

Conditions on Applicant's authority

1. The Applicant must:
 - (a) act on behalf of, and in the best interests of, all of the members of the Jirrbal #4 claim group, not just themselves or their own families;
 - (b) act on the reasonable legal advice of North Queensland Land Council (**NQLC**) solicitors;
 - (c) act in accordance with NQLCs policies and procedures;
 - (d) act on the instructions of the Jirrbal #4 claim group given at properly notified and convened Jirrbal #4 claim group meetings; and
 - (e) make decisions by majority where a consensus cannot be achieved;
2. Unless explicitly authorised to do so by the Jirrbal #4 claim group at a properly notified and convened Jirrbal #4 claim group meeting, the Applicant has **no authority** to:
 - (a) discontinue or withdraw the Claim;
 - (b) amend the Claim to change the composition of the native title claim group (e.g. by adding or removing an apical ancestor) or the native title rights and interests claimed or to reduce or alter the geographical boundaries of the Claim area;
 - (c) execute or enter into an Indigenous Land Use Agreement or any other agreement that has the effect of consenting to future acts, dealing with compensation or surrendering, extinguishing or impairing native title or otherwise affecting native title or confirming the prior extinguishment or impairment of native title;
 - (d) change the solicitor or legal representation for the Applicant in the Claim;
 - (e) approve any proposed consent determination of native title or settlement of the Claim (whether in whole, or in part), or nominate a corporation to be the prescribed body corporate to hold any determined native title rights and interests in trust on behalf of the Jirrbal People, or to be the agent prescribed body corporate for the Jirrbal People;
 - (f) nominate any corporation or legal entity to hold benefits arising from native title agreements on behalf of the claim group.
3. The Applicant is authorised to provide instructions to NQLC in relation to:
 - (a) any responses or other actions concerning Future Act Notices under subdivisions A to N of the NTA part 2 division 3;
 - (b) any response or other action concerning any notice under section 29 of the NTA;
 - (c) responding to notices issued by statutory authorities or private entities wishing to undertake activities which may affect native title rights and interests claimed in the Jirrbal #4 Claim;
 - (d) entering into negotiation documents for cost recovery and process for larger future act negotiations;

- (e) the negotiation of ILUAs and other agreements dealing specifically with future acts in the Jirrbal #4 Claim area;
 - (f) the negotiation of cultural heritage management agreements and plans in the Jirrbal #4 Claim area; and
 - (g) implementation of ILUAs and other agreements dealing specifically with future acts and cultural heritage in the Jirrbal #4 Claim area; and
 - (h) any other matter that NQLC and the Applicant agree to from time to time, subject to the same conditions placed on the Applicant's authority under the other provisions of this resolution mentioned above.
4. If a person who is a member of the replacement Applicant dies, is incapacitated, exceeds their authority, is unwilling or unable to act, resigns, or otherwise ceases to be a member of the Applicant, then in every case, the remaining members of the Applicant shall be the Applicant and shall remain duly authorised with the power of the Applicant under the NTA and as limited by the conditions placed on its authority by the claim group at an authorisation meeting
 5. The decision as to whether an Applicant member is unwilling or unable to continue to act as an Applicant member is a decision of the other members of the Applicant, acting by majority.
 6. When a person ceases to be a member of the Applicant under [4] or [5], the remaining members of the Applicant are authorised to make any application under s.66B of the NTA to reflect the change to the membership of the Applicant.