

LAND TRUST COMPLIANCE GUIDE

To comply with the *Aboriginal Land Act 1991* or *Torres Strait Islander Land Act 1991* and the *Aboriginal Land Regulation 2011* or *Torres Strait Islander Land Regulation 2011* the Chief Executive (Department of Resources), must record for each financial year whether a land trust has operated in compliance with the legislation.

For the Chief Executive to consider that a land trust has complied with the legislation, the land trust must complete certain required documents and return them to the below address:

Chief Executive
c/- Indigenous Land Transfers and Leasing
Department of Resources
Email: IndigenousLand@resources.qld.gov.au
Post: PO Box 937, CAIRNS, QLD 4870

Please read the following guide as it identifies which documents are to be completed for a land trust to be compliant under the legislation.

The documents that a land trust must complete, and return are determined by whether it has earned less or more than \$20,000 for the financial year.

Section A of this guide provides information for those land trusts that have earned less than \$20,000.

Section B provides information for those land trusts that have earned more than \$20,000.

It is important for a land trust to operate in compliance with the legislation, for example:

- it shows that the land trust is functioning.
- it shows that the land trust is following its constitution (rules).
- information may be given by the Chief Executive to other organisations that are considering giving the land trust funding; and
- a person or organisations may want to lease land from the land trust and may enquire whether the land trust is complying with the legislation.

This information is available on our website at:

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/land-trusts>

Section A: For land trusts that earned less than \$20,000 for a financial year

If your land trust's total income (refer to definition below) received was less than \$20,000 for the financial year (refer to definition below), the land trust must supply the Chief Executive the documents shown at 1 and 2 below, and if applicable 3 below, to establish if a land trust has operated in compliance with the legislation.

1. Compliance Statement Form

The compliance statement form is to be completed and signed by the Chairperson and two other members of the land trust. The land trust's seal, if necessary, under your constitution (rules), is to be stamped in the box located on the form.

Note: If your land trust has misplaced its seal, please contact Indigenous Land Transfer and Leasing and a new seal will be sent to your land trust.

2. Land Trust Details, Record of Members & Aboriginal Land Form

Update the land trust's details, record of members and Aboriginal land form with the following:

- the names, addresses and telephone numbers of all the current members.
- the name of each executive committee member and their position held; and
- the land trust's contact person, address, and telephone number.

Note: Please do not record persons who are no longer members of the land trust, for example they have resigned or have passed.

3. Minutes of Annual General Meeting (AGM)

The land trust must hold an AGM as soon as practicable after the end of the financial year and send the meeting minutes to the Chief Executive if any of the following apply to your land trust:

- an election for executive committee positions as per your constitution is due for that financial year; or
- the executive committee consider it necessary to hold a general meeting.

Additionally, if your land trust's constitution states that it must hold an AGM, as soon as practicable after the AGM is held after the end of financial year, a copy of the minutes must be sent to the Chief Executive.

Definitions

Financial year is the period between 1 July and 30 June the following year. A new financial year starts every year on 1 July.

Total income for a land trust in a financial year, does not include any amount it receives by way of a grant if expenditure of the grant is accounted for by the land trust under financial reporting and acquittance requirements provided for under the terms of the grant.

Checklist of attachments to be submitted for Land Trusts that earned under \$20,000

- Compliance Statement Form
- Land Trust Details, Record of Members and Aboriginal Land Form
- Minutes from AGM (if required) or written confirmation AGM not required by Constitution

Section B: For land trusts that earned more than \$20,000 for a financial year

If your land trust's total income (refer to definition below) received was more than \$20,000 for the financial year (refer to definition below), the land trust must supply the Chief Executive the following documents to establish if a land trust has operated in compliance with the legislation.

1. Compliance Statement Form

The compliance statement form is to be completed and signed by the Chairperson and two other members of the land trust. The land trust's seal, if necessary, under your constitution (rules), is to be stamped in the box located on the form.

Note: If your land trust has misplaced its seal, please contact Indigenous Land Transfer and Leasing and a new seal will be sent to your land trust.

2. Land Trust Details, Record of Members & Aboriginal Land Form

Update the land trust's details, record of members and Aboriginal land form with the following:

- the names, addresses and telephone numbers of all the current members.
- the name of each executive committee member and their position held; and
- the land trust's contact person, address, and telephone number.

Note: Please do not record persons who are no longer members of the land trust, for example they have resigned or have passed.

3. Minutes of Annual General Meeting (AGM)

The land trust must hold an AGM as soon as practicable after the end of financial year and must send the meeting minutes to the Chief Executive.

The land trust's annual financial statement (refer to 4 below) needs to be presented and adopted at the AGM. The land trust may also like to adopt the audit report and associated documents at the AGM.

4. Annual Financial Statement

The land trust must, by 30 September each year, prepare and adopt an annual financial statement for the financial year most recently ended, and then provide it to the Chief Executive by 31 December in the year it is adopted.

The annual financial statement for a land trust is a formal record of the financial operations and condition of the land trust for a particular financial year.

The following documents must be attached to the land trust's annual financial statement:

- Balance sheet (refer to definition below).
- Profit and Loss Statement (refer to definition below); and
- Other information or documents the land trust considers relevant to the financial operation of the land trust.

The land trust's annual financial statement is to be signed by the Chairperson and two other members of the land trust. Also, the land trust's seal, if necessary, under your constitution (rules), is to be stamped in the box located on the form.

The balance sheet and profit and loss statement can be completed by the Treasurer or another person, such as an accountant.

5. Audit Report

The land trust must have its accounts audited by **30 November** and must provide the Chief Executive a copy of the audit report by **31 December** every financial year.

The land trust's accounts must be audited by:

- A member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'; or
- A member of The Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'; or
- A member of the Institute of Public Accountants who is entitled to use the letters 'MIPA' or 'FIPA'; or
- A person approved in writing by the Chief Executive as having the necessary skills and experience for conducting the audit.

Definitions

Financial year is the period between 1 July and 30 June the following year. A new financial year starts every year on 1 July.

Total income for a land trust in a financial year, does not include any amount it receives by way of a grant if expenditure of the grant is accounted for by the land trust under financial reporting and acquittance requirements provided for under the terms of the grant.

Balance sheet is a summary of the land trust's assets, liabilities, and equity for the financial year.

Profit and loss statement is a summary of the land trust's income and expenditure for the financial year.

Checklist of attachments to be submitted for Land Trust that earned over \$20,000

- Compliance Statement Form
- Land Trust Details, Record of Members and Aboriginal Land Form
- Compliance Financial Statement
- Minutes from AGM (if required) or written indication AGM not required by Constitution
- Balance sheet
- Profit and Loss statement
- Audit Report
- Any other information or documents the land trust considers relevant to the financial operation of the land trust