cairns Central Business District



MANDINGALBAY TOURISM PARK (EAST TRINITY)
Outline Development Proposal

Map #3 – 1947 Map Showing Old Tramway Location



1.3 Mandingalbay Yidinji Aboriginal Corporation

The Mandingalbay Yidinji people occupied areas of Yarrabah and the Murray Prior, Thompson and Grey Ranges, the Mulgrave Valley and eastern Tablelands area prior to European settlement.

Most of the traditional Mandingalbay Yidinji lands are now used for cane farming under freehold tenure. However, determined and recognised native title rights and interests exist over the State Forest and National Park areas on the eastern side of the Murray Prior and Grey Ranges through to Russell Heads. The Mandingalbay Yidinji people and Gunggandji group have an agreement in relation to the use of lands and cultural areas of responsibility adjoining the Yarrabah township on the eastern side of the ranges.

Map #5 gives an indicative map of Mandingalbay Yidinji country and **Map #6** indicates that East Trinity area has already been included as an Indigenous Protected Area.

Many of the Mandingalbay Yidinji people live in Yarrabah comprising an estimated 40% of the population with others living in the Gordonvale and Cairns area.

The Yarrabah population includes traditional groupings, families and individuals brought from other parts of the State during the removal of indigenous peoples to reserve communities.

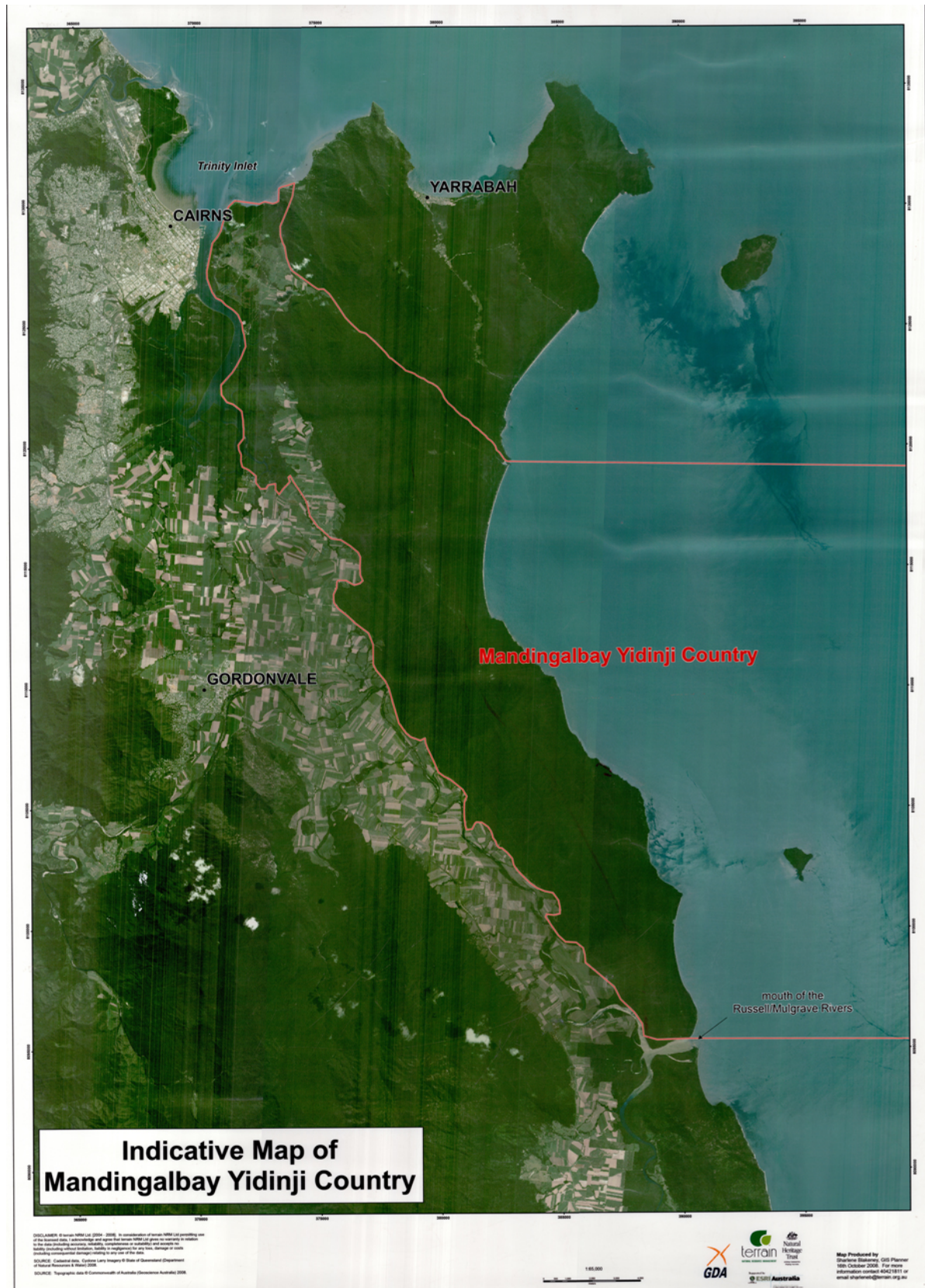
The Mandingalbay Yidinji Aboriginal Corporation has strong aspirations to develop employment for its people and those of the Yarrabah community in general with the intent of creating an economic hub of opportunities and intergenerational planning.

They have developed a Strategic Business Plan in association with Cummings Economics of Cairns which has identified the Trinity East lands and the following proposal as a major avenue for the Corporation achieving its objectives of "Indigenous Socio Economic Empowerment and Autonomy", through:

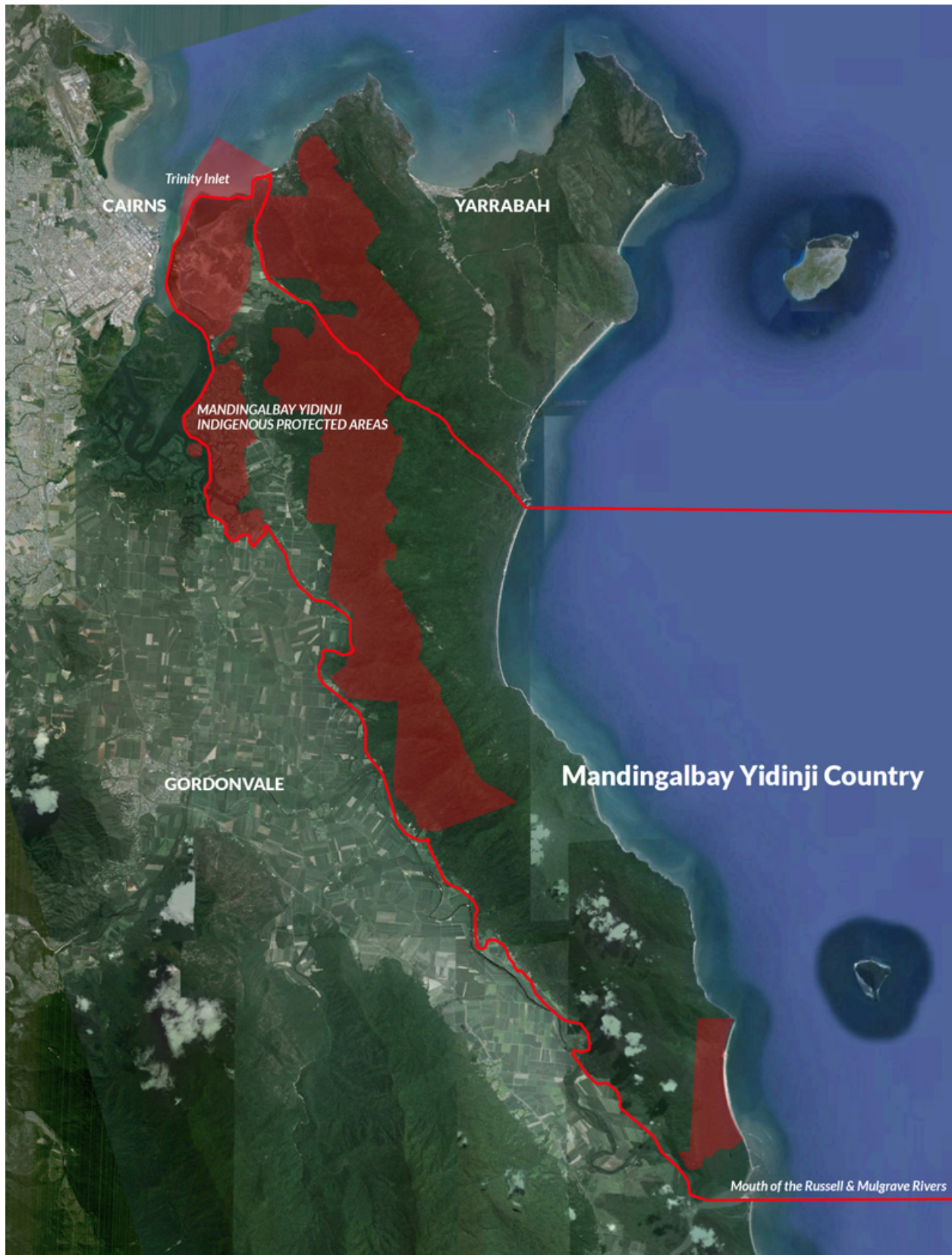
- Planning;
- Infrastructure investment strategies;
- Commercial investment strategies.

Further details of the Corporation are given in [Appendix 2](#).

Map #5 – Mandingalbay Yidinji Traditional Lands



Map #6 – Indigenous Protected Areas



2. THE PROPOSED DEVELOPMENT

2.1 The Broad Concept

The proposed development is mainly aimed at the tourism and local leisure market supplemented by opportunities to provide commercial services to local and Cairns resident population.

It is proposed to blend presentations of the cultural history and natural environment of the area with other commercial opportunities.

Underlying the proposal is a desire to create business and employment opportunities for MYAC and the Mandingalbay people and wider Yarrabah community.

Underlying the proposal is also a belief that tourism related facilities in the area are best presented in locations away from the Yarrabah residential area. The development is proposed to act as a gateway to visitors exploring further into the Yarrabah and Murray Prior Range area.

The location of the site close to the Cairns CBD represents an opportunity but also a challenge to create viable water shuttle services across the inlet.

A further important element in the proposal is one of partnership with other stakeholders in the area especially Queensland National Parks, Wet Tropics Management Authority, Ports North and Cairns Regional Council (including the Botanic Gardens), the Cairns Historical Society and the local community. The collaborative partnerships are set out in Indigenous Land Use Agreements and the establishment of MoU's.

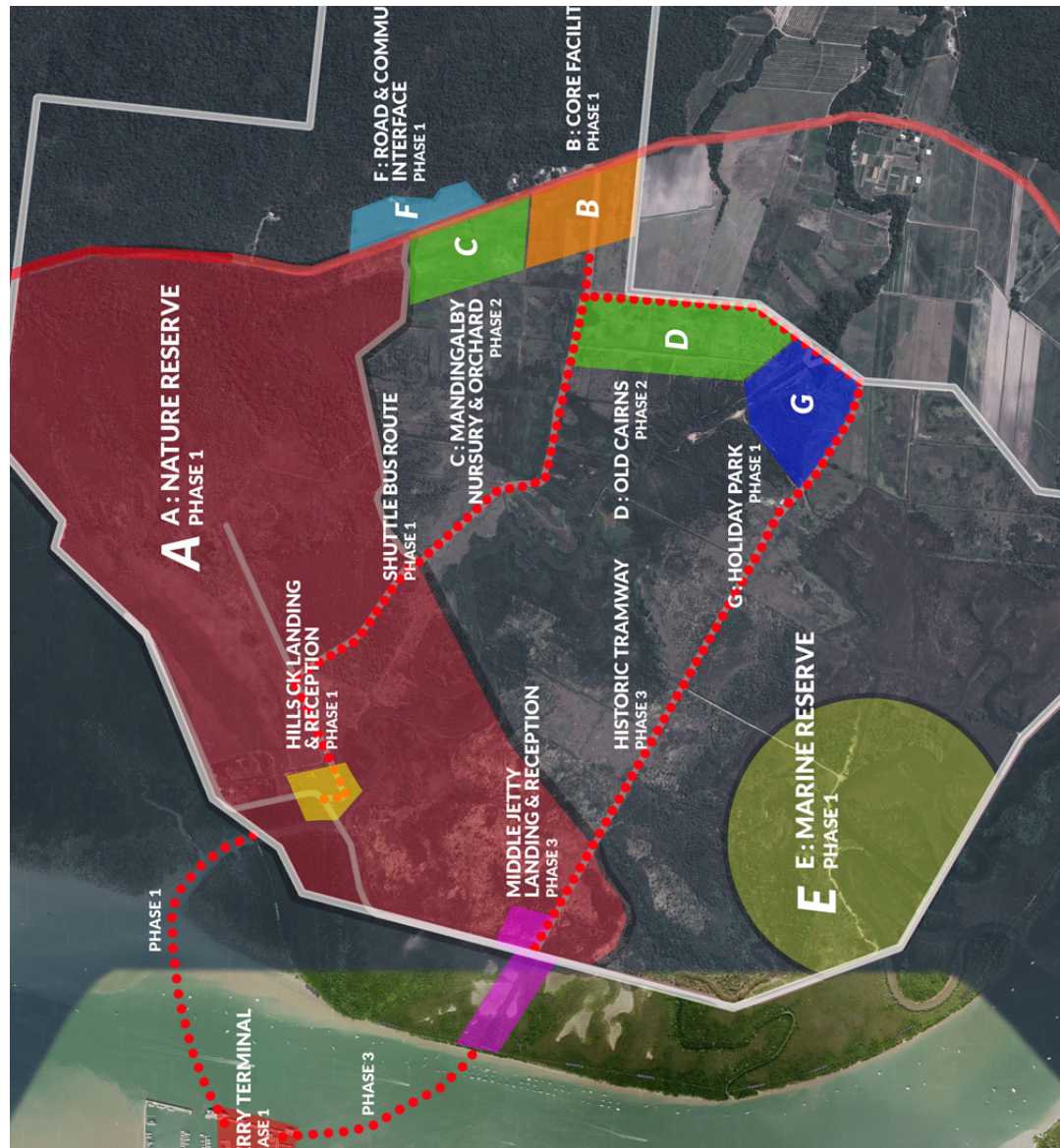
The development is not inconsistent with eventual development of the area well into the future for more intensive urban use.

2.2 Outline of Proposal

The proposal includes ten elements to be developed progressively over a period of time. Locations are set out in **Map #7**.

MANDINGALBAY TOURISM PARK (EAST TRINITY)
Outline Development Proposal

Map #7 – Layout of Proposed Mandingalbay Tourism Park



1. Nature Reserve (see Location A)

This is proposed to include marine, freshwater wetlands and forest reserve areas with walking tracks, board walks, interpretive signage and availability of guided tours. There will be an emphasis on seeing the country through the eyes of traditional inhabitants.

The area envisaged for this purpose covers the north and central west of the site.

This area comprises a range of types of vegetation and soils similar to those upon which the city of Cairns was developed.

- a) Mangrove areas in the north to include a mangrove boardwalk.

Actual location to be selected for ease of access from a landing point at Hills Creek and the range of different types of mangrove species that could be presented in an economical distance for construction of structures and for visitors to walk.

- b) The sand ridge country south of the landing point. It is envisaged that interpretive paths would be built through the area.
- c) Freshwater wetlands to the east of the landing point to be presented with boardwalk development. This includes areas where birdlife can be viewed.
- d) Forested areas further east of the wetlands area that present the type of vegetation that merges into the more dense forests of the ranges. This would be presented through construction of pathways.

It is proposed that this area will be developed through a collaborative framework drawing upon input and assistance from existing partnerships and new investment strategies, including but not limited to:

- a) Identification of the plant animal and bird species in the area with interpretive signage;
- b) Traditional Aboriginal uses and association with the area including presentation of shelters, artefacts;

It is proposed that guides will be available to take people through the area who will be highly trained and knowledgeable.

2. **The Core Facilities (Main Centre) (see Location B)**

This is proposed to be located next to the Yarrabah road and include:

Learning and entertainment

- A learning/display centre combining elements of the indigenous and other cultural influences in the area;
- Theatre/entertainment area;

Back up facilities

- A restaurant;
- Bookings desk;
- Retail area;
- Administration, meetings and research centre.

Wellbeing and Entertainment Facility

It is envisaged the learning centre would be a first class display explaining the area's natural attributes, further deepening the experience presented through the Nature Reserve area and the indigenous and other human relationship with the area.

It is envisaged the entertainment area would be developed as an undercover theatre and used especially for theatrical presentations, including but not limited to:

- a) Indigenous dancing and culture;
- b) Businesses and corporate functions;
- c) Schools and Universities; and
- d) Disability and Elderly.

Visitors that have come in through the Hills Creek landing would be brought to this facility by shuttle bus. Alternatively, they could come by road and enter the park from the road.

An alternative to the shuttle bus transfer between the main centre and the Hills Creek landing would be a walking path north from the main centre to link with paths through the forested area and the wetlands area to the landing.

Back up facilities

Much of the revenue for the Park will come from having a restaurant and shop.

It is envisaged the restaurant would have, as demand allows, a variety of exotic and local foods, including 'bush' products, crocodile products from the crocodile farm at Redbank Landing and fruits from the native plant orchards (see Section 3 following). It is envisaged the shop would have a range of products/souvenirs relevant to the area including an arrangement as an outlet for crocodile skin products.

It is envisaged that apart from administrative facilities, small meeting conference room would be built into the facility that inter-alia would be used for staff training. It is envisaged that office space could be developed for research associated with the Park's activities.

3. **The Mandingalbay Nursery and Orchard (Location C)**

This development is proposed next to the core facilities but facing the Yarrabah Road and include:

- An Arboretum of native plants;
- A commercial nursery specialising in native species;
- A native fruits and nuts (bush tucker) commercial orchard;
- A native plants development research centre.

Arboretum and research

It is envisaged this will be an area for a proper scientific arboretum where species are properly recorded.

It is envisaged that the arboretum will specialise in native species of particular relevance to indigenous culture including for food, artefacts, medicinal, and display purposes (eg. foliage and flowers).

It is envisaged that associated with it in the future could be a research centre dedicated to breeding species of native plants for commercial purposes including developing higher yields, suitable for farming and harvesting.

It is envisaged this section would be developed in strong cooperation with Cairns Botanic Gardens, the JCU University Campus and CSIRO.

Nursery

It is envisaged the nursery would specialise in native species for direct sale to the public but also act as a wholesale nursery for a suitable range of native species for supply to local nurseries and also to southern centres.

Orchard

It is envisaged that associated with the nursery would be a “bush tucker” orchard where plantings would be made of suitable species for the Park’s own outlets but also for sale to the public and supply to restaurants in the region and elsewhere.

It is envisaged the complex would be an attraction in its own right for some types of visitors. However it will take some time to establish and is envisaged as a Phase 2 element.

4. **An Old Cairns Area (Location D)**

It is proposed that this will include:

- A cane field;
- A tropical fruits orchard;
- A sugar and spice factory;
- A timber mill.

It is envisaged this would be an extension of the non-indigenous human history of the area presented in the main display.

It would aim to introduce visitors especially to the industries and pursuits that provided the early background to Cairns and the East Trinity area's economy.

It is envisaged that the spice element would be an attraction in its own right presenting a display of spices from around the tropics – the plants producing them and samples of the spices, for sampling and sale, and experiencing through the restaurant.

It is proposed this could include an area for possible eventual relocation of old buildings to form an historical village display that could be developed in partnership with the Historical Society. The cane and tropical fruits orchard could be developed in cooperation with local farming families.

Again this project will take some time to develop and is envisaged as being part of a Phase 2 element.

5. Marine Reserve (Location E)

It is proposed that this would be located around Firewood Creek and the adjacent lagoon.

It is envisaged that this will be a commercialised area with a boat ramp and an enclosed yard for paid boat storage.

It is envisaged that the service station shop associated with (7) below might progressively stock some fishing supplies to cater for this market.

6. The Trails

It is proposed that the Mandingalbay Park will provide a base for development of a series of trails through the Murray Prior Ranges area.

Opportunities exist for a number of trail developments.

Cassowary Ck/Buddabadoo

This is a relatively short and relatively easy trail that would start from a trail head on the Yarrabah Road near Pine Creek and follow an old now closed Forestry road into Cassowary Creek. From there, it would continue on the old Forestry road east across a low pass to the Buddabadoo area. When it passes over its high point, there will be views east to the sea and west back to the Cairns area. It will reach an eastern trail head in the Buddabadoo area from which walkers will be able to be picked up and returned to Mandingalbay Park by road via the Yarrabah settlement.

Mandingalbay Park/Cassowary Ck

This trail will proceed from a trail head close to Mandingalbay Park over a fairly steep ascent through to link with the Cassowary Ck area. Along the way will be some points of spectacular views and protected rock art sites.

Southern Range Area

It is envisaged this will link from the Cassowary Ck area through the ranges south to the mouth of the Russell Heads area or before there, to come down to the road along the eastern bank of the Mulgrave River.

It is envisaged the whole trail system will be developed over a period of time with strong input from the National Parks service.

Potential source of income includes sale of passes to use the trails, sale of printed guides and maps, payment of guides to take groups through the trails, coach fares to and from trail heads.

It is envisaged that development of the trails, although linked to the Mandingalbay Tourist Park development,, would be a separate phase involving different funding arrangements.

There is a further possibility for access to the Peaks. Around the world, cable cars have proved popular and the Skyrail linking the coast to Kuranda has proved to be highly successful.

It would be a logical extension of the project to assess the feasibility of establishing a cable way to one of the peaks in the area with views over Cairns, the Great Barrier Reef offshore and south to the Bellenden Kerr Range peaks.

Such a project would involve a very heavy capital expenditure and would need to be subject of a separate feasibility study.

7. Road and Community Interface (Location F)

It is proposed that apart from an interface with Mandingalbay Park and attractions, the core area will have an interface with the Yarrabah Road to meet service needs for the East Trinity and Yarrabah communities including:

- Car park;
- Retail and food;
- Service station (doubling as workshop for the complex).

This public area would be separate to the Park.

8. Holiday Park (Location G)

It is proposed to reserve an area for development of a holiday park in the vicinity of Hills Creek for camping and caravans with central toilet shower and laundry facilities. It is envisaged that this would be developed over time to include Cabins and units. The facilities could also be used for staff including staff who need to stay overnight.

There would be special links with the shop and service station facilities and the boat ramp. This area would be fenced off from entry into the controlled Park area.

9. Transport Hub and Control

Initial

Binding the concept together will be its role as a transport hub. Key points will be water taxi/ferry terminal at a suitable location on the Cairns waterfront, a landing at Hills Ck and shuttle vehicles linking the landing with the core centre and the Yarrabah Road.

There will be two control points into the Park area.

It is envisaged that entry via the Hills Ck landing would not be available to the public.

For those wishing to enter the Park from the inlet side, it will be necessary to purchase a ticket at the city terminal, that secures entry into the Park (or through the Park).

Those getting off the water taxi/ferry would be allowed through a gate. There would be a shelter where the shuttle vehicle leaves from and for guides to pick up groups for tours through the nature reserve.

It is envisaged that depending on cost, the shuttle vehicles would have silent electric motors.

It is envisaged that a park and ride service could develop for residents in the Yarrabah/Trinity East area who would drive to the service station, park and take the shuttle and water taxi/ferry across to the city and vice versa.

Further Development

A second alternative for development in the future would be to invest in a boardwalk jetty to the inlet in the at the end of the old tramway. (See **Map #6.**)

It is envisaged that this development would include a shelter, reception and picnic area along with a raised platform for viewing back to the city.

This concept envisages visitors could then go north into and through the Nature Reserve, or proceed direct to the old Cairns site via a reconstruction of the historic tramway.

10. Touring Services

The core centre would become a touring base for the wider area including for walking trails, tours to Yarrabah and the areas to the south of Cairns.

Tours and transfers would include:

Visitors

Short return tours to Yarrabah community and the Buddabadoo area.

Return tours to the Crocodile Farm, Gordonvale, and the Sugar Mill.

Extended tours using the ferry one way but returning to Cairns by road.

Short transfers to the walking trail heads in the immediate area and Cassowary Ck.

Residents

Transfers from and to Yarrabah and other East Trinity centres.

2.3 Phasing

It is envisaged that development would be phased.

Phase 1

- a) Development of Nature Reserve, core facility, shuttle transport from city across inlet to a Hills Ck landing and from the landing to the core facility.
- b) Development of road and community interface.
- c) Development of Marine Reserve.,
- d) Initial development of Holiday Park.

Phase 2

Over time, development of Nursery and orchard and Old Cairns.

Phase 3

Development of central inlet access point and historic tramway to Old Cairns.

3. THE MARKET & SOURCES OF INCOME

3.1 Visitor Markets

The feasibility of the project will depend on its ability to attract visitors.

To do this, it will need a high standard of presentation and investment.

However essentially, it will compete with other attractions and activities in the region for visitor expenditure.

There are two major factors that encourage a belief that the venture can succeed.

- 1) It will provide an attraction right on the doorstep of the city and the major concentration of accommodation in the city area – an attraction that can provide a full day of activities or a half day and if developed suitably, night time activities.
- 2) A number of elements of the Cairns tourism market are likely to grow rapidly over the next decade:
 - a) Cruise ship visits.
 - b) The Chinese market.

Studies for Ports North indicate that cruise shipping tourism in Australia is growing rapidly and is expected to continue growing rapidly over the next few years. Cairns has long been one of the major ports of call for cruise ships. It is the busiest outside the capital cities.

Cruise ships are getting bigger and restrictions on larger cruise ships entering the port have been suppressing visitation. The State Government's support for dredging of the channel to enable larger cruise ships to enter the port (expected to be completed within three years), will see the number of cruise ship visitors rise very rapidly over the next decade. The attraction will be uniquely placed to provide a short visit experience for cruise ship passengers who will only need to walk along the waterfront to catch the water taxi/ferry to the attraction.

Over the years, Cairns' tourism growth has come from expanding markets - from local to national, to overseas (USA, Europe and more recently Japan). For every one Japanese, there are ten Chinese and the potential market is very large as Chinese incomes rise.

The following three tables give:

- a) The growth in Chinese per capita incomes.
- b) The growth in China's outbound tourism.
- c) The growth in Chinese visitation to Australia.,

The fact that there is likely to be a major further increase in Cairns' visitor numbers from China is being signalled by the commencement of more direct flights and indications of a willingness of Chinese interests to invest large amounts of funds in increased tourist accommodation and facilities in the region. Like other overseas visitors (Europeans, North Americans and Japanese), Chinese visitors are likely to exhibit a strong interest in indigenous culture.

Table: Growth Chinese Economy 2002 to 2012 Compared

Years	GDP US dollars trillion	% GDP 'real' growth	GDP per capita (Int \$ PPP)	Growth GDP per capita
2002	1453	9.1%	2891	8.4
2003	1641	10.0%	3227	9.3
2004	1932	10.1%	3625	9.4
2005	2258	11.3%	4115	10.7
2006	2713	12.7%	4759	12.0
2007	3496	14.3%	5562	13.6
2008	4522	9.6%	6201	9.1
2009	4991	9.2%	6798	8.7
2010	5931	10.4%	7571	9.9
2011	7325	9.3%	8411	8.8
2012	8227	7.8%	9185	7.2

Table: China's Outbound Visitor Numbers ⁽¹⁾

	Number Millions	Growth %
2006	34.5 m	
2007	41.0 m	18.6%
2008	45.8 m	11.9%
2009	47.7 m	4.0% (GFC)
2010	57.4 m	20.4%
2011	70.2 m	22.4%
Total increase	35.7 m	Av annual growth 15.3% pa.

⁽¹⁾ Note: Includes travel to Hong Kong, Macau & Taiwan.

Source: Travel China Guide.

Table: Growth in Chinese Visitor Numbers to Cairns and Australia

	Cairns	Australia
2000	6,682	106,807
2001	14,936	145,134
2002	10,789	168,032
2003	11,970	161,116
2004	26,360	227,394
2005	33,325	268,442
2006	34,184	289,779
2007	55,276	329,813
2008	47,022	347,319
2009	38,503	343,821
2010	62,734	408,327
2011	73,757	490,427
2012	102,075	573,071
Average annual growth	26% pa.	15% pa.

Source: Cummings Economics from TRA – International Visitor Survey.

3.2 Sources of Income

A full demand assessment has not yet been completed.

However the following lists the wide range of potential sources of income.

- Ferry fares
 - Park visitors
 - Park and further tour visitors
 - Transfers to walking trails
 - Residential commuter and city access
- Park entry fees
- Park touring guiding fees
- Park shows
- Park restaurant food sales
- Park souvenir sales
- Shuttle vehicle - Non park visitors transfers including commuter park and ride
- Native Plants entry and nursery sales
- Research grants
- Old Cairns entrance and sales
- Holiday park charges
- Boat storage fees
- Coach transfers to and from Yarrabah
- Coach tours Yarrabah and south of Cairns
- Walking trail entry fees
- Walking trail guiding fees

4. CAPITAL COSTS

Estimated capital costs are still being developed.

A progressive build up is envisaged. However sufficient funds will need to be invested in the first place to make it a quality attraction.

5. OPERATING COSTS

Operating costs estimates are still being developed. However it is envisaged that the following approximate employment will be needed.

City terminal and ferry operation	3
Shuttle.....	2
Nature reserve guide.....	2
Centre displays curatorial.....	1
Entertainment	5
Restaurant and shop, management and general maintenance.....	10
Outside shop and serviced station	2
Nursery area development old Cairns (outside arrangements).....	2
Holiday park.....	1
Outside coach.....	2
Total	30

A major operating cost factor to be resolved relates to the bund wall maintenance. Appendix 1 gives estimate of costs of maintenance of the bund wall and the area in general. Special government assistance may be needed, say in the first five years of operation, for bund wall and general site maintenance.

6. MANAGEMENT

It is proposed that the core Park activity of the nature reserve and core display and entertainment centre would be conducted by a Mandingalbay subsidiary but that the following could be sub-let to different enterprises under conditions set out in agreements.

- Water taxi/ferry
- Nursery
- Old Cairns display
- Holiday park
- Boat storage yard
- Public shop/service station
- Restaurant/souvenir shop
- Coach transfers and touring

APPENDIX 1

ESTIMATED MAINTENANCE COSTS – BUND WALL AND AREA – FIVE YEARS

Based on information supplied by Queensland National Parks on past costs, it is estimated that cost over a five-year period would be as follows.

BUND WALL AND ROADS

Road maintenance	\$75,000
Silt trap clearing Hills Ck	\$75,000
Tidal gate maintenance	\$50,000
Bund wall maintenance	\$25,000
Total	\$225,000

GENERAL AREA MAINTENANCE

Slashing	\$50,000
Weed management	\$200,000
Fire management	\$50,000
Feral animal management.....	\$75,000
Boundary fence maintenance	\$35,000
Signage.....	\$10,000
Maintenance and replacement of equipment (mowers, tractors, etc.)	\$75,000
Security patrols.....	\$50,000
Vegetation monitoring	\$50,000
Crocodile monitoring	\$15,000
Miscellaneous.....	\$25,000
Total	\$635,000

APPENDIX 2

MANDINGALBAY YIDINJI ABORIGINAL CORPORATION

CLASS OF CORPORATION

The members acknowledge that:

- (i) the Corporation is currently to be recorded as a Medium sized Corporation by the Registrar.
- (ii) The classification of the size of the Corporation may be changed by the Registrar from time to time in accordance with the CATSI Act and Regulations.
- (iii) Different financial reporting requirements may be required by the CATSI Act and Regulations depending on the registered size of the Corporation.

Should at any stage the classification of the Corporation be changed by the Registrar to “Large” then:

- (a) the Board of Directors shall have the power to do all such things as may be required to comply with the provisions of the CATSI Act that apply to Corporations classified as “Large” including but not limited to:-
 - (i) appointing a secretary.
 - (ii) arranging for the Corporation to have a registered office.
 - (iii) arranging for all documents that are required to be kept at a registered office are kept at the registered office and that the office is open as required by the CATSI Act.
- (b) (i) The secretary may but does not have to be the same person who immediately before the classification of the Corporation was the Contact Person for the Corporation.
(ii) The secretary may but does not have to be a member of the Board.

© Where any provision of these Rules refer to a matter or requirement which under the CATSI Act only apply to Corporations registered as “Small” or “Medium” (for example reference to a “Contact Person”), then reference shall, to the maximum extent possible to be taken to be a reference to the equivalent matter or requirement applying to a “Large” Corporation (for example reference to a Contact Person shall be taken as reference to a secretary).

Objects

The objects for which the Corporation is establish are to:

- (a) provide direct relief from poverty, sickness, suffering, misfortune, destitution or helplessness of Aboriginal persons, to promote education, housing, health and employment among them and especially among the Native title Holders;
- (b) be and perform the functions of a Prescribed Body Corporate (and following registration as a Registered Native Title Body Corporate, the functions of a Registered Body Corporate) holding Native Title in trust pursuant to a determination of the Court made pursuant to section 56 of the Native Title Act.
- (c) Be and perform the functions of a Prescribed Body Corporate (and following registration as a Registered Native Title Body Corporate, the functions of a Registered Native Title Body Corporate) holding Native Title not in trust but as agent for the common law holders pursuant to a determination of the Court made pursuant to section 57 of the Native Title Act.
- (d) Upon becoming a Registered Native Title Body Corporate to perform the functions of a registered native title body corporate as required by the Native Title Act or regulations made under the Act;
- (e) Protect, preserve and advance the traditions, laws, languages, special knowledge, culture and customs of Aboriginal persons, especially of the Native Title Holders;
- (f) Advance the economic and social wellbeing of Aboriginal persons especially the Native Title Holders.



In carrying out its objects, the Corporation must ensure that no portion of its funds or property are paid or applied directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profits to any Member, except for the payment of good faith of reasonable and proper remuneration of any Member, officer, servant, agent or employee of the Corporation for, or in return for, services actually rendered to the Corporation.

Powers of the Corporation

The Corporation will, subject to the provisions of the CATSI Act, The Native Title Act, and any Regulations made under either of those Acts, have the power to do all such lawful things as may be considered by the Directors, or the Members in general meeting, necessary or expedient to carry out the objects of the Corporation and to manage the affairs and functions of the Corporation, including but without limiting but without limiting the generality of the foregoing, the power to:

- (a) raise funds by way of public appeal, grants, bequests, gifts or otherwise, on such terms and in such manner as the Corporation considers appropriate;
- (b) open accounts of any kind, deposit funds in cash or under any instrument, withdraw, operate on, draw and cash cheques and other negotiable instruments, and close any account or accounts whether savings, current or howsoever invested at call or on fixed term deposit, with any “Authorised Deposit-taking Institutions” within the meaning of the Banking Act 1959 (Cth) and thereby manage and account for the funds of the Corporation;
- (c) borrow money as required, secured or unsecured, upon such terms and conditions as may be agreed, by the Corporation provided always that the Corporation will not thereby become insolvent;
- (d) appoint attorneys under power and agents to advise the Corporation and to transact any business of the Corporation on its behalf;
- (e) receive, spend or apply any grants, gifts, bequest or donated funds from the Commonwealth, a State, Local Government or from any person, charity or other lawful sources;
- (f) enter into any arrangements with any government or authority, that are considered conducive to the Corporation’s objects; and
- (g) obtain from any government or authority any rights, privileges or concessions and carry out, exercise and comply with any such rights, privileges and concessions;
- (h) act as trustee and manage the affairs of trusts;
- (i) pay any of the Corporation’s money to the trustee of any charitable trust or fund having objects consistent with the objects of the Corporation and in particular to itself as trustee of any such trust or fund so long as the trust or fund remains charitable;
- (j) operate and maintain a “Gift Fund” within the meaning of Division 30 of the Income Tax Assessment Act 1997 (Cth);
- (k) except as otherwise provide in the Act or these Rules, the Board will have power to appoint and remove or suspend employees and agents and to determine the powers, duties and payment of employees and agents.

The Board may, by power of attorney made under the seal of the Corporation, appoint any person to be the attorney of the Corporation for such purposes and with such powers, authority, discretion, terms and conditions as it considered appropriate.

Any power of attorney granted will be a special power and will be limited both as to subject matter and as to time. No irrevocable or unlimited power of attorney will be given save to a financial institution, for value given to the Corporation and coterminous with the repayment of any indebtedness due to the financial institution by the Corporation.

Notwithstanding the powers conferred on the Directors in accordance with (Rule 7 of the Constitution) nothing will authorise the Board or any Director thereof, to cause, or to suffer the Corporation to operate insolvently.

Without limiting the generality of Sub-Rule 7.1, the Corporation may:

- (a) provide environmental, social and cultural benefits to Aboriginal persons especially the Native Title Holders;
- (b) maintain, protect, promote and support the culture, native title traditions and customs, economic development, interests and social progress of Aboriginal persons, especially the Native Title Holders;
- (c) support and provide education, training and employment for Aboriginal persons, especially the Native Title Holders;
- (d) invest, raise funds or generate revenue both income and capital for the purpose of achieving or sustaining the achievement of the primary objects referred to in paragraphs 6.1 (a) to (f) of the Rules;
- (e) do any other Act that is ancillary to, incidental to, or is necessary or expedient to achieving the primary objects in Rule 6.1 (a) to (f).

Functions of the Corporation as a Prescribed Body Corporate and Registered Native title Body Corporate

Subject to the provisions of the Native Title Act, the PBC Regulations and the Rules:

- (a) Where Schedule 1 includes a reference to an existing Native Title Determination made in favour of the Native Title Holders, then the Corporation consents to and will act to carry out the functions of a PBC, and once registered under the provisions of the Native Title Act, the functions of a Registered Native Title Body Corporate with respect to the area over which the Native Title was determined to exist.
- (b) Where the Native Title Holders obtain a Determination of Native Title over any area after the incorporation of this Corporation and the Board consents to the Corporation so acting, then the Corporation will carry out the function of a PBC and, once registered under the provisions of the Native Title Act as a Registered Native Title Body Corporate, the functions of a Registered Native Title Body Corporate with respect to the area over which Native Title was determined to exist.

Without limiting the generality of Sub-Rule 8.1, the Corporation may:

- (a) initiate and participate in transactions for, on, or relating to, the Determination Area;
- (b) receive and spend grants of money from the Commonwealth or the State of Queensland or from any other lawful source;
- (c) consult other persons or bodies;
- (d) enter into agreements;

- (e) exercise procedural rights arising from the operations of the Native Title Act or other law of the Commonwealth of Australia or State of Queensland; and
- (f) accept notices required by any law of the Commonwealth of Australia or of the State of Queensland to be given to the Native Title Holders.

The Board

- (a) the governing body of the Corporation must be a Board constituted of Members elected to the Board as provided for in Rule 47;
- (b) the number of persons comprising of the Board will (unless the Registrar approves a lesser number) be no fewer than five (5) persons;
- (c) the number of persons comprising the Board will (unless the Registrar approves a higher number) not exceed twelve (12) persons.

There will always be Chair, Contact Persons and Treasurer who will be the office bearers and will be elected by the members of the Board at the first meeting of the Board after the first general meeting of the Board after each Annual General Meeting of the Corporation.

Powers and Functions of Board

The Board will manage and control the affairs of the Corporation and for that purpose may exercise the powers of the Corporation as if they had been expressly conferred on the Board by a general meeting of the Corporation.

The Board may exercise all the powers of the Corporation except any powers that the Act or the Rules require to be exercised by the Corporation in general meeting. Subject to the Rules, the Board will have the power to appoint and remove or suspend employees and agents and to determine the powers, duties and remuneration of employees and agents.

No person may make any public statement on behalf of the Corporation unless prior permission has been given by the Board to that person to make such public statement on behalf of the Corporation.

No Director of the Corporation will be required to give a personal guarantee or indemnity to secure the performance of a contract or agreement of the Corporation.

For the Corporation, or an entity that the Corporation controls, to give a financial benefits to Related Party of the Corporation:

- (i) the Corporation or entity must:
 - (A) obtain the approval of the Members in the way set out in Division 290 of the CATSI Act; and
 - (B) give the benefit within 15 months after the approval, or (ii) the giving of the benefit must fall within an exception to the requirement for Member approval set out in Division 287 of the CATSI Act.

If:

- (i) the giving of the benefit is required by a contract.
- (ii) The making of the contract was approved in accordance with Rule 12.6(a)(i)(A); and
- (iii) The contract was made:
 - (A) within 15 months after the approval, or
 - (B) before that approval, if the contract was conditional on the approval being obtained.

Member approval for the giving of the benefit is taken to have been given and the benefit need not be given within the 15 months.

Disclosure of Interest

A Director who has a material personal interest in a matter that relates to the affairs of the Corporation must give the other Directors notice of the interest unless rule 13.1(b) says otherwise.

A Director does not need to give notice of an interest under rule 13.1(a) if:

- (i) the interest:
 - (A) arises because the Director is a member and is held in common with the other members.
 - (B) Arises in relation to the Director's remuneration as a Director.
 - (C) Relates to a contract the Corporation is proposing to enter into that is subject to approval by the Members and will not impose any obligation on the corporation if it is not approved by the Members.
- (ii) all the following conditions are satisfied:
 - (A) the Director has already given notice of the nature and extent of the interest and its relation to the affairs of the Corporation under Rule 13.1(a) was given is appointed as a Director, the notice is given to that person,
 - (B) if a person who was not a Director when the notice under Rule 13.1(a) was given is appointed as a Director, the notice is given to that person,
 - (C) The nature or extent of the interest has not materially increased above that disclosed in the notice or
- (iii) the Director has given a standing notice of the nature and extent of the interest and that notice is still effective.

The notice required by rule 13.1(a) must:

- (i) give details of:
 - (A) the nature and extent of the interest,
 - (B) the relation of the interest to the affairs of the corporation.
- (ii) be given at a directors meeting as soon as possible after the director becomes aware of their interest in the matter.
- (iii) The details must be recorded in the minutes of the meeting.

A contravention of Rule 13.1(a) by a Director does not affect the validity of any act, transaction, agreement, instrument, resolution or other thing.

The Rule 13.1(a) does not apply to the Corporation if the Corporation has only one (1) Director.

Eligibility for Membership

A person is eligible for Membership if:

- (a) the person is an Aboriginal Person who falls within the description of the Mandingalabay Yidinji People in clause 3.9; and
- (b) attained eighteen (18) year of age.

Only natural persons are eligible for membership.

Membership of Corporation

The Members of the Corporation will be those Aboriginal persons who:

- (a) qualify for membership;
- (b) fulfil the eligibility requirements of the Corporation; and
- (c) whom the Board resolve to accept to membership.