

**Prescribed Bodies
Corporate Regional Forum
Central Australia 2021**
Final report for native title holders



**CENTRAL
LAND
COUNCIL**



**Hummerston J, Lambert M, McCarthy F. 2021. PBC
Regional Forum Central Australia: Final report for native
title holders, Central Land Council, Northern Territory.
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About the PBC Camp 2021



Native title holders and prescribed body corporate (PBC) directors from Central Australia came together at Ross River Resort from 1 June to 3 June 2021. 100 people from 20 PBCs and native title support services attended the camp. Native title holders sat down to talk about native title and the job of PBC directors.

Central Australian PBCs at the camp

- Eynewantheyne AC RNTBC
- Ilkewartn Ywel AC RNTBC
- Ingkekure AC RNTBC
- Imarentye AC RNTBC
- Iyangka Kularta AC
- Iytwelepwenty AC RNTBC
- Kwaty AC RNTBC
- Lhere Artepe AC RNTBC
- Mpwerempwer AC RNTBC
- Mount Denison AC RNTBC
- Ngaliya AC RNTBC
- Ngurramarla AC RNTBC
- Ooratippra AC RNTBC
- Patta AC RNTBC
- Pine Hill West AC RNTBC
- Rodinga AC RNTBC
- Twenga AC RNTBC
- Tyatyekwenhe AC RNTBC
- Warlmanpa Warumungu AC RNTBC
- Yankunytjara Matutjara AC RNTBC

PBCs from outside the CLC region at the camp

- Ngadju AC RNTBC
- Mirning Traditional Lands AC RNTBC

Agencies and support services at the camp

- Attorney-General's Department
- Central Land Council (CLC)
- Indigenous Land and Sea Corporation (ILSC)
- Kavanagh Consulting
- National Indigenous Australians Agency (NIAA)
- National Native Title Council (NNTC)
- Office of the Registrar of Indigenous Corporations (ORIC)

Some hard words used in this report

CATSI Act	Corporations (Aboriginal and Torres Strait Islander) Act. This is the law that says how you have to look after your PBC. For example, looking after your finances, or money story, making decisions, reporting, and other things like that.
CEO	Chief Executive Officer. Someone the directors employ to run your PBC.
Certificate of Consultation	A paper that PBC directors sign to say they talked to all the native title holders that belong to the country where something will happen about an ILUA or other agreement.
Constitution	The rule book for Australia.
Governance	All the things directors have to do to make sure your PBC meets the rules in the CATSI Act and your traditional rules.
ILUA	Indigenous Land Use Agreement. An agreement you can try to make with companies who want to do something on land that has native title.
Makarrata	A Yolngu word that means resolving conflict, or disagreements, peacemaking and justice, or coming together after a struggle.
Native Title Act	This is the law that tells you how to get native title and how it is recognised and protected. It also explains how native title rights fit with other Australian laws.

Some hard words used in this report

Native Title Determination

When the Federal Court tells you that whitefella law will recognise that you have always been on the country and that you are still there. This native title gives you some rights, for example to visit country and look after sacred sites. All the rights are written in that paper called a Native Title Determination.

PBC / RNTBC

Prescribed Body Corporate / Registered Native Title Body Corporate. The Aboriginal corporation (AC) set up to look after and protect your native title.

Referendum

A vote for all Australians to make important decisions about the law or the Constitution.

Sacred Sites Act

Northern Territory Aboriginal Sacred Sites Act. This is the law that protects your sacred sites. It tells other people that they cannot damage or destroy your sacred sites. It gives you rights to go to and look after your sacred sites.

Uluru Statement from the Heart

A plan to recognise Aboriginal and Torres Strait Islander people in the Constitution of Australia.



Day 1



From front to back: Barbara Shaw (CLC deputy chair), Nicole Maher (NIAA advisor), Carolyn Betts (NNTC officer), Tahn Donovan (NNTC officer), Francine McCarthy (CLC manager native title), Lisa Hugg (ORIC manager governance support), Madalein Tier (NIAA advisor), Sammy Wilson (CLC chair), Les Turner (CLC CEO).



Getting to know each other on day 1.



Ross River Resort conference room.

Welcome to the PBC Camp

Sammy Wilson – Chairperson, Central Land Council

Sammy thanked the following people and agencies for helping to run this event:

- Damian Ryder, for welcoming us to this country
- the National Indigenous Australians Agency (NIAA)
- the National Native Title Council (NNTC)
- CLC staff who organised the event.

Lesley Turner – Acting CEO, Central Land Council

Lesley (Les) acknowledged all the native title holders and PBC directors for attending the camp and explained that the camp would provide an opportunity to:

- learn about native title
- learn what your rights are
- learn who can help run your PBC
- meet and share stories with other native title holders.



About the Central Land Council

The CLC is for all Aboriginal people in Central Australia. The CLC helps Aboriginal people to have their voices heard by government and by everyone else who has business or wants to do something on country in the CLC region.

The CLC works under the Aboriginal Land Rights Act and the Native Title Act.

The CLC:

- listens to what people want to do on their land
- helps protect country
- helps look after country
- helps negotiate when someone wants to do something on land that has native title or that is owned by Aboriginal people
- helps make strong agreements.



From left to right: Pantjiti Lewis, Carleen Thompson, Alison Carroll, Sammy Wilson, and Maggie Kavanagh.

Native Title Story



Francine McCarthy (CLC).

Francine McCarthy – Manager Native Title, Central Land Council

Before 2018, native title holders could not get much information about what a PBC is or what work it does for native title, so the CLC wrote the Native Title Story. The Native Title Story is an introduction to native title and prescribed bodies corporate (PBCs). In early 2021, the CLC made the Native Title Story in 6 Central Australian languages. They recorded the translations into audio files in:

1. Alyawarr
2. Anmatyerr
3. Eastern Central Arrernte
4. Pintupi-Luritja
5. Pitjantjatjara
6. Warlpiri.

Native Title Story workshop

In this session, native title holders split into language groups. They listened to the Native Title Story in language and talked about the book. Then they reported, to the whole camp, what they talked about.

The groups all talked about different things to do with the Native Title Story book and translations. There were 7 main themes to the discussions:

- is the book useful?
- do the new translations help?
- do we need a version 2 of the book?
- what training do PBCs need?
- how will the new rules affect PBCs?
- opportunities for PBCs
- worries for PBCs.

The diagram on the following page provides more information.

What did the Central Land Council say at the end of the session?

- The CLC will write a version 2.
- The book should be written in language as well.
- The CLC will get the book translated orally into more languages and make changes to the already existing oral translations after they write version 2.



Native Title Story

Questions

How long does native title last?

Native title lasts for as long as people keep their connection to country. After you get a Native Title Determination, it is meant to be forever. But if the government can prove in court that you have lost your connection to country and lost your Aboriginal law, then the court can take your native title away. This has not happened in Australia yet.

Can a PBC be across State or Territory boundaries?

Yes it can, but there are not very many. You need to convince more than one state or territory government, so it is harder to do a native title claim that way. For example, a native title claim across the Western Australia/Northern Territory border would need to get the Western Australia Government and the Northern Territory Government to agree. If you want to do this you should tell both Native Title Representative Bodies (NTRBs) so they can work together.

Does a PBC need a development plan?

No. The law does not say you have to have a development plan or strategic plan. But it is a good thing to have one.

Why is there not a PBC for each landholding group?

A PBC is made up for the native title claim area. The area of the landholding group is sometimes difficult to map out because it does not have clear boundaries. Also, the boundaries of landholding groups can change over time. There would be too many PBCs and it is a lot of work to run a PBC.

Why is there more than one land holding group in some PBCs?

The CLC has decided that native title claims will follow pastoral lease boundaries. This makes the research easier because it helps traditional owners identify locations. Also, other people, such as the Northern Territory Government and pastoralists, have other rights and interests on that land, so the National Native Title Tribunal (NNTT) needs to be clear about what land traditional owners are claiming. Then, everyone can understand the claim area.

Native Title Story



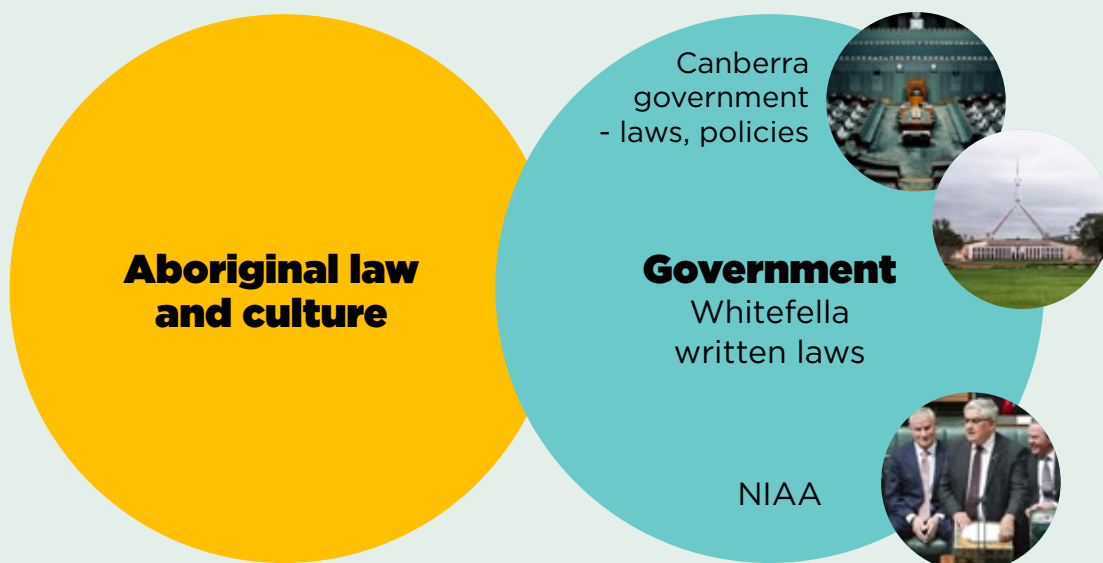
The native title system:

Aboriginal law and whitefella laws

Francine McCarthy – Manager Native Title, Central Land Council

Who is involved? What laws are involved?

First, we have Aboriginal law and culture, and we have the government, or whitefella law. The whitefella law is made in Canberra by the government. The National Indigenous Australians Agency, NIAA, help them make and change the laws.



Canberra Government

The people in Canberra deal with all the law and all the policies, or ideas and plans. They help the government put the law out to people.

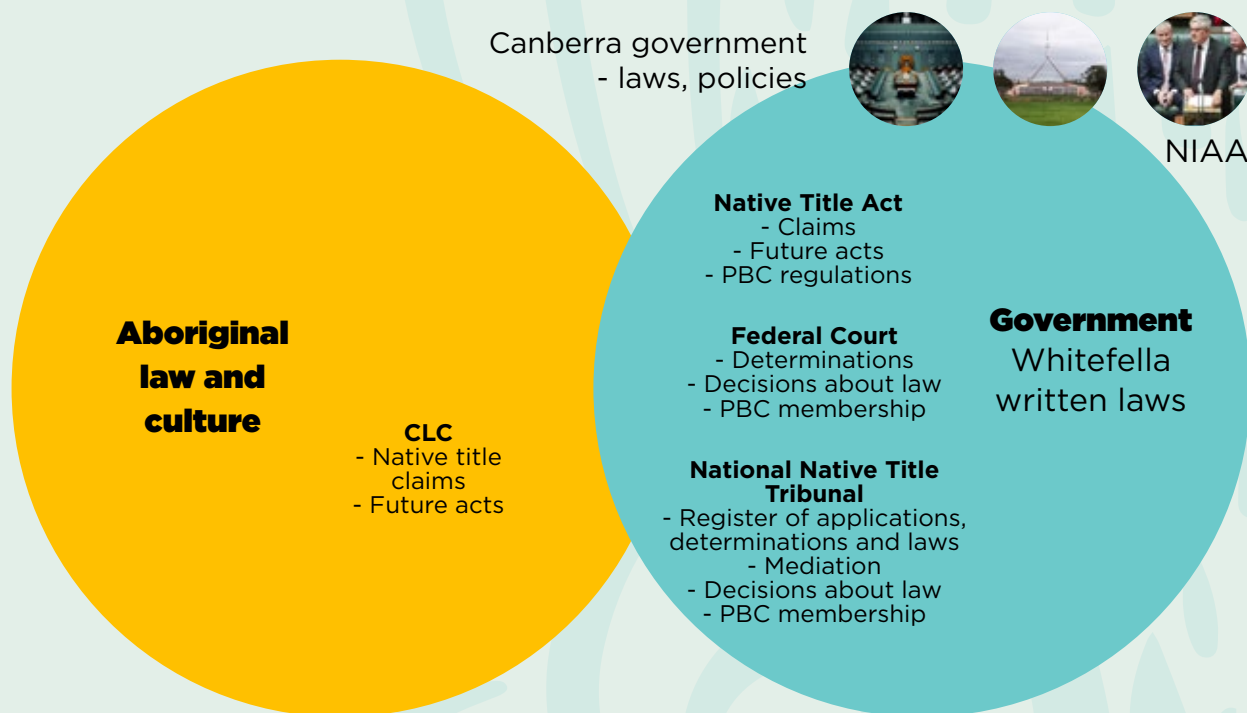
NIAA

Minister Ken Wyatt is the Minister for Indigenous Australians. He is the boss of the new agency that deals with all Aboriginal and Torres Strait Islander business called the National Indigenous Australians Agency, or NIAA.

The native title system:

Aboriginal law and whitefella laws

On the government side of the system



Native Title Act

All the native title claims.
All the future acts.
All the PBC regulations, or all the rules that sit around the Native Title Act.

Federal Court

This is the second highest court in Australia. They are the people that deal with anything related to the Native Title Act.

The Federal Court hand down the determination. This is when the court recognises that you are still here, that your traditional laws and customs are still here.

They also make decisions about the law. If there are any changes to the native title law because the court made some decisions, then the government needs to change the Native Title Act.

They have a role in deciding PBC membership and membership rules.

The native title system:

Aboriginal law and whitefella laws

National Native Title Tribunal

This is like a court, but it is not a court. It is a mediator.

The National Native Title Tribunal, or NNTT has 2 roles:

1. They mediate for traditional owners to help make decisions about native title matters when the native title holders in a PBC cannot agree on the decision after following the process in their rule book.
2. They keep a big list, called a register, of all the determinations, all the applications and all the Indigenous land use agreements (ILUAs). They keep the register on the internet. Anybody can look at it.

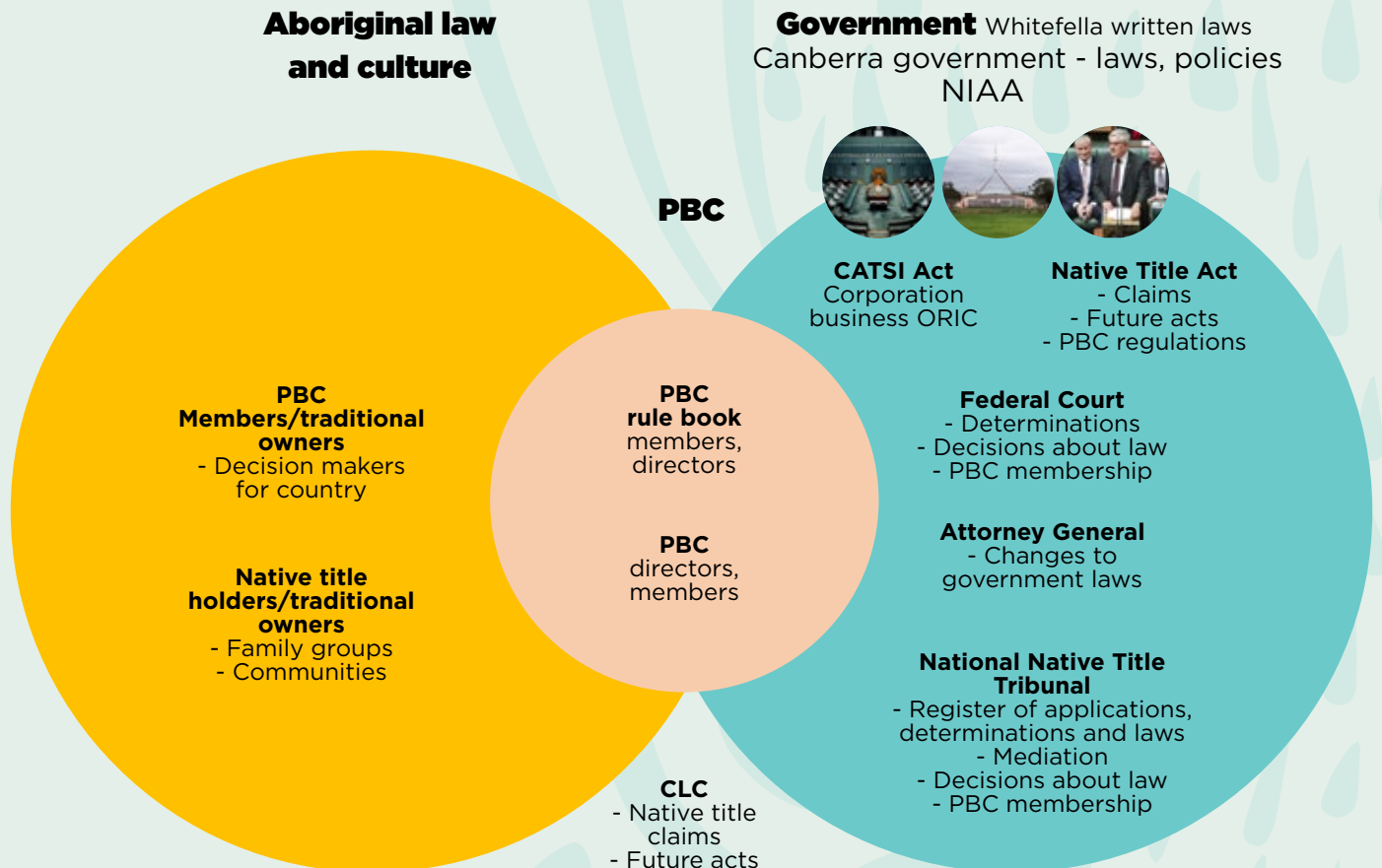
Land councils

The land councils sit on the border of both sides of the system. They work on both sides of the system: in the Aboriginal law and culture circle and in the government circle.

The native title system:

Aboriginal law and whitefella laws

This is coming closer to how things look today



CATSI Act

The Corporations (Aboriginal and Torres Strait Islander) Act, or CATSI Act, is all the laws about corporation business.

ORIC is the group of people who manage how the CATSI Act gets put into the rule books and how PBCs follow the CATSI Act.

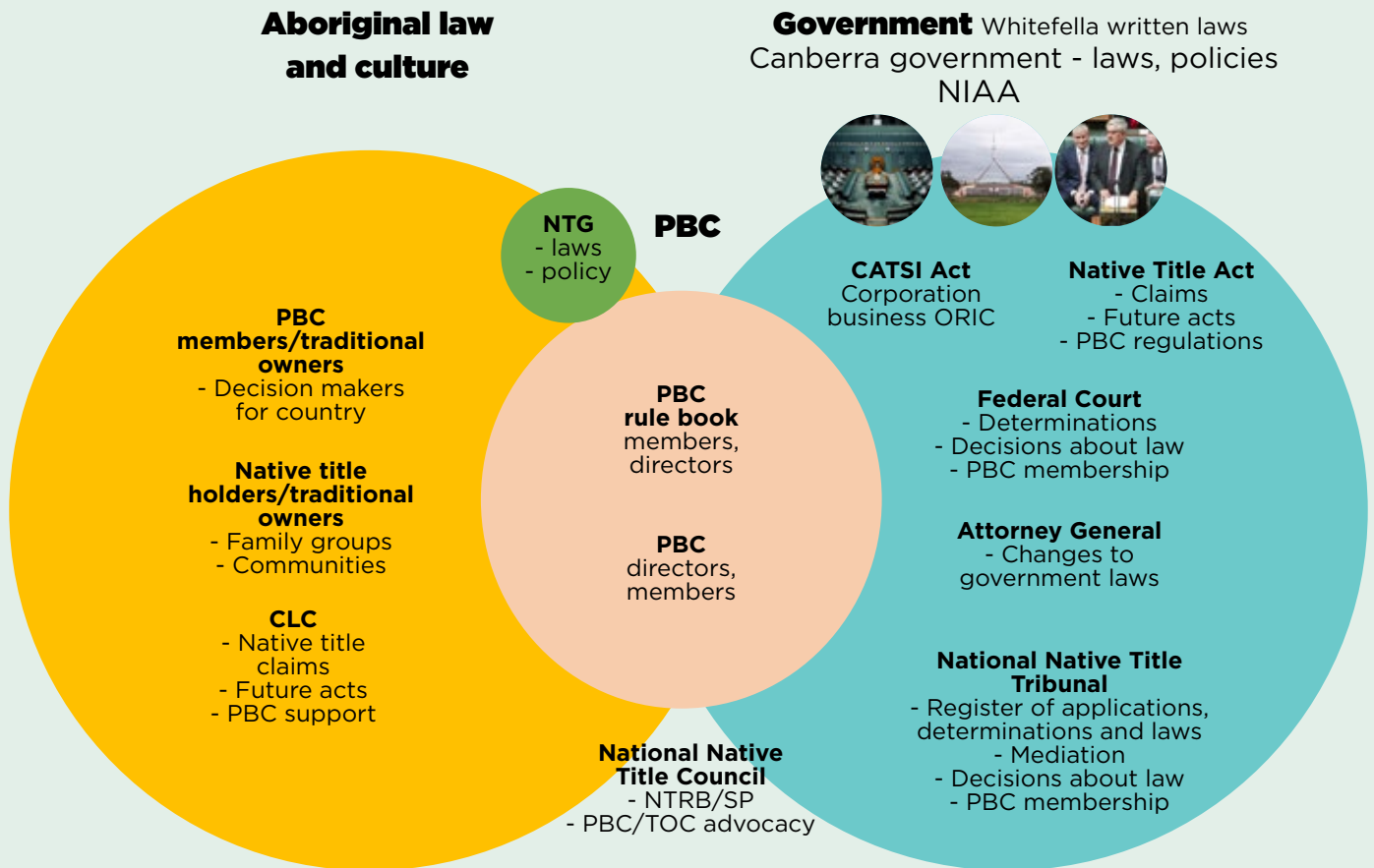
PBC

A lot of PBCs are still young and are learning about what members, directors and traditional owners do and how to make decisions.

The native title system:

Aboriginal law and whitefella laws

About 5 years ago



Northern Territory Government (NTG)

We started looking at how the Northern Territory laws affected, or fit and made a difference to, native title.

PBC

The PBCs started to get a bit more of a voice. More power to decide what happens to them. This is because the government gave a bit more money to do that.

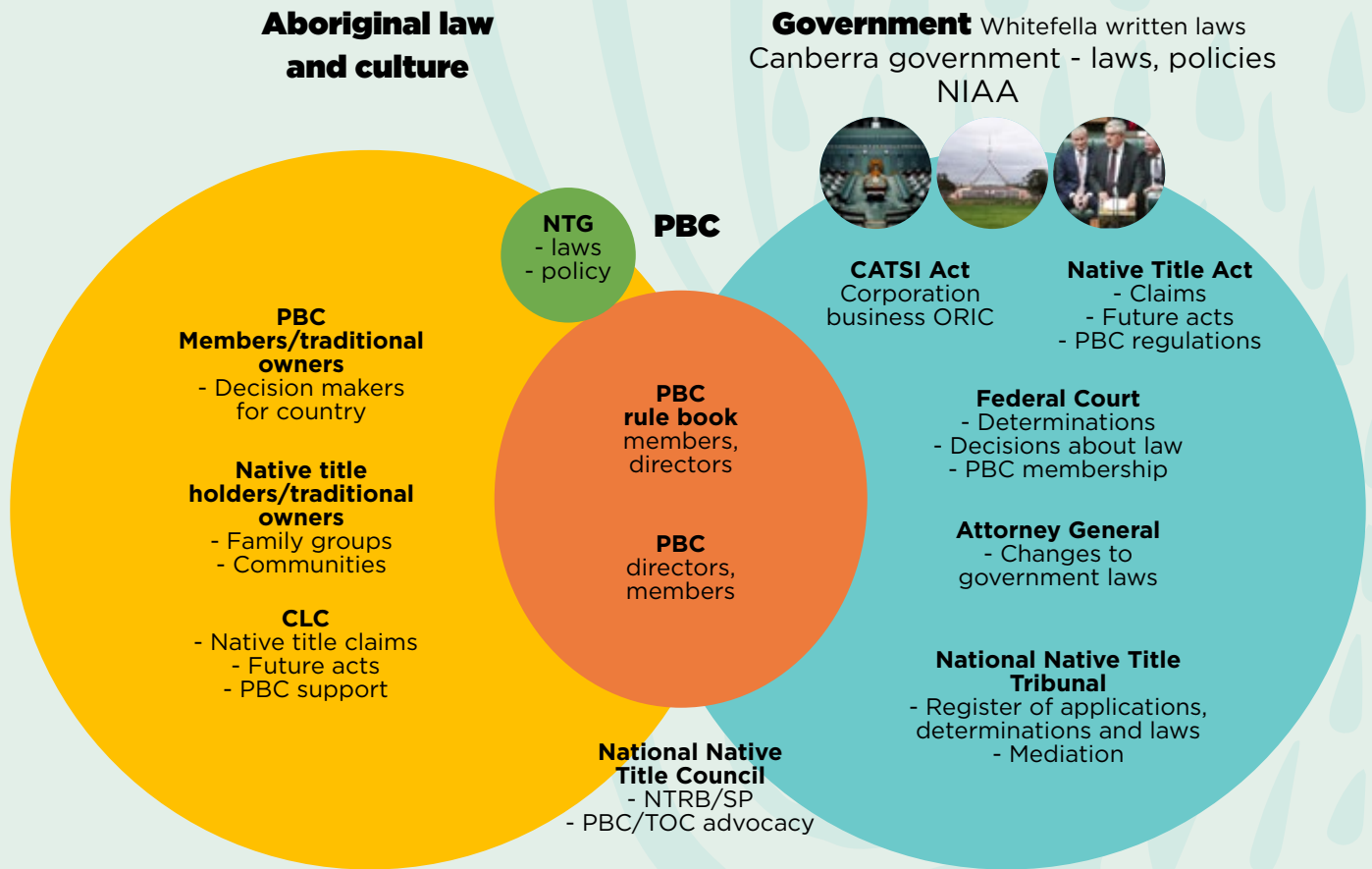
National Native Title Council (NNTC)

The NNTC was set up in 2007. All the Native Title Representative Bodies or Service Providers became members of the NNTC. They provided advocacy for the PBCs. This means they talk up for the PBCs.

The native title system:

Aboriginal law and whitefella laws

This is where we are now



PBC

The PBC started to get stronger, so the colour is also getting stronger in this picture.

NNTC

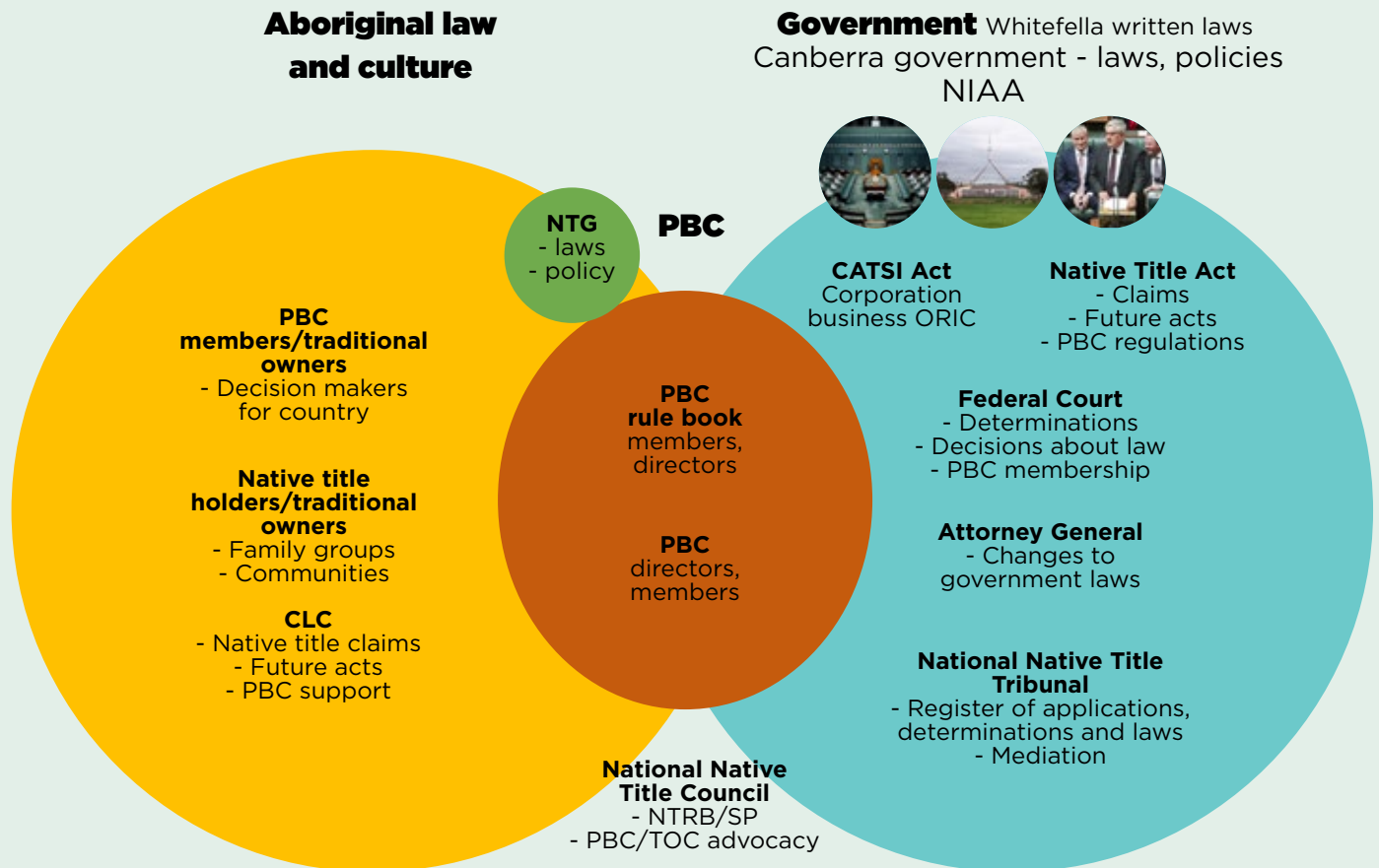
The NNTC changed its membership rules so that PBCs can become members.

The NNTC provide advocacy for PBCs. Advocacy means talking up for someone. For example, the NNTC is talking with the government in Canberra to make sure there are laws to protect Aboriginal cultural values.

The native title system:

Aboriginal law and whitefella laws

This is the future



PBC

The circle in the middle is getting darker because that is the future.

Native title holders have more opportunity in this system than ever before. You also have more responsibility in this system than before. Your responsibilities are the things you have to look after in the rule book of the PBC.

You need to take every opportunity to learn how to do your job as PBC directors. Come to meetings with the CLC, the NNTC, and ORIC to learn.

Your PBC can now get more money so you can do your PBC work. The NNTC is also looking at how to get the government to fund, or give money to, PBCs properly.

How the Central Land Council helps native title holders

Francine McCarthy - Manager, Native Title, Central Land Council

The CLC is a big organisation with a lot of different parts and jobs. This is how the people in the native title section of the CLC understand how all the parts work together to help native title holders.

Think of the CLC like a big stew.

CLC services



- regional services
- computer services
- geospatial services

- information services
- technical services
- communications

- human resources
- finance
- audit and performance





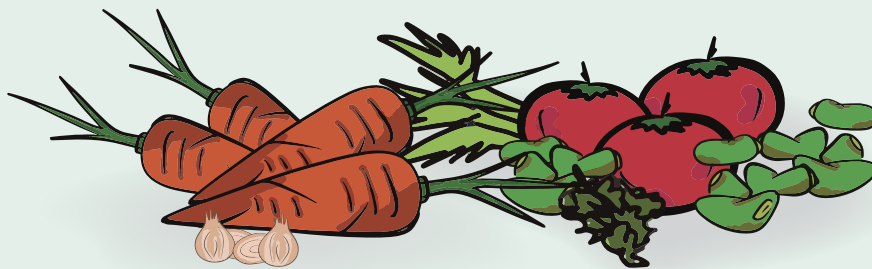
We need the meat and potatoes to make it a stew.

In the CLC, these are the following.

Legal services work out the meaning of the laws.

Anthropologists go out to traditional owners and listen, explain and understand the way they connect or belong to country.

Native title staff plan the projects and find the money to do these types of work.



We need to flavour the stew to make it good.

These are the extra things that are good to have.

In CLC, these are the following.

Land management do ranger work and other things to go out and look after country.

Community development help people organise projects and do things they want to do with their money for their community.

Economic participation is a new unit to help people with building businesses. They get Aboriginal Benefit Account (ABA) stimulus money to help you with your ideas and projects.

Aboriginal corporations administration help you look after the money you get from your agreements.

Minerals and energy deal with all the future acts and all the mining agreements. They support PBCs by providing stronger information into talks we have with the government and mining companies. They work with the native title and PBC support staff.



The flavour comes from all the talks the CLC has with government.

Policy and research talk to the government on behalf of Aboriginal people in the CLC region.

The thing that holds the stew together is the binder

The group that keeps the CLC together and strong is the executive committee.

Executive committee is a committee of the CLC Council. The job of the executive committee is decided by the Council (delegations of power). They are like the directors for the CLC. They are the ones that Les, the CEO, has to talk to regularly.



To cook the stew you need something to keep the fire burning.

For an organisation this big, there are lots of services that you do not see, but that the CLC has to rely on. They are the ones that support all the CLC work.

Computer services make sure all the computers, phones and networks are running properly.

Information services includes the library and archives staff that keep the information secure and stored the proper way so CLC staff can find it all again when they need it.

Human Resources (HR) help find new workers and do all the paperwork to make sure CLC staff get all the benefits from doing their jobs.

Finance look after the money and pay the bills.

Audit and performance are needed because the CLC is a Commonwealth organisation. The CLC has special rules about how it can spend money and how to report on how the money is spent. This section makes sure the CLC looks after the money story proper way.

Technical services make sure all the CLC buildings and vehicles run properly.

Communications talk to media and get stories out.

Regional services are the staff you see all the time, making sure everything is set up for the CLC work on country and in community. They are the messengers. They take information to people out bush, and bring information back.

Geospatial services look after mapping for meetings and consultations.

Day 2



David Moore, Roger Tommy
and Johnny Barber.



Opening address



Lesley (Les) Turner – CEO,
Central Land Council

Lesley Turner – Acting CEO, Central Land Council

Les' opening address covered the following:

- history of native title in the CLC region
- the role of the CLC
- the role of the PBC Support Unit
- NIAA review of the CLC
- what CLC wants for native title holders.

History of native title in the Central Land Council region

Almost 130 years after European settlement started in Central Australia, the law of Australia finally started to recognise that Aboriginal people were here long before European explorers came here.

2000

First native title determination: for the Arrernte people of Mparntwe/Alice Springs, Lhere Artepe AC RNTBC

2004

Second native title determination: Davenport Murchison Ranges National Park and Hatches Creek Township, Iytwelepweny AC RNTBC

2007

Third native title determination: Tennant Creek, Patta AC RNTBC

2021

- 33 native title determinations
- 3 applications with the High Court
- Research completed for 3 more claims
- Research happening for 4 more claims

Traditional owners have only made claims for 65% of claimable native title land, so there is a lot more work to do for native title claims. The CLC needs more funding to continue this work.

Opening address

The important work of the Central Land Council

The CLC follows a plan to help decide what land to work on for native title claims. It prioritises native title claims based on 2 things:

1. what is happening on the land
2. what funding the CLC can get to do the work.

The CLC helps all Aboriginal people in Central Australia to work with government, companies and other people to do things on land that has native title.

The PBC Support Unit

The PBC Support Unit staff assess all the PBCs in the region to look at how well they can:

- manage governance
- perform their native title functions
- manage their money.

The PBC directors look after the native title rights and interests for the native title holders of that land. The PBC directors have to make sure that the PBC meets legal obligations under the Native Title Act, the Native Title Regulations and the CATSI Act.

Most PBCs in the region still need a lot of help to be able to run their PBC. The PBC Support Unit staff are writing resources to help the PBCs understand and do their job. They also run the PBC camps and other workshops to help PBC directors learn about their role.

Review of the Central Land Council

Last year, NIAA reviewed how the CLC was performing its native title functions. The report said that the CLC achieves its native title outcomes well. But it said we can also do some things better.

There were 6 recommendations.

1. Ask native title holders if they are happy with how the CLC does its native title business.
2. Put the internal review process on the CLC website. This process explains how people can find out how the CLC makes its native title business decisions.
3. Provide more information about how the CLC decides which claims to work on next.

Opening address

4. Create a feedback page on the CLC website where people can tell the CLC what they are doing well and how they need to improve.
5. Create a way for PBCs to talk to the CLC about how to make the most of opportunities.
6. Prepare a plan for what the CLC will do when all the native title claims have finished.

What does the Central Land Council want for native title holders?

The CLC wants Aboriginal people to be able to do things on their own and be confident about how they make decisions. The CLC wants people to be able to look after their own cultural and social wellbeing, including economic independence.

The CLC is committed to keep supporting PBCs to:

- achieve their goals and visions
- improve their cultural, social and economic opportunities
- make sure the courts and government recognise and protect native title rights and interests.



Native title reforms and PBCs



Madalein Tier (NIAA Senior Advisor).



Australian Government
National Indigenous
Australians Agency



NIAA

Madalein (Maddie) Tier – Senior Advisor, PBC Policy, National Indigenous Australians Agency

Maddie leads the team that works on policy and laws about PBCs.

Also attending from the National Indigenous Australians Agency, or NIAA:

- Nicole Maher, PBC Policy, Canberra
- Byron Matthews, Regional Manager, Alice Springs.

The story of the National Indigenous Australians Agency

The National Indigenous Australians Agency, or NIAA, reports to Ken Wyatt, Minister for Indigenous Australians. There is a national office in Canberra and regional offices across Australia. The 2 regional offices in Central Australia are in Alice Springs and Tennant Creek.



Native title changes and PBCs

PBCs in Australia

There are now 226 PBCs across Australia.

There are 33 PBCs in the CLC region.

PBCs can be small, medium or large. All have different rights and interests on their native title land.

The NIAA look after all the different types of PBCs and support their different needs. So, NIAA staff come to these PBC events all around Australia to listen to you.

What does the National Indigenous Australians Agency do?

The NIAA helps the Commonwealth Government make policy, which is ideas and plans, around Indigenous Australians. They work on things like ranger programs, night patrol, school attendance, culture, and broadcasting, like radio, and other things like that.

Maddie's team looks after PBCs. They talk to government about what PBCs and land councils want in their future and they work out how they can help them.

Native title reforms and PBCs

Law and policy

Maddie's team talk to Commonwealth Government about the future of PBCs. They listen to the PBCs to find out what you want to happen and give that information to the government. This helps the government to make new laws and policies.

Funding

The NIAA look after the money story. They give money for:

- land councils to:
 - do their work, run their offices, and other things like that
 - make native title claims
 - give basic support to PBCs to help PBCs manage their corporations
 - do capacity building, which means to run projects to help PBCs get stronger, such as planning workshops
- training for PBCs, through the CLC, the NNTC, and ORIC
- regional forums, such as this PBC Camp, through the NNTC
- developing and supporting PBCs.

The Commonwealth Government wants to support PBCs to grow and enjoy the benefits of native title. The government has \$47 million for PBC Capacity Building over the next 4 years. These funds are for projects to help PBCs get strong. For example:

- changing their rule book and how they run their PBC
- sending directors to training
- business planning or getting advice from a business person
- helping with making agreements about using land.

To apply for PBC Capacity Building funding, talk to:

- Byron Matthews in Alice Springs (1800 079 098)
- the CLC
- other organisations who help with your PBC.

The NIAA website explains:

- who is eligible to apply, this means who can ask for the money
- what kinds of projects you can ask money for
- how to make your application strong
- how long it can take to find out if you will get the money.

<https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/capacity-building-native-title-corporations>

Native title reforms and PBCs

There is also \$7 million available to help PBCs make changes to rule books to meet the new rules in the Native Title Act and the CATSI Act. Your PBC can apply for some of this money from NIAA, or you can ask the CLC for help.

Developing and supporting PBCs



Website for PBCs
www.nativetitle.org.au
(AIATSIS)

Training for PBC
directors (NNTC)



Office of the
Registrar of
Indigenous
Corporations

Governance workshop:
rule redesign workshops
oric.gov.au

Regional forums

The NIAA fund the NNTC and land councils to run regional forums, like the PBC Camp, for PBC directors all over Australia. The forums are an opportunity for PBC directors to:

- meet and talk
- share information
- find out about help that is available
- find out information about funding
- learn from each other about what is working well and what is not working well in their PBCs.

The regional forums also give NIAA staff the opportunity to listen to you and learn what you want. This helps NIAA tell the government about what you are doing on the land where you have native title and what you need from the NIAA to do well and support your PBC.

Native title reforms and PBCs

Changes to Native Title Act

Recently, the government made 3 big changes to make native title law work better for you.

Change 1: The law is now clearer around how to make native title decisions. When something is going to affect, or change your native title rights, the PBC has to talk to every native title holder that will be affected.

Change 2: When native title decisions are being made, the PBC directors have to sign the certificate of consultation to say, “we consulted with every affected native title holder for every decision”. Either 2 directors or the Chief Executive Officer (CEO) of the PBC have to sign the certificate.

Change 3: PBCs and native title holders will have different ways and extra support for how to deal with disputes, or disagreements. PBCs need to decide their own way for dealing with disputes and put it in their rule book. But if the dispute is too difficult, and the PBC process does not work, then the National Native Title Tribunal (NNTT) will help.

Question

How do I get help to make the changes to my PBC rule book?

Talk to the CLC, ORIC or your NIAA team in Alice Springs or Tennant Creek to help you.

Changes to the CATSI Act

The government is thinking about making changes to the CATSI Act. Last year, the NIAA reviewed the CATSI Act to find out if it is working well. The review recommended these changes for PBCs:

- new rules about reporting on native title money
- more help for PBCs to resolve disputes.

The government is now deciding which recommendations to follow. If the government changes the CATSI Act, you will need to change your rule book again. The NIAA and ORIC are thinking about how the changes to the CATSI Act can fit with the changes to the Native Title Act so that you only need to change your rule book once.

Native title reforms and PBCs

Questions

How do you make sure your staff understand native title, PBCs and our rules, history and culture?

The NIAA staff know that PBC and native title is difficult for anyone to understand. They do lots of training for NIAA staff all around Australia to make sure that staff learn and understand about native title and history and culture.

What is this minister doing to stop the big companies getting all the money for Aboriginal employment?

The money that went to the big companies was for Aboriginal employment and they did employ Aboriginal people. So, the money was spent the right way. It is a big application, so not many small corporations have the time or people to work on it. You can ask the CLC or the NIAA team in Alice Springs or Tennant Creek to help you apply for money to help projects that help your PBC.



Pat Brahim, asking a question.

Advocating for traditional owner rights



Carolyn Betts (NNTC).



Tahn Donovan (NNTC).



Carolyn Betts
Senior Administration Policy
Officer, National Native Title
Council

Tahn Donovan
Membership Officer, National
Native Title Council

The story of the National Native Title Council

All the land councils used to come together to talk and share information, work together, and make decisions, before the Aboriginal and Torres Strait Islander Commission, or ATSIC, ended in 2005. But then, the land councils lost this opportunity, so, they set up the NNTC to help them continue to share ideas and work together.

In 2007 the NNTC became incorporated. All land councils became members of the NNTC. Then in 2017, the NNTC changed its rules so that PBCs can also become members.

The structure of the National Native Title Council

Membership

There are 2 types of members:

- Regional Native Title Representative Bodies (NTRBs)
- local native title organisations (PBCs).

All 11 land councils are members. So far, 39 PBCs have become members.

The board of directors

There are 10 people on the NNTC board. The members vote for 4 PBC people and 4 NTRB people. Then the new directors choose 2 more directors.

Advocating for traditional owner rights

The current board:

- Kado Muir (Chair), Wakamurra PBC in the Western Australia Goldfields Region
- Francine McCarthy (Deputy Chair), Central Land Council, Northern Territory
- Tony Kelly (Victoria)
- Kevin Smith (Queensland)
- Keith Thomas (South Australia)
- Rhonda (Jake) Jacobsen (Queensland)
- Melvin Farmer (Western Australia)
- Joshua Haynes (South Australia)
- Gail Reynolds-Adamson (Western Australia)
- Ned David (Torres Strait)

What does the National Native Title Council do?

The NNTC provides a strong voice for the NNTC members to the Commonwealth Government. The NNTC works to lift the rights and interests of First Nations people and make the native title system better. That means, they talk up to government about your rights as First Nations people. They tell government how you think the government can make a better system for native title rights, PBCs and land councils across Australia.

The main aims of the National Native Title Council

1. They share information on matters of national significance.

These are the things that are important to you, your PBCs and land councils.

2. They develop policies, or ideas and plans, and talk up to government about how to make the native title system better for PBCs.

3. They develop relationships to help NNTC achieve its goals.

The NNTC talk to a lot of other people. For example, they work with the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and universities. The people in these organisations help the NNTC to make the system better for you.

4. They gather views of NTRBs and PBCs on matters of significance.

5. The NNTC is a platform for the voice of First Nations people.

They have a stronger voice together. This helps them get better policies and better laws.

6. They raise the status and influence of First Nations people.

Advocating for traditional owner rights

What is the National Native Title Council working on?

1. Cultural heritage

The NNTC want First Nations people to make decisions about the protection of cultural heritage. These are the cultural heritage projects they are working on.

- **The NNTC is writing submissions to the new Western Australian laws.** Since Rio Tinto, the big mining company, blew up the significant site at Juukan Gorge, the Western Australian Government has been trying make their laws better. The Western Australian Government developed their Aboriginal Heritage Act in 1972. This Act has not changed since then. The NNTC staff are helping to make the laws stronger to protect Aboriginal heritage. They are working with PBCs and land councils in Western Australia to make sure the government listens to Aboriginal voices when they change the laws.
- **The NNTC is working on national standards to protect Aboriginal rights in cultural heritage laws.** Standards are rules and guides to help companies and government do the right thing. The NNTC is talking to the Australian Heritage Chairs in Australia and New Zealand to make national standards that protect Aboriginal rights in cultural heritage legislation. Those standards are based on the United Nations Declaration on the Rights of Indigenous People. They are your right to self-determination and your right to protect country.

The national standards include repatriation of cultural artefacts.

- **The NNTC is talking to government about making better policies and laws that meet those national standards.** The NNTC is talking to the Commonwealth Government to ask them to change their laws to include the national standards that protect Aboriginal cultural heritage rights.

Advocating for traditional owner rights

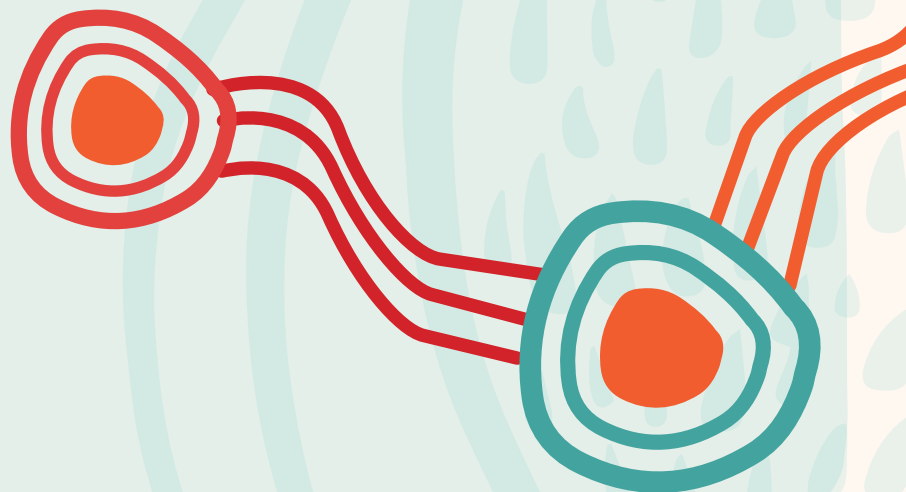
2. Capital Base Fund

The NNTC wants to develop a better way for government to fund PBCs. The NNTC want to create 1 funding base, so that PBCs don't have to go to government every time they need money to do PBC work. This will help PBCs continue to be able to get money now, and in the future.

Belinda Burbidge works at the NNTC. She is setting up a working group for the Capital Base Fund project. If you would like to be on the working group, talk to Belinda.

3. Compensation

- **The NNTC is working with land councils on a compensation strategy.** Compensation is money you receive when someone takes or damages something on your country. The NNTC is talking to all state and territory governments about native title compensation. They are looking at ways to make agreements with governments on compensation. They are also working with land council lawyers on test cases for compensation. There are different rules for compensation, depending on how old the pastoral lease is. They are trying to work out how PBCs can get compensation for claims on older pastoral leases.
- **The NNTC is talking up for more money for land councils and PBCs for compensation claims.** This money is for land councils to help PBCs research and make compensation claims. There is not enough money in the system to support all the claims that come forward.



Advocating for traditional owner rights

4. Nation Building for PBCs

The NNTC needs your views into the Nation Building for PBCs project. This is the PBC Reform Package. The NNTC want to learn from PBCs about the following.

- What will it look like?
- What do you want your PBC to do?
- What help do you need for your PBC?
- How do you want to change national policies?

5. PBC National Survey 2019

59 of 226 PBCs across Australia contributed to the PBC National Survey. The government and government agencies all received the final report. The government agencies are using the report, so the NNTC knows they are listening to PBC voices.

6. Native title operations and management training

The Native Title Operations and Management Training is a week-long course that:

- offers basic business training
- includes governance training
- helps you develop financial skills
- helps you develop business marketing skills.

In the future, the NNTC would like people who have already made the journey with their PBC to deliver the training. Then, the NNTC would have Aboriginal facilitators delivering training in language for different stages of the PBC. Please let the NNTC staff know if you would like to attend training in the future.

Advocating for traditional owner rights

Become a member

The NNTC is asking all PBCs to become members of the NNTC. Your PBC should join the NNTC to:

- find out what is happening on things that matter to PBCs, such as native title compensation and cultural heritage
- go to workshops to help you develop your business skills and knowledge
- be part of the native title sector with Native Title Representative Bodies to create a better system for native title
- have your voice heard when the NNTC make submissions to government on things like:
 - constitutional change
 - Closing the Gap Refresh
 - protecting your cultural heritage
 - land and water tenure reforms.

Questions

Can a PBC become a member of the NNTC instead of the CLC?

The NNTC does not offer the same services as the CLC. The NNTC help with advocacy, speaking up for all PBCs. They can provide national native title management training for PBC directors and land councils.

How much strength will the NNTC give to PBCs?

PBCs are strong. The NNTC does not give you strength. The NNTC give you a way for government to hear your voice. The government changes whitefella laws but the traditional owners do not have a say. That is why we all need really strong PBCs.

Working together

Francine McCarthy - Deputy Chair, National Native Title Council
Tahn Donovan - Membership Officer, National Native Title Council

Context

In 2017, the NIAA asked all Native Title Representative Bodies, like the CLC, to find out the skills and capabilities of all the PBCs in the region and create development plans for each of them. In this project, the CLC learned:

- what PBCs needed
- what PBCs were doing
- what PBCs could do and what resources they had
- what their economic opportunities were.

The CLC ran development planning workshops with 13 PBCs. The PBCs all identified 4 key areas that they needed to develop.

1. Governance

- All PBCs needed to improve corporate governance. They needed to know about accountability and the rules, laws and regulations that relate to their jobs.
- They needed to develop their own dispute management process that included traditional ways. This is the way the PBC members decide things when native title holders disagree about what they want to do.

2. Advocacy – speaking up for the PBC

- They looked at how the PBC needed to speak up for good community representation and engagement.
- Many native title holders that have native title on pastoral leases do not live on the pastoral lease where their country is. Those PBCs looked at how they can use the PBC to better speak up for their native title right to access country where there is a pastoral lease.

Working together

3. Creating jobs

- PBCs looked at regional economies. They decided they need to work together to improve their own economic positions within the region.
- Some of the opportunities they talked about were working within the pastoral industries or having a business where they provide contracts to the pastoralist.
- PBCs also looked at land management, tourism and horticultural opportunities.

4. Delivering services

PBCs talked about how they could provide services to the communities they lived in. For example, doing community planning and engagement strategies, running community accommodation and facilities, getting contracts to fix the roads, and providing youth services to the community.

The government stopped that planning project. But now the NNTC is looking at ways to think about these ideas again.

What is Nation Building?

The Nation Building project is about:

- Self determination
- United Nations Declaration on the Rights of Indigenous People
- National Policy Reform Package

Self-determination means:

- having 1 strong voice together
- leading change
- showing our Elders pride and commitment to progressing things
- taking the work the Elders have already done to the next level.

Nation Building is based on our self-determination.

Working together

United Nations Declaration on the Rights of Indigenous People

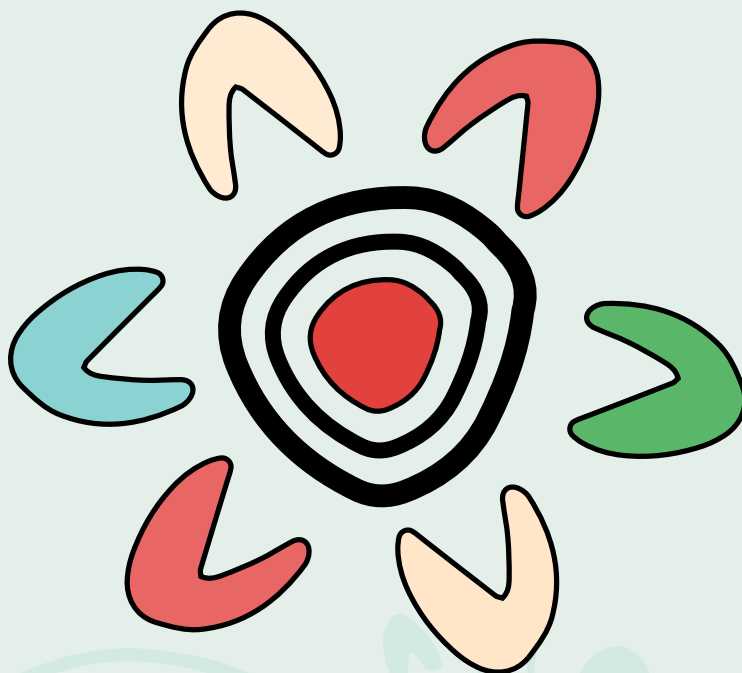
This project is able to happen because of the United Nations Declaration on the Rights of Indigenous People.

“The declaration establishes a universal framework of minimum standards for the survival, dignity and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples.” (UN.org)

National Policy Reform package

National Policy Reform means working with governments to change the rules to support PBCs. The areas the NNTC are asking the governments to reform are:

- structure and function of PBCs, that is how PBCs are set up and what they have to do
- regional nations and networks: the more that we get together and understand each other, the more that we learn from each other and grow
- funding models and economic development opportunities, which means different ways of getting money
- coordination of the sector
- engagement and representation of PBCs in all levels of government, which means who talks up for PBCs
- training, programs and technologies made for PBCs.



Working together

Community governance

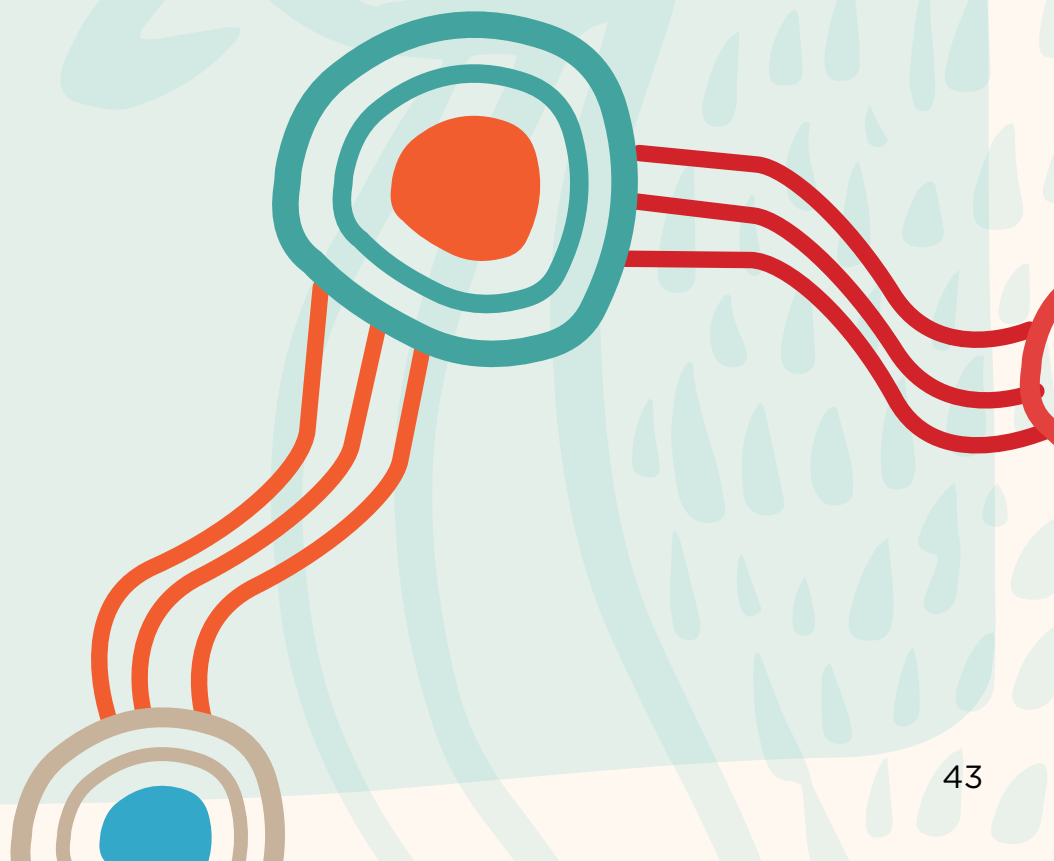
Community governance means how First Nations organise and govern themselves.



Community and family engagement

Truth telling and healing after the claim process – We need a lot of healing because of what has happened on our country and to us. We need to work out how to make time for it.

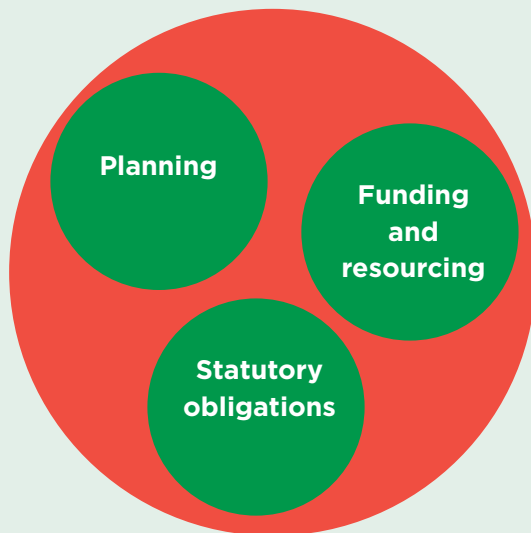
Indigenous data sovereignty – A lot of information about families, objects, and culture has gone into the native title claim research. We need a process to make sure that the information comes back to the right people.



Working together

Organisational governance

Organisational governance means performance and compliance.



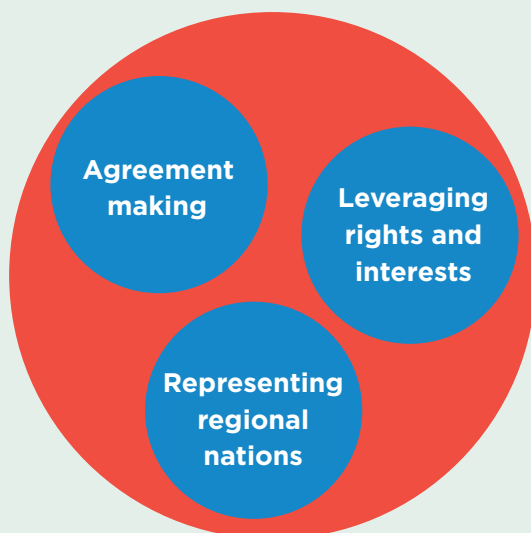
Planning: Strength-based planning – We should learn from our mistakes to find a better way to do business.

Statutory obligations (compliance): We need to support PBCs to meet the whitefella rules. We need to help change the laws. This is called legislative reform.

Funding and resourcing: We need to provide technology support for PBCs. We need to help all PBCs communicate and get good support.

Operational governance

Operational governance means making agreements, partnerships and using native title rights.



Leveraging rights and interests: Leveraging existing native title rights and interests – Using something you have that someone else wants, to help you get what you want.

Agreement making: Supporting strong agreement making – Making agreements to get benefits for your community from businesses that are using your native title land.

Regional Nations representation: The central region already has a really strong regional nation. But sometimes, we need to look outside what we know. For example, we can look at what is happening in other countries. This can help us build new ideas.

Working together

Example of leveraging

There is a community on the edge of a very popular tourist highway in Western Australia. The community has no income from the land because of pastoral leases and mining. Many tourists travel on the tourist road, but there was nowhere to stop.

Community members went to the state government and leveraged themselves. They had traditional owners and the government had a lot of tourists who want to meet traditional owners. The tourists wanted a place to stay where they could use power and have hot showers. The traditional owners made a deal with the government to provide services to the tourists, so they could stop, meet the locals, learn about cultural heritage and spend more money in the region. The government gave them money for a project called Camping with Custodians. Now people pay to camp at their campground. From that opportunity, the community then started selling coffee. It was the only shop that sold coffee for 500km. Then, the community set up an art gallery and started doing tours.

New tourism funding

From next year, NIAA are opening a tourism funding program for Aboriginal people. A person can get \$50,000 to develop a tourism product. A PBC can get up to \$100,000 to develop a tourism product.

Example of making strong agreements

If a mining company is going right past your community and they are not talking to you about royalties, then you should think about other ways to get them to help you. For example, maybe they could:

- grade your roads
- make jobs for your family and community
- give you some business opportunities instead of jobs.



Working together

What is the National Native Title Council trying to do with the Nation Building project?

- More funding and resources for PBCs.
- A policy that helps PBCs get stronger and be able to look after themselves.
- Economic development and business opportunities for PBCs.
- Partnerships to develop training and programs made for PBCs.

You can bring in other organisations to help you do what you want. The NNTC, the AIATSIS, and the CSIRO have been working on 3 partnerships. Working with research companies does not have to cost you anything. They want to do their research and you are providing them somewhere to do it. The research might give you the information you need to make your PBC's ideas work. It will give you real science to back you up.

Partnering with research companies

Examples of partnering with research companies

Example 1

In Queensland, some PBCs worked with the CSIRO, a group of scientists. The scientists looked at water quality, the transport routes, the special features of the land and the special way the people connected to the land. They came up with some tourism products that suited the land, the local people and the tourists in the area.

Example 2

In the Pilbara, Western Australia the scientists looked at pastoral land. It is very dry country, but it has a special wetland. There were not many fences on the station so all stock were running on the wetland. It had a few problems with eroding wetland, the cattle value dropping, and the weak cattle breeding. The CSIRO helped them make improvements to stock, land and found the best way to use the land for economic opportunities.

How does the National Native Title Council work with PBCs?

- They run 12 regional PBC forums.
- They run training workshops.
- They communicate with as many PBCs as possible.
- They developed a NNTC PBC advisory committee.
- They hold interviews with PBCs who are willing to share their success stories.

Working together

Working together workshop

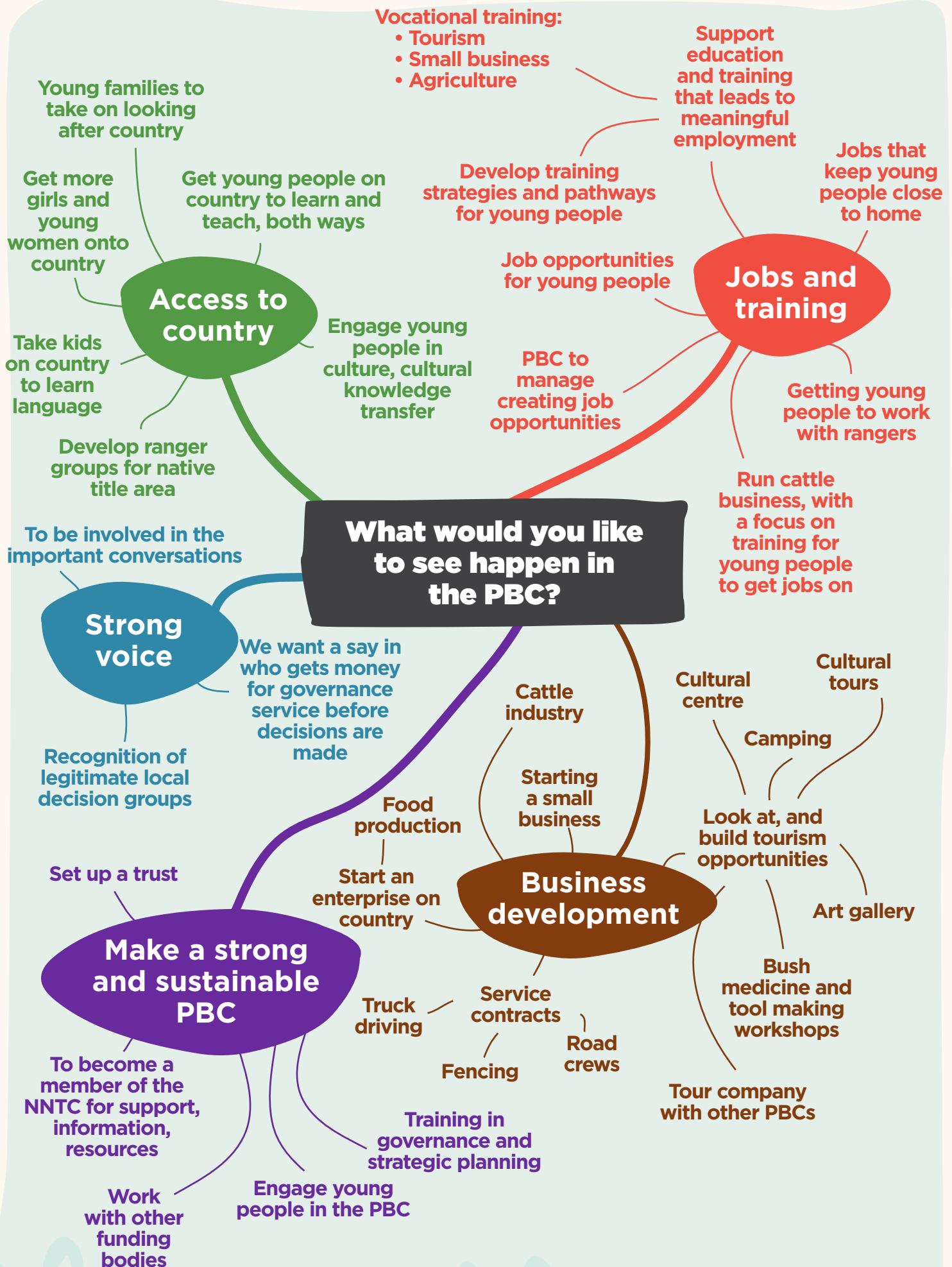
Everyone sat down in groups and talked about the 4 questions below and then reported back to the camp. There were key themes that came up for each question. The diagrams on the next few pages show the responses that the groups shared.

Workshop questions

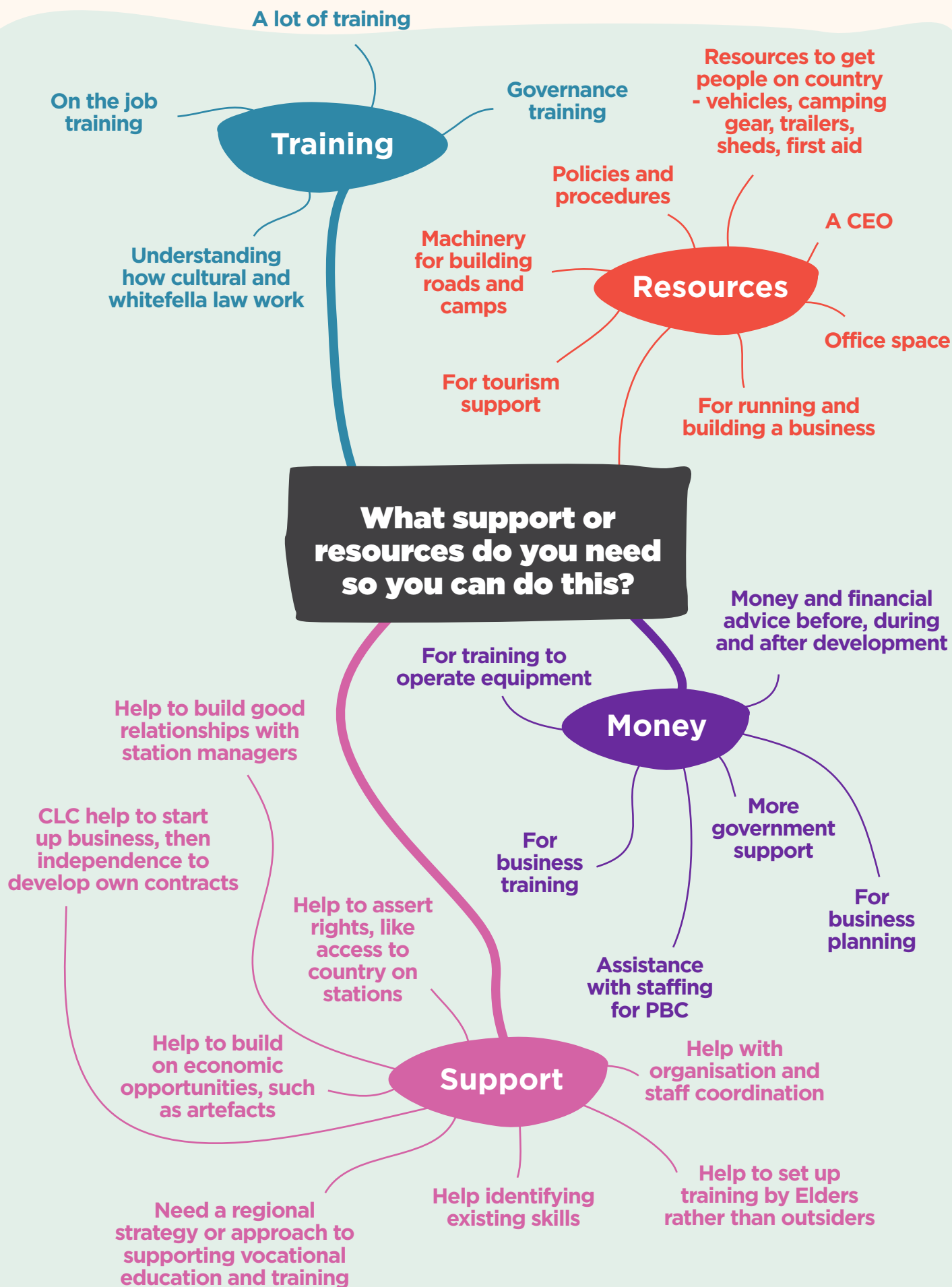
1. What would you like to see happen in the PBC?
2. What do you want to do with your PBC?
3. What support or resources do you need so you can do this?
4. What are the short-term, long-term and regional priorities?



Native title holders from Kwaty AC RNTBC reporting back to the camp









Your rights on cattle country



Dante Mavec (CLC).

Dante Mavec - Senior Native Title Lawyer, Central Land Council

Pastoral stations have an owner. Sometimes the owner is living at the homestead and sometimes they have a manager living and working on the station. They have workers out on the station as well. They put fences up and sometimes they put locks on the gates.

But the stations are also for you. Many of you have history on those stations. They are your country. The whitefella law knows that you have a place on the station.

Your rights

There are 3 different kinds of law in the Northern Territory that say that you belong on the pastoral stations. It is your right to go there when you want.

1. Native title rights

Your native title rights are everything you need to have a really good visit to country.

travel to country



have a camp



hunt and fish



take things from bush



use the water



have a campfire,



give people a present
from the country,



look after sacred sites



but not water the
pastoralist has grabbed



but not start
a bushfire



but not for big money.



meetings



ceremony



funerals



Teach young ones Bring people
with you on country



These native title rights are what the judge recognised when he or she came to your country for your Native Title Determination.

Your rights on cattle country

2. Pastoral lease reservation

When the government gave the station owner the pastoral lease, they put conditions or rules on the station owner. One of those conditions says this: "If an Aboriginal person has country on the station, they can use that station for visiting, for camping, for getting water and for hunting and gathering". That hunting and gathering has to be for food or for ceremony.

The station owner has to always keep it open for traditional owners. But the government said the condition for you is that you have to stay 2 kilometres away from the homestead.

The government tells the pastoral station that your right is very important. They say that Aboriginal people should be able to use that right fully and freely. If someone stops you from doing that, and they do not have a good reason, it is a crime.

The government says that one good reason for the station workers to stop you going on your country is if your visit will stop the station running properly. But they still have to obey or follow the law. But, if a station worker points a rifle at you and tells you to get off the station, they are committing 2 crimes.

1. They cannot point a rifle at you.
2. They cannot stop you from going on your country.

If this happens, you should tell the police. The CLC will help you do this.

3. Sacred sites

No one is allowed to damage sacred sites, including station people. The Sacred Sites Act is the law that gives you a right to access, or visit your sacred sites any time.

You can also give other people a right to visit your sacred sites, but they have to talk to the station manager first and talk about how they will get to the site.

Your rights on cattle country

Pastoralist rights

The government gave a lease to the station owner to use the land. The right of the station owner is to use the land for pastoral purposes, which means, to run a cattle business. They can:



- have animals running around
- build a homestead and dongas for workers
- build fences, airstrips, roads, bores, tanks and yards
- build other things that they need for their business.

Running a cattle business means they need:

- a lot of grass for the cattle to eat
- to stop diseases and weeds coming onto their station
- to make sure that no one steals their cattle.

So, there is a lot in the idea about using land for pastoral activities.

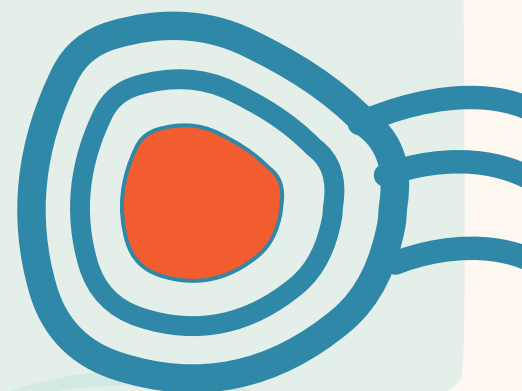
Native title rights take a back seat to the pastoralist, but everyone has to be reasonable



Your rights have to give way to the rights of the station owner. That means that you can use the country, but you cannot interfere with the cattle business. It means that if they need the land, they get first choice. They take the front seat and you take the back seat.

So, if there is a muster going on, you cannot go shooting for kangaroos in the middle of all the cattle. If they are using a helicopter you cannot camp on the helicopter landing pad.

But even though you are in the back seat, you still belong on that country. Do not believe anyone that says you are trespassing on your native title country.



Your rights on cattle country

The sacred sites are the boss for everyone

The station owner is not allowed to damage a sacred site just because it is good for the cattle business. If you see damage to your sacred sites, you should tell the CLC immediately.

You and the station manager both have to use your rights reasonably

‘Reasonably’ means being straight and fair with each other. It means:

- not stealing or messing up the country
- not getting cheeky
- not doing things just to make the life of the other person harder.

It is difficult to know what a judge would say is fair and what is not. The judge will look at both sides of the story and make their decision.



Your rights on cattle country

Examples

Killers

Can I kill cattle on my native title country?



Do not kill cattle that belongs to someone else. If the cattle has a brand, or a tag in its ear, then it belongs to the station. You can get into big trouble if you take a bullock that does not belong to you.

If it is a clean skin, how can you tell?

The rule is: who ever owns the mother, owns the baby. So, if the station owner has a big herd of Brahman cattle and there are some young ones with no tags, then probably those babies belong to the station owner. Leave those ones alone.

Can I kill or take a feral cow?

You can only kill it if it is a proper feral cow. If no one can know who its mother's mother's mother belonged to, then it does not belong to anyone. You are allowed to take that one.

What if the cattle come onto my land?

You cannot kill cattle if they come onto your land if they have an owner. You can only kill feral cattle. Feral cattle do not belong to anyone.

What if cattle damaged my sacred site?

If cattle damage your property, water holes or sacred sites, you can sue the owner. This means you can take them to court to try to get compensation. But you cannot kill the cattle.

If feral animals damage your property, water holes or sacred sites, you cannot sue the station owner because they do not belong to anyone.

Water



If there is water on the land, in a rock hole or a spring, you can take that water. But if the station owner has taken the water and put it in a tank, trough, or dam, they own the water now. You cannot take that water away.

Your rights on cattle country

Gates



What do you do when you are standing at a locked gate?

If there is a way for you to get through the fence without damaging it, then it is reasonable for you to do that. If you need to move the fence a little bit, then it is more difficult to decide if it is reasonable, or not. It might depend. It is not reasonable to knock it over and leave it flat on the ground. But, if there is no damage, it is reasonable. If you can build a ramp to get over the fence, that is also reasonable.

Is it reasonable for the station manager to lock all the gates?

If the gates are just to keep you out, it is not a good enough reason. You have your 3 rights to go there. But ask why the cattle business people need to lock the gates.



- Are people leaving the gates open and cattle are getting out?
- Are cattle or machinery going missing?
- Does the station need to lock the gates for organic certification?

Can they solve the problem without locking you out?

For example, could they:

- lock up the machinery instead?
- put up a sign telling people to close the gate?
- put in a cattle grid?
- use a combination lock and tell native title holders the code?
- give your PBC a copy of the key to look after, for native title holders to use?

You could try talking to the station manager. The CLC might be able to help you do that. If you can talk good way with the station manager and the station manager can talk good way to you, maybe you can find a solution. If you are worried the station is not respecting your rights, talk to your CLC lawyer.

Your rights on cattle country

Question

What control do we have over what happens in this area when there is mining and homelands on a pastoral lease?

In the homeland, the corporation that owns the homeland is the boss of everything. Native title does not have much say there.

On the area with a mineral lease, it becomes hard. You have 3 different people who all have rights over that part of the station:

- mining company
- station mob
- native title holders.

If you have an ILUA with the mining company, it is even harder. It sets rules about what you can and cannot do on the mining land. Usually the mining company says that native title holders can go to areas in the mine lot that are not being used for mine operations. For safety, they put up big fences around areas you cannot go.

The station people might have a different agreement and different rules with the mining company. But generally, if there are no fences then there are going to be cattle around as well.

So in areas like that, the order of rights are:



This usually means you can still go there, go hunting or camping and use those areas. But you still cannot kill the killers.

Your rights on cattle country



Margaret Orr and her granddaughter, Cheyenne Lewis with Katie Allen.

Cattle country workshop



Enid Gallagher and Dadu Gorey sitting down talking about native title on cattle country.

The PBC directors sat in groups and talked about their relationships with station people. They shared their discussions with the whole camp later. This is what the groups talked about and what they said.

1. Have you got problems with your station manager?

- We have good relationships with individuals but not everyone.
- When a different owner or manager starts, they are different. Sometimes the manager before was OK, but the new person is no good.

2. What kind of problems do you have with your station manager?

- Not good communication.
- Price of food at the homestead stores is too expensive.
- Station managers do not maintain fences.
- In lots of places, there are no fences, only grids.
- Stock wander everywhere.
- Stock damaging and fouling water sources.
- In some places the cattle are roaming outside their boundary. They are damaging country.
- Cheeky dogs chase cars.

Cattle country workshop



Directors sitting down and talking about native title on cattle country.

3. Are there things you want to do on the station that you cannot do?

- We cannot use the private access roads.
- We would like to see more Aboriginal employment on the stations.
- The spring is fenced off and there is no gate to allow access to native title holders.
- Station workers stop access. They threatened teachers, Elders and kids with a gun.
- Sometimes when we ask permission for things like a school trip, they still say no. Even if we write a letter before we go.
- There are road spikes on the station so people cannot get on country for hunting.

4. What are some ideas to fix those problems?

- Station owners should attend meetings with native title holders.
- Share assets. For example, native title holders could use station machinery to maintain roads for the station.
- Native title holders and federal food security teams should look into food prices. This could lead to other options, such as Outback Stores.
- Reduce numbers of backpacker workers, so locals can get work.

Cattle country workshop

5. What should the Central Land Council do to help?

- The CLC could provide advocacy, or talk up for food security.
- The CLC could invite the Aboriginal Areas Protection Authority (AAPA) to the PBC Camp. They need to hear and learn this from the native title holders.
- The CLC needs to follow up damage to the site on Mulga Park.
- The CLC could help PBCs buy back stations.
- The CLC should write a Native Title on Cattle Country book to help us, and the station managers understand native title rights.

6. What does the station manager think of native title holders?

- Some of them are racist.
- They are closing their ears to us.
- They just do not think about native title holders.
- They are not well informed about the rights of native title holders.

7. Do you want to get on better with the station people?

Yes.

- We need to talk more – them to us and us to them. They should talk with PBC members and native title holders.
- Some stations that have had the same manager for a long time, have good relationships with traditional owners and native title holders.
- We need to have policy discussions at a local level. Policies should not just come down from Northern Territory Cattlemen's Association.
- Working on stations together.
- Build relationships and create goodwill.

8. What should the Central Land Council do to help build better relationships?

- The CLC should bring cattlemen and native title holders together to understand each other.
- They should help the Northern Territory Cattlemen's Association educate members.
- The CLC could mediate between the station managers and the native title holders.

Cattle country workshop



PBC directors sitting down and talking about native title on cattle country.

Day 3



Roger Tommy, Corey Holt, Eddie Foster and Brian Williams.



Stuart Nuggett performing on the last night of the PBC Camp.

ORIC and PBCs



Lisa Hugg (ORIC).

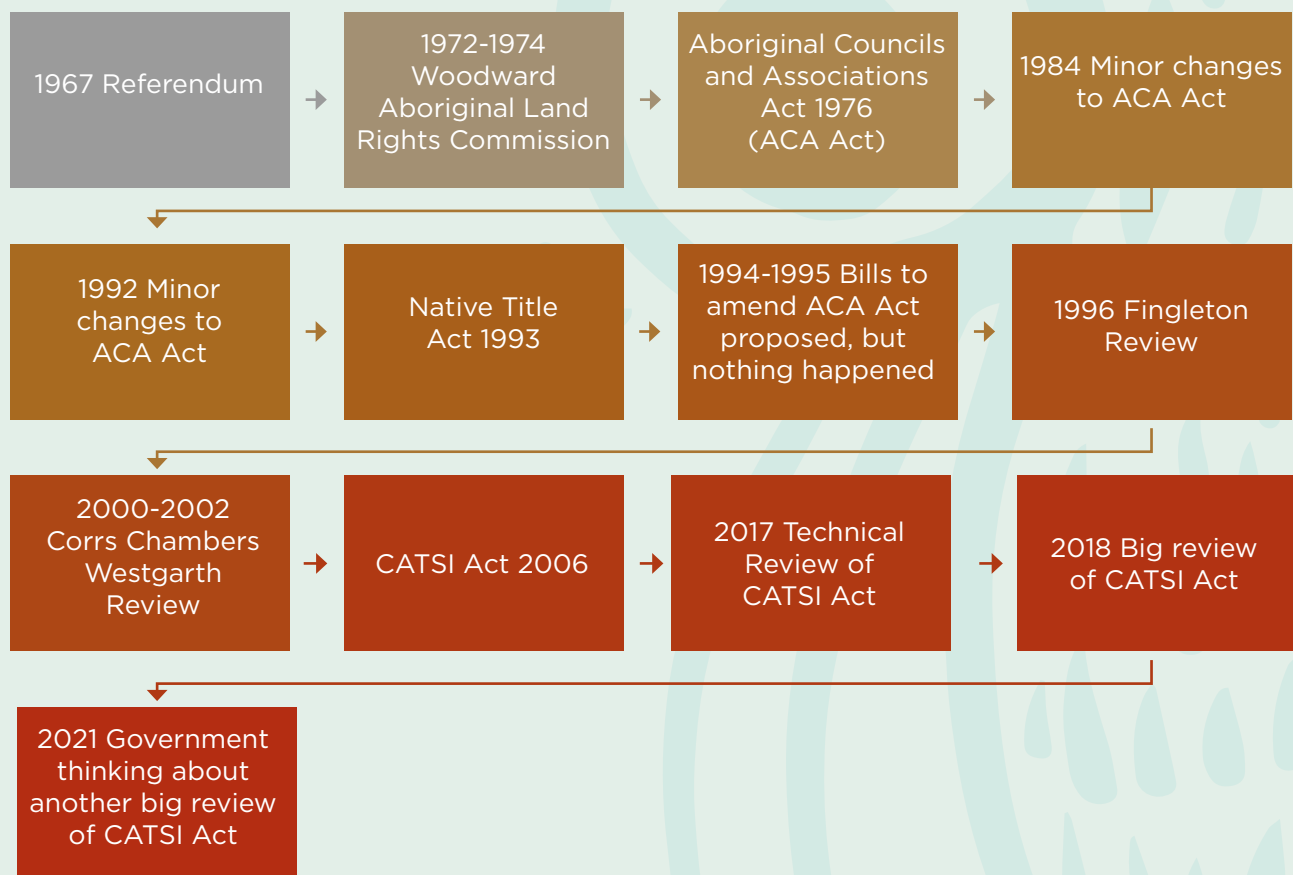


Lisa Hugg - Manager Governance Support Services, Office of the Registrar of Indigenous Corporations

Legislation story

Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)

Making the law



ORIC and PBCs

The story of the Office of the Registrar of Indigenous Corporations

The Minister for Indigenous Australians made the Office of the Registrar of Indigenous Corporations (ORIC) the registrar for Aboriginal corporations under the CATSI Act. A registrar is the person or organisation that looks after records and information.

Profile of corporations



Aboriginal corporations
226 are PBCs



56 per cent are in
remote areas



About 95 per cent are
non-profit



Variety of sizes and
functions, many are
land holding



Most are publicly funded but some
generate a lot of private income e.g.
linked to mining or the arts industries.
The largest is a retailer



About a third are also
registered as charities

Question

**How do PBCs fit
with ORIC? Why
do they have to
register under the
CATSI Act?**

The CATSI Act is the law for all Aboriginal corporations. It is made to fit with PBCs. For example, the CATSI Act says that if you are doing something to fulfil your legal responsibilities under native title, you are not in conflict, or doing the wrong thing, with your corporate duties. In most corporations you have to declare your 'conflicts of interest', but the CATSI Act knows that in a PBC, everyone is related, so there is no need to declare that conflict of interest in the corporation.

ORIC and PBCs

The work of the Office of the Registrar of Indigenous Corporations

These are the things that ORIC do for Aboriginal and Torres Strait Islander corporations.

1. Establishing

- Make policies.
- Help the government make changes to the laws and regulations.

2. Registering

- Help groups incorporate. This means becoming a proper corporation.
- Keeping public registers, or lists, of corporations.
- Deregistering corporations. This means removing corporations from the register.

3. Supporting

- Give information, guidance, advice and training to help corporations.
- Look at complaints and help with disagreements.
- Help corporations to find new staff.
- Give legal help.

4. Monitoring

- Check that corporations comply with the Act.
- Report, check corporations and do investigations.

5. Taking action to remedy and deter

This means fixing problems and stopping corporations from doing the wrong thing.

- Call and hold corporation meetings.
- Send compliance notices. This means telling corporations when they are doing the wrong thing and that they need to fix the problem.
- Seek civil and criminal penalties. This means taking legal action against corporations that are doing the wrong thing.
- Provide special administrations for when a corporation gets into money or governance difficulties. They appoint someone to look after or fix problems, such as:
 - financial, or money, troubles
 - PBCs doing internal business or governance practices wrong way
 - a corporate structure that is not working.

Special administration tries to help the corporation and its members. They try to make business better and put the corporation back in a good state and give it back to the members.

ORIC and PBCs

Questions

If our directors, who are also native title holders, are corrupt, do you get involved?

Yes, ORIC will get involved to deal with fraud or corruption. This is not a native title decision. This is about the corporation. So, ORIC can be involved in this.

ORIC is not here to do everything for you. ORIC is here to empower you and help you. Only when issues absolutely cannot be fixed by the members, ORIC will step in. ORIC want you to have skills and power to fix your problems on your own.

Can an Aboriginal Land Trust become a corporation?

Land trusts already exist as statutory bodies. They are already recognised as a corporation.

Access to information and records

ORIC provides free access to public information on its public Register of Aboriginal and Torres Strait Islander Corporations (oric.gov.au).

Corporate governance training

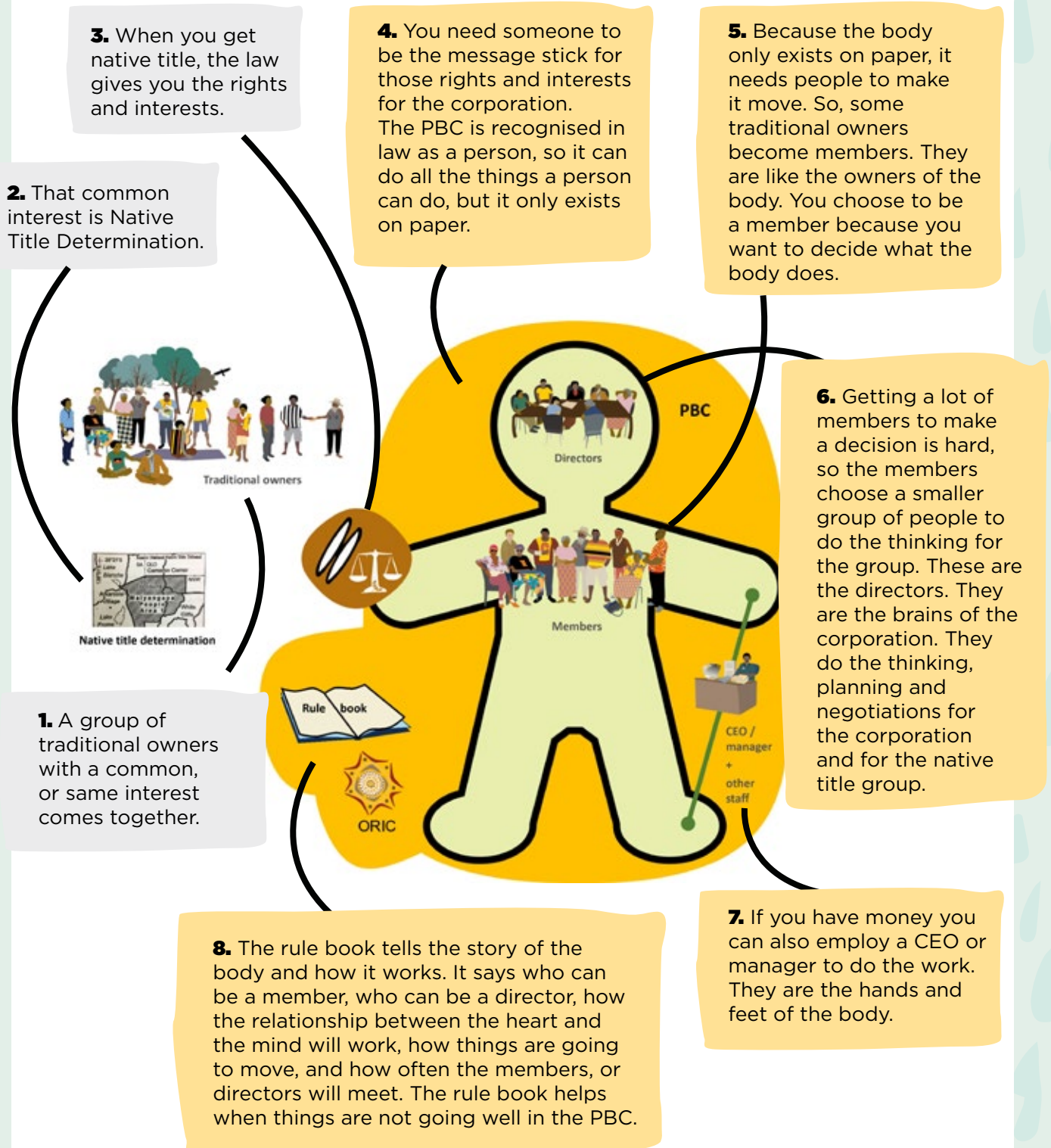
ORIC deliver corporate governance training. You can attend regional training workshops or ask ORIC to deliver training just for your PBC. You can choose the topics you want to cover:

- the corporate body
- the corporate structure
- roles and responsibilities between different governance levels of the corporation
- basic financial management, this means looking after money story
- relationship between the board and the CEO, how the directors and the CEO will work together
- managing memberships, how members apply and what they can and cannot do
- strategy
- risk

To book training, email training@oric.gov.au or fill in the training survey when you receive it.

ORIC and PBCs

PBC story

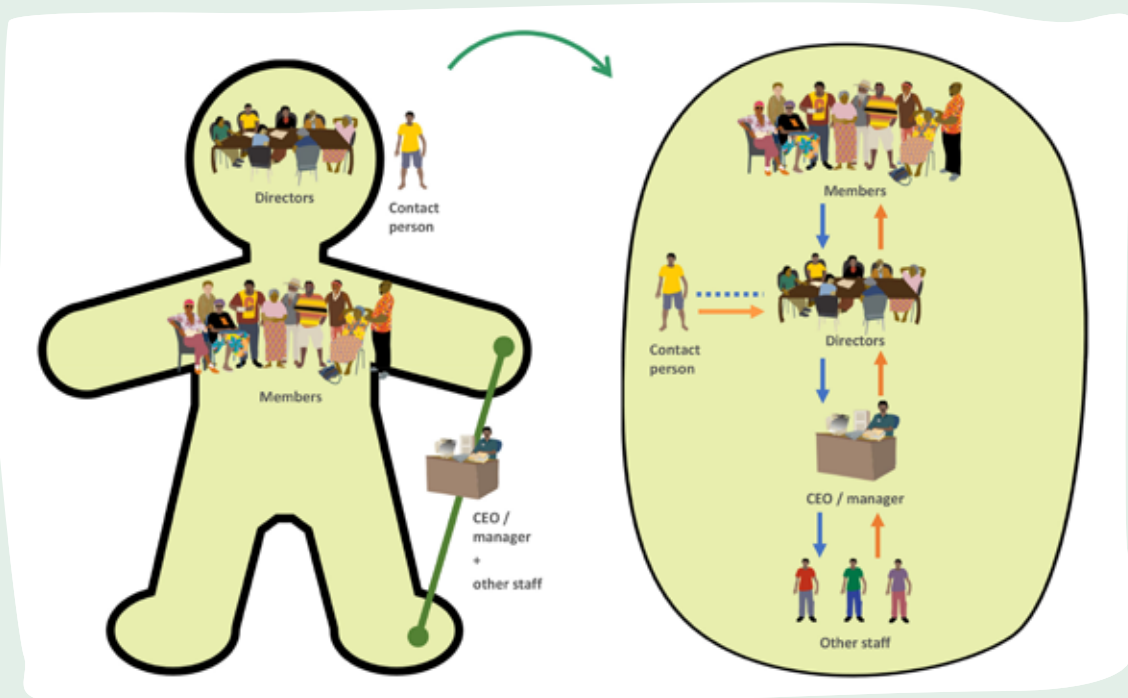


ORIC and PBCs

Separation of roles

Showing the different roles, or people's jobs, in a different way can help us see who has power over others. This is called separating the roles.

- **Authority** – this means what decisions a person can make and what things they are allowed to do.
- **Accountability** – this means the things a person has to do for the people they work for.



Separation of roles is a model of governance

Under this model or 'organisational structure', the responsibilities of being part of a corporation are divided among different groups or roles. It means that no one group can have too much power. This is because each group has ways it can review or limit what another group can do. Checks and balances are built in.

Lines of authority

A group gives another group authority, or power to do certain things. They might write the powers in the rule book, or in policies. Sometimes they might just do it. For example, it's the way we do things round here, it is the organisational culture.

Members appoint **directors** to govern the corporation and set its strategic direction. These are the plans they make for the corporation.

ORIC and PBCs

Directors employ a **CEO** to help them by doing the day-to-day administering of the corporation's business.

The **CEO** or **manager** might employ other **staff**, such as more managers or people with expertise in finance or another business area. The staff might employ other staff to do activities such as heritage work or run a program or service.

The **contact person** has a clear job. They receive messages and bring them to the board of directors for the board to deal with. So, they act like the mailbox for the directors. This person does not have any authority to do anything else for the corporation.

Lines of accountability

Part of governance is having a way to check that people are using their power or authority in the right way. The PBC could include how they do this in the rules or policies, or they might just do it.

Members hear from **directors** every year through the annual report and at the annual general meeting (AGM). At the AGM, they can ask questions about how the directors are governing, or looking after, the corporation and if it met its goals.

Directors hear from the **CEO** in their regular reporting to the board and can ask for information at any time to help them make their decisions.

CEO/manager checks how the **staff** are performing. They do this through reporting and tracking performance indicators in the programs or services they deliver.

The **contact person** usually only hears from the directors about the contact person role, if the directors complain they are not receiving incoming communications.

Question

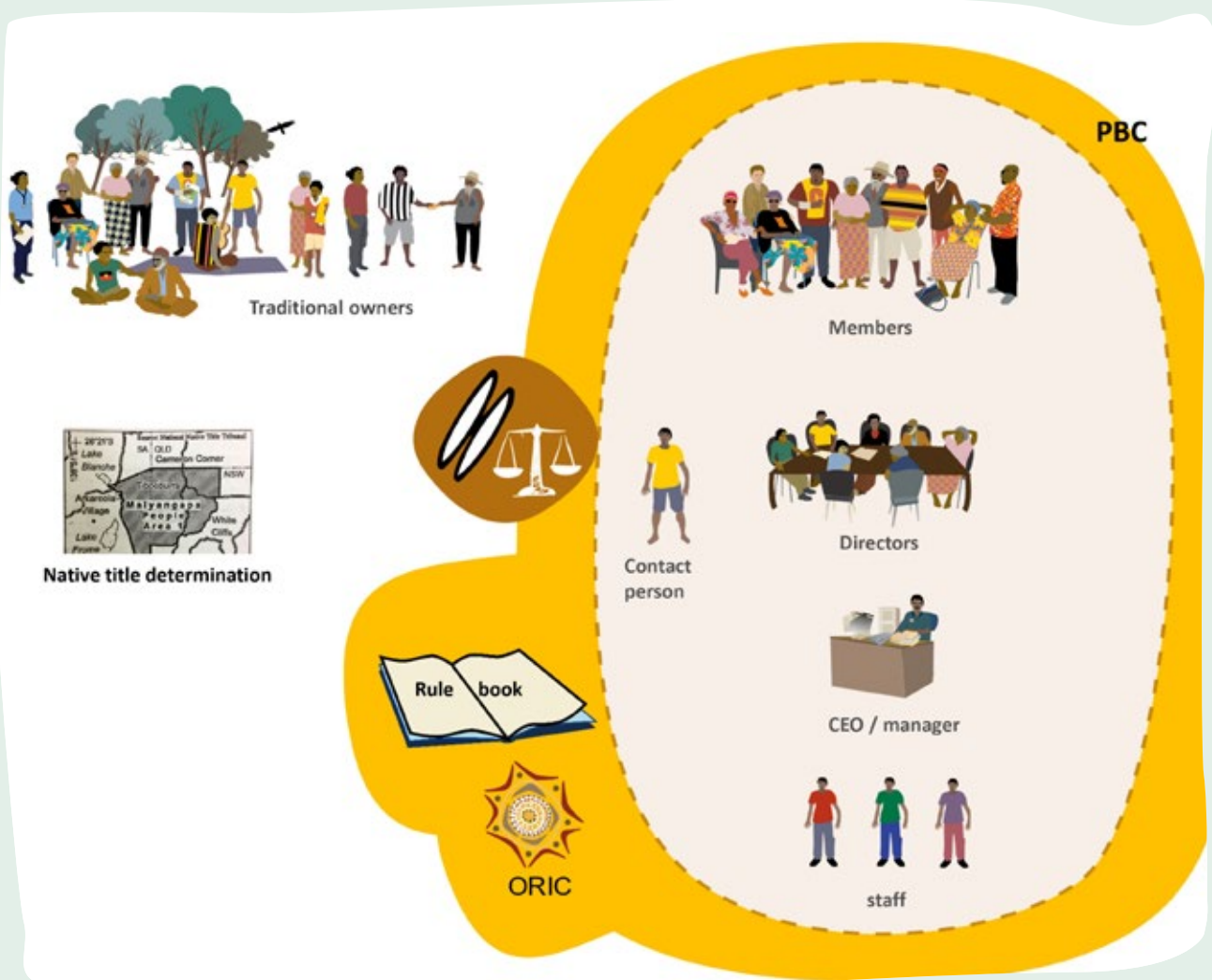
What can we do if our CEO is not doing the right thing for the PBC?

The relationship between the CEO and the board is very important. ORIC get a lot of complaints about CEOs, but ORIC cannot be involved in this issue. The directors employ the CEO. If they are not doing their job proper way, or the relationship is not working, you can fire them.

ORIC and PBCs

What does the Office of the Registrar of Indigenous Corporations look after?

ORIC looks after all the things in the yellow area. ORIC works with the PBC to help them meet the rules, including making sure the PBC looks after the native title rights and interests of all native title holders, even if they are not members. But ORIC cannot help with decisions about native title.



PBC functions – what the PBC does

The PBC looks after 2 things:

1. the corporate business responsibilities
2. native title business.

ORIC and PBCs

Corporate functions

same as other corporations



Members



Native title functions

Native Title Act
PBC Regulations



Native title holders

A PBC is an Aboriginal corporation. The PBC is responsible for running the corporation. But a PBC also has a special job of looking after the native title rights and interests of native title holders.

Your PBC rule book

The rule book is the paper that tells people:

- why you set up your corporation
- the rules your PBC has to follow to look after your corporation
- the rules your PBC has to follow to do business.

Your corporation rules need to follow:

- good governance principles
- cultural values and practices.

The rule book tells you how to run your corporation on your own, in your way, without other people interfering, or getting in the way.



The law says **every corporation must have one.**



It tells people **what the corporation does** and the rules for **how it is run.**

Why is the rule book important?



A **legally binding contract** between the corporation, its directors and members.



It's the document you and others will turn to **when things go wrong** or there's a query or disagreement.

ORIC and PBCs

Types of rules

Rule books under the CATSI Act have 2 types of rules:

1. rules that are special to the corporation
2. replaceable rules (either kept as is or can be changed).

They may also have the following.

- Rules that change some of the set law.
- Extra rules that promote good governance or are special to one corporation, as long as they meet the rules in the CATSI Act.
- Set laws from the CATSI Act. These cannot be changed by corporations, but some are exemptible. This means some rules might not apply to your PBC, so you can ask ORIC to remove them.

What makes a good rule book?

- A good rule book is simple and clear. It does not have too many rules that you do not need.
- A good rule book fits how the corporation does its work. It shows how the group makes decisions traditional Aboriginal law way.
- A good rule book is one that the PBC changes regularly to help the corporation work well. It keeps up with changes that are happening around it. It changes to suit what the corporation wants to do.

Make sure your rule book is:

RELEVANT

- does it reflect what your corporation does?
Your goals should be realistic

UP-TO-DATE

- when was your rule book last updated?
Have your goals changed?

LAW

- your rule book is a binding contract between your corporation, its directors and its members

EASY TO UNDERSTAND

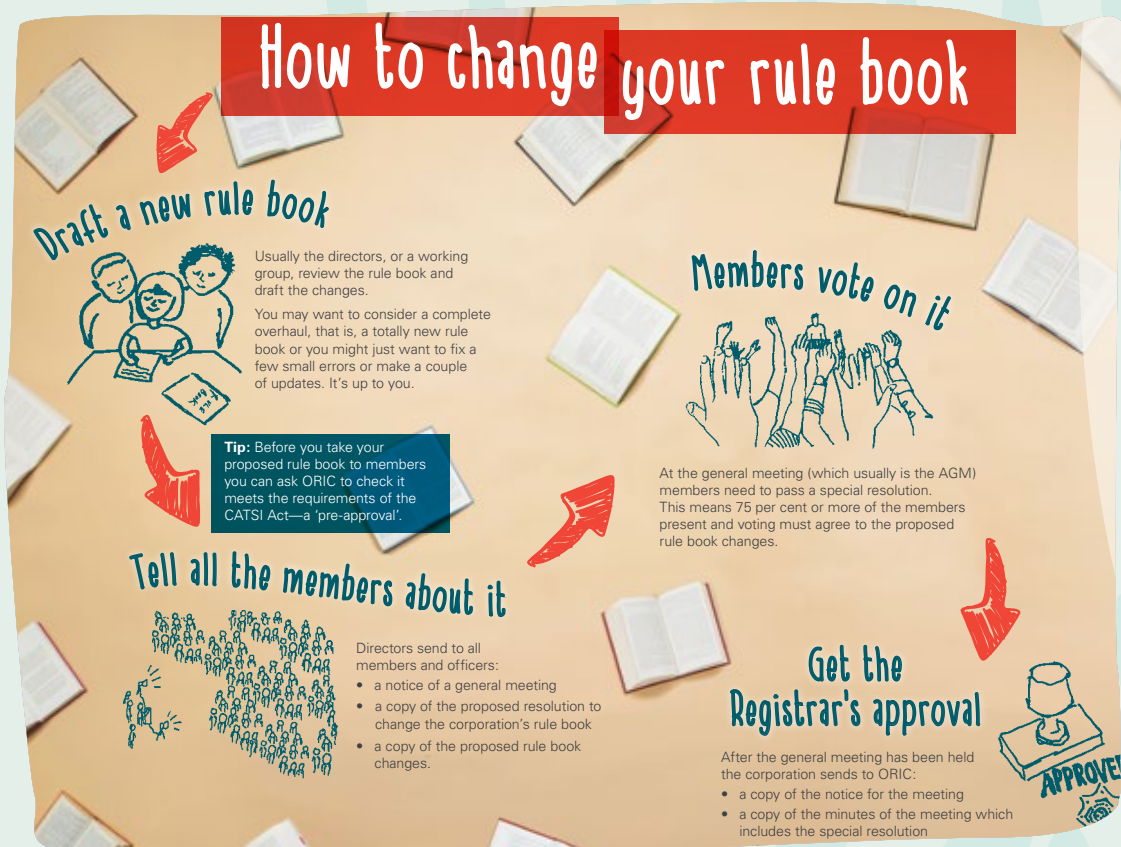
- can a member easily get a picture of the corporation and how it works?

SHARED

- every member has a right to a copy of the corporation's rule book

ORIC and PBCs

How do you change your rule book?



It is a good idea to make a list of all the things that you think need to be changed in the rule book. Keep adding to the list throughout the year, then just before your annual general meeting (AGM), make the changes to the rule book and get ORIC to check it. Then you will be ready to show it to members to vote on at the meeting.

ORIC can run a workshop with your PBC to help you write your rule book. You can invite directors, members, and any outside people you think can help.



Adele Millard (CLC) asking questions.

ORIC and PBCs



Kerry Colbung and Peter Price (Mirning Traditional Lands AC RNTBC) asking questions to understand ORIC.



Lisa Hugg (ORIC) and Maggie Kavanagh.

Understanding membership

In the new rules for PBCs, do we have to accept anyone who wants to be a member, or do they still need to prove their link to country? Can we put any provisions in our rule books around managing memberships?

Generally, the rule is that directors cannot say “no” to an application, if the applicant claims to be a traditional owner or a native title holder in your group.

The CATSI Act rules say that people have to apply for membership in writing. But, the PBC can decide what the application looks like. If you want to ask for proof of ancestry, you can decide to do that in your application form.

If no one in the community recognises that person, or the family line, what happens?

It is fair for the directors to say, “we do not recognise your connection and we are not approving your application”. Then, if the person wants to challenge your decision, they can complain. This situation would come under the new dispute management law. If this happens, you should talk to the National Native Title Tribunal (NNTT). You can find more information at <http://www.nntt.gov.au/assistance/Pages/PBC%20dispute/How-the-NNTT-can-help-you-resolve-a-native-title-PBC-dispute.aspx>

Or you can contact ORIC and we will help you talk to the NNTT.

ORIC and PBCs

In that situation would the person need an anthropologist to prove their lineage?

The corporation would need to decide how the applicant proves who their family is. There are some PBCs that demand that kind of proof.

The CLC create massive family trees for the native title research. You can tell the applicant to talk to the CLC to work out where the person fits.

Some of our native title holders are living very far away from the country. Our directors might not know all of them. How can they approve membership?

If the directors do not know enough of the native title holders, you could set up a sub-committee to review applications.

You could write in your rule book that applicants have to go to the Elders council first. The Elders can decide if the person is from the group. Then, the person can apply for membership to the PBC, with the approval from the Elders.

If the applicant says they belong to one group and the Elders know they belong to another, you can put in your rule book that they need to talk to the correct group before they apply.

Our rule book says if you are adopted you can be a member. But is there a definition for adoption?

That is up to your PBC. You should write your meaning of adoption in your rule book. If you do not explain it, your directors need to decide for each person.



Barb Shaw (CLC deputy chair and Eynewantheyne AC RNTBC director) asking questions.

ORIC and PBCs

Comments

In Central Australia, 56% of PBCs are in remote communities, but there is only one ORIC staff member here. It is not surprising people are anxious.

You said it is a good idea to get young people to help set agendas and so on, but mostly it is not Aboriginal people doing this work. The whitefella are doing it. So, people are not learning the skills, they are not learning their rights. Directors do not even understand a lot of the time that they are the boss.

The funding is very important. We need ongoing training out in communities. PBC members need to hear this information many times. We do not understand the language of governance.

In 2007, the intervention disempowered people and communities. ORIC talks about governance, but we are still trying to catch up from the damage the government did to us.

ORIC needs to go back a step to look at this. We need to use 2-way language to understand all this stuff and build capacity and capability within the communities.

We want to learn more about good governance. We understand that we need good governance to make a good relationship. We need to get more young people involved. We need to get more young people here and more young people in good governance training.

We have learned what we need to do for our country, our people and our land. But we need good governance training in our area. We need to bring the young people in, because the old people will not be here all the time.

We are talking about 2-ways of understanding – our way and whitefella way.

I have learned a lot about PBCs and I want to share it with the young people.

In the past, it was our ancestors that developed the governance model for our country. It is just the language that needs to be changed. We come from an old system of making good decisions.

ORIC and PBCs

Comments

We need to do more capacity building training up front so that it does not create so many problems in our communities.

Every group wants government funding. Remote groups are falling behind. We are told we need to have PBCs and directors but most of our members missed a lot of schooling. They do not have good reading and writing skills. Only a few of the people know about corporations, and good governance. Our directors do not have computers or internet.

ORIC does not come out to do training in communities.

ORIC says they can help people, but there is no information on the website in local languages.

“We do not understand plain English. Can you put governance training into Slim Dusty English? Everybody knows that!”

Services and support for PBCs



Maor Lambert (CLC).

Maor Lambert – Native Title Officer, Central Land Council

Maor explained what each support service does and how to contact them. Then she ran a panel session, where people from each organisation answered the questions people had. The panel included (from left to right in the photo below):

1. Madalein Tier, NIAA
2. Bjorn Everts, ILSC
3. Francine McCarthy, CLC
4. Tahn Donovan, NNTC
5. Carolyn Betts, NNTC
6. Lisa Hugg, ORIC



Who is involved in helping PBCs?

There are a lot of different people helping PBCs. It is easy to get confused.



Services and support for PBCs

Help with governance



Full name: Office of the Registrar of Indigenous Corporations

Short name: ORIC

Website: oric.org.au

ORIC looks after the CATSI Act.

The CATSI Act says how to run Aboriginal corporations. A PBC is an Aboriginal corporation that has to follow the CATSI Act and other Acts too. The CATSI Act says that PBCs have to:

- hold directors' meetings
- keep a list of all the members
- hold an annual general meeting (AGM) and special meetings
- keep all information about money stories, or accounts and records
- report to ORIC
- write all these rules in their rule book.

ORIC can help PBCs to follow the CATSI Act. They provide:

- information
- training.



Full name: Australian Institute of Aboriginal and Torres Strait Islander Studies

Short name: AIATSIS

Website: nativetitle.org.au

AIATSIS does many different things. But there is one thing they do that is only for PBCs.

AIATSIS has a PBC website. On the PBC website you can find out about:

- PBCs across Australia
- PBC work
- building PBC business
- what PBCs are doing
- funding opportunities, that is where PBCs can get money
- training opportunities
- events for PBCs.



Services and support for PBCs

Help with advocacy, or speaking up, for native title holders



Full name: National Native Title Council
Short name: NNTC
Website: nntc.com.au

The NNTC do the following things for PBCs:

- speak up about a better native title system
- speak up about more money for PBCs
- run PBC Regional Forums, like PBC Camps
- learn about compensation
- deliver Native Title Operations and Management training
 - 5-day training
 - how to run a business
 - money story
 - governance

Help with money story (funding)



Full name: National Indigenous Australians Agency
Short name: NIAA
Website: niaa.gov.au

The NIAA:

- gives ideas and plans to the Commonwealth about making the lives of all Aboriginal and Torres Strait Islander people better
- looks after these plans to make sure they are happening
- talks to the Prime Minister and the Minister for Indigenous Australians
- can help PBCs with funding, or getting money.

PBC Capacity Building grant

This money comes from the Commonwealth Government to:

- help make the PBC strong, for example training for directors or hiring an accountant - someone to look after the money story
- help the PBC change the rule book so that it has the new rules
- help run projects to make money for the PBC.

PBCs can apply for this money for just their own PBC or for a group of PBCs. The CLC can also apply for this money on behalf of the PBC.

Website for PBC Capacity Building grant:

niaa.gov.au/indigenous-affairs/grants-and-funding/capacity-building-native-title-corporations

Services and support for PBCs

Aboriginal Benefit Account (ABA)

This money comes from the royalties from mining on Aboriginal land. It is only for Aboriginal people in the Northern Territory.

The money is to help with activities that will make the lives of Aboriginal people better. Activities have to be for helping:

- enterprises
- community
- culture, language and leadership
- to use and run land, sea and waters.

There is no website, so you need to call or email ABA.

Phone: 1800 354 612

Email: aba@official.niaa.gov.au



Full name: Indigenous Land and Sea Corporation

Short name: ILSC

Website: ilsc.gov.au

The ILSC help PBCs in 2 ways:

- Land acquisition: this means the ILSC can buy land for Aboriginal corporations
- Land management: the ILSC can help Aboriginal corporations, which have rights to country, to use those rights to run the country.

They want Aboriginal people to be able to:

- find ways to use country to make money or create jobs
- hold and look after country so it can be there a long time
- have strong connection to country.

The money comes from the Aboriginal and Torres Strait Islander Land and Sea Future Fund.

The ILSC also tell government about your ideas and plans for country.

How the ILSC can help PBCs

The ILSC can:

- help with money for projects on country
- help with money for planning
- help bring groups together.

Phone: 08 8100 7102

Email: centraloffice@ilsc.gov.au

Services and support for PBCs



Full name: Indigenous Business Australia

Short name: IBA

Website: iba.gov.au

The IBA help Aboriginal people have their own businesses.

The IBA can help with training about running a business.

The IBA can help with money to:

- start a business
- grow a business (make a small business bigger)
- buy a business (to take over a business).

Phone: 1800 107 107

Other help with money story (funding)

- Northern Territory Government funding programs
- Regional funding programs, for example, the Barkly Regional Deal

Other kinds of help



Full name: Central Land Council

Short name: CLC

Website: clc.org.au

When your PBC is new, the PBC Support Unit can help you understand how to:

- run meetings
- change your rule book
- have an annual general meeting (AGM)
- do your corporation paperwork
- do your work for ORIC.

When your PBC can run its own meetings, do all your own reporting, and do all the governance work, then you can get help from the CLC Economic Participation Unit. Once you know what you want to do, the Economic Participation Unit will help you:

- get the money
- make good business plans.

Questions to the panel

Can ILSC help us buy up pastoral leases in the Northern Territory?

ILSC It is possible. We have done this before. If you have an opportunity, please bring it to us. We can look at the opportunity to see if it is a good way to spend the money.

Do we need to wait for a pastoral station to come on the market or can we go and start negotiating to take over?

ILSC The best thing to do is come to us first. We will learn about your corporation and what you want to do. Then we will look at how we can help. If it is a good opportunity for your group, then we will work with you to make a plan that can include different types of support

How do we get money for buying cattle?

ILSC Talk to the ILSC. We will talk to you about your idea and help you find the right funding

There are also ideas to buy back tourism businesses. Is it possible for us, whose native title is on cattle country, to purchase roadside shops and other things like that?

ILSC Yes, we can look at buying shops and other types of business. One of the main things we do is help Aboriginal people make money from their country, that they own or would like to own. So, if it is a good business idea that will make money for your corporation, we can look at it.

What formula do you use to decide if you can help us buy or develop land?

ILSC We do not have a specific formula. We look at each project against 4 main criteria:

1. The opportunity and outcomes – what benefits will Aboriginal people get from this project?
2. The viability of the project – will the project be able to make enough money to pay the costs, so it is a success?
3. The financial health of your PBC – we look at the PBC's money story. Is it strong?
4. The capability of your PBC to do the project – do the people in your PBC have the skills to do the project?

We also think about how the project will make your money story, the environment, your cultural and social wellbeing better. We decide if these benefits are big enough for the money we would need to spend.

We also look for other organisations who also want to spend money on your project.

Questions to the panel

We are trying to get funding for our PBC to grow our economy in our region. How do we get money for offices and staff to work in our PBC?

NIAA If you have an idea to do economic development, you can apply for a PBC Capacity Building grant from NIAA. You can get money for office space through this grant. You need to decide who is going to manage that money. You can apply for it yourself or you can get the CLC to help you.

In NIAA, are there local decisions made about funding at a local level or does it always go back to Canberra?

NIAA The NIAA make money decisions about PBCs in Canberra. The PBC talks to the regional team. They come and talk to the NIAA staff in Canberra to explain the idea. The NIAA staff in Canberra tell them how to make a strong application. The regional team will help you make your application strong. Then the leader in Canberra makes the decision.

There is a very important sacred site on a station. It is heavily used by tourists, but it is only a portion of the station. People want more say over the site. Is it possible to separate just that parcel of land?

ILSC We did a project in Victoria where the farmers let us buy some of their farm for the traditional owners there. This way the traditional owners could protect the sacred sites forever.

I am not sure what the rules are in the Northern Territory with pastoral properties but we could look at it with you.

Once you get a grant, what is the opportunity for Canberra and Northern Territory Government to work with the PBC to get the best outcomes for the money? Sometimes we get funding for one thing, and we are working on that but come up with other problems or ideas and then we need to go to another place or people to get the money from a different grant.

NIAA There are different organisations that give out the grants. It can be difficult and confusing. But it is OK to keep going to different organisations for the money you need. First, come to us for money from the PBC Capacity Building to build a business idea. Then go to the Northern Territory Government to get money to start the business or do the project.



Questions to the panel

The Aboriginal Land Fund in ILSC is in perpetuity. That means that the money will keep coming from government forever. The CLC should have a strategic conversation with ILSC to make a 5-year plan to strategically buy back land. You need to have a relationship with our mob and peak bodies to decide how to spend the money.

ILSC You are right, this is money that belongs to Aboriginal people. It comes with a big responsibility to spend it well and fairly across all of Australia. We are talking to the CLC and other land councils to think about how we can spend the money in the best way for Aboriginal people.

It is important that when you spend money for Aboriginal people, it lasts a long time. How can we make sure that we spend Aboriginal money on important new technology so that the money keeps growing?

ILSC We have been thinking a lot about this issue. We are moving away from focusing on smaller grants, so we can fund strategic projects that operate across entire industries and regions. For example, renewable energy and aquaculture.

The land we are on is Crown land. But if we want to build our own infrastructure, such as a cultural centre. Who do we need to talk to? How does a PBC get a grant to build infrastructure on crown land?

CLC If you want to build something in a township then you need to buy the block. You could talk to the ILSC to do this. Then, If you want to apply for a grant to build something, you can talk to the CLC or the Indigenous Business Australia (IBA).

ILSC The ILSC cannot provide funds to build on Crown land unless the traditional owners or an Aboriginal corporation have a long term lease. We will talk to you to understand what you want to do and help look after the project from the idea stage to buying the land and then setting up the business. But your corporation needs to meet some rules to get support from us. So please talk to us first. If we cannot help you, we will try to find the right people for you to talk to.

Why should my PBC be a member of the NNTC?

NNTC It is good to do things alone, but it is more powerful to do things together. When you are starting out, there is so much to learn. But you can work with the NNTC to share common problems and work together to make changes. It does not cost you any money, just time and talking with your board.

Questions to the panel

If I have no phone or internet, how will you tell me about stuff?

NNTC We have an online newsletter. But if you have no computer and no phone, I would print it and send it in the post. I would find a way to talk to you regularly.

The CLC is a member, so how does the CLC speak up for PBCs in this area?

CLC We bring Native Title Representative Body issues and PBC issues to the NNTC meetings. There are a lot of experts in the Native Title Representative Bodies. They have legal and financial experts and PBCs can get help or information from all those people..

NNTC If your PBC is thinking about membership, our CEO can come out to your board to talk to you about benefits of membership. If PBCs are interested in what the NNTC is doing:

- talk to Francine at the CLC
- talk to Tahn, Carolyn or the CEO at the NNTC.

If one native title holder wants to join the NNTC, but the PBC does not want to, can the individual become a member?

NNTC No. The memberships are for the whole corporation, not individuals. The directors have to agree to membership at a board meeting. The PBC has to become the member.

There are a lot of mining companies saying they were employing First Nations people, but they are actually using Maori workers from New Zealand. They are not talking to PBCs or employing local Aboriginal people. We need to make sure that mining industry groups, build into their charter that when they say they employ Indigenous people, they are talking about our people:

- local Indigenous groups
- regional Indigenous groups
- state/territory Indigenous people
- Australian Indigenous people.

How do we work on getting more jobs for Aboriginal people if the industry does not talk to us?

NNTC We will bring this issue to the CEO of the NNTC to take that to the industry groups. This should also be in the Indigenous land use agreements (ILUAs) that mining companies make with local groups. We need to keep pushing them to do the right thing.

Questions to the panel

Are reconciliation action plans included in services and for service providers out here? It is a corporate responsibility. It tells companies how to find Indigenous corporations to buy from to help them build their business and make more jobs for Aboriginal people.

NIAA I do not know if the land council or providers have reconciliation action plans, but they are strongly encouraged. It is up to individual organisations to have them. NIAA will talk to the Northern Territory NIAA team to see if organisations in the NT have these.

NNTC We have a list of the companies that we buy from. It says that we should use companies that have a reconciliation plan, before we use companies that do not have one.

There are non-Indigenous people claiming to be Aboriginal to participate in Supply Nation contracts. There is a complaints process to find out why the individual made the claim and how they did it, but I am worried that there are people signing off on this identity fraud in the first place. Now we have Aboriginal corporations that are less than 50% owned by Aboriginal people. This is a big issue. There are too many corporations owned by whitefella, claiming to be Aboriginal and accessing Supply Nation contracts.

NIAA I will take your comment back to the area that deals with Supply Nation and Indigenous procurement policy.

ORIC We trust that directors have signed off on membership honestly. It is a criminal offence to lie about Aboriginality. So, if we find out that directors have lied, we will deregister corporations who are not at least 50% Indigenous owned.



Johnny Barber and Roger Tommy asking questions.



James Glenn asking questions.

Questions to the panel

We do not get feedback from Supply Nation on what action they take after we make a complaint.

There needs to be another step in Supply Nation to check proof of Aboriginality on the ground. We think that PBCs can do this. If members of the PBC do not know the people and they were not born in the PBC area, then they should have to go back to their own country for proof.

How are PBC challenges and ideas here, in Central Australia, different to other parts of Australia?

NNTC We have done 10 forums around Australia. Most are in big regional centres, like Sydney, Melbourne, Brisbane. A lot of PBCs come in from all over.

There are always a lot of questions about governance. The key problems are:

- turnover of directors, this means PBCs choosing different directors every year
- the need for more training, more often
- how to get more money for PBCs.

There are always PBCs with strong ideas, such as getting business on land and taking kids out on country to learn about culture.



Lisa Hugg (ORIC) answers directors' questions.



Sue Ellison (CLC) asking questions to the panel.

Questions to the panel

What are your 3 key messages for PBCs?

- NIAA**
1. Government provides money for PBC support.
 2. PBC Capacity Building funding – you can use it to build ideas for business, work on governance, work on your rule book. You can apply through the CLC or the NIAA.
 3. In the next 2 years you need to change your rule book to match the new rules. There is money for that – talk to the teams in the CLC, ORIC or the NIAA in Alice Springs or Tennant Creek.

- ILSC**
1. We exist to help Aboriginal people buy land and manage land.
 2. The money we use belongs to Aboriginal people.
 3. We partner with you. Talk to us and let us know how we can help.

- CLC**
1. We will always be here. We have a lot of experience and knowledge and we are here to help you.
 2. We have a PBC Support Unit.
 3. The CLC has a service agreement with most of the PBCs in the CLC region. There are a lot of services we provide through the service agreement, but we also provide a lot of other services to PBCs. Go to the Economic Participation Unit to get help with business ideas. They will help you find the right people to talk to.

- NNTC**
1. Become a member. In numbers there is strength. The more members we have, the bigger a voice we have. Collectively we can make a change.
 2. Share your insight into native title management training which adds to governance and business development.
 3. We are helping you assert your rights on country and helping you protect your heritage for now and for future generations.

- ORIC**
1. Your PBC belongs to you. It is really important that you run it.
 2. Your rule book works for you. You and your members have to understand it.
 3. There are lots of opportunities. Lots of funding sources and people to help you.

Questions to the panel



Bjorn Everts (ILSC) and Francine McCarthy (CLC) answering questions.

What are you going to take back to your organisations?

ORIC PBCs need a lot more training. We need to make the training just for their needs.

I will take back a lot of stories that everyone has shared.

NNTC I will take back the energy from the people and the country.

I will make sure people understand how many challenges, or problems, there are for you, with all the different laws in the Northern Territory.

We need more members. PBC members are important to make the changes.

CLC Maor and I need to start planning the next PBC Camp. We want to make the forums more relevant to the things you talked about. We will think about how to get everyone involved.

ILSC I will take back how important it is to bring together all the funding opportunities so you can talk to one person.

NIAA I understand that PBCs need more money, and that it can be difficult to get.

In the short term I will make sure the NIAA Alice Springs team are ready to work with you all. We will organise more training soon for our staff in the Northern Territory regional offices.

I will take the stories we have heard to the Minister about what you want to do.

Developing a foundation towards independence – community wellbeing and cultural identity for future generations



Pat Brahim and Sandra Morrison
(Patta AC RNTBC).

Patta Aboriginal Corporation RNTBC

- **Pat Brahim, Chair**
- **Sandra Morrison, member and native title holder**

History – how we got to where we are

From 1980 to 1994, the Warumungu people went through the land claim process. There was no land within townships that could be claimed. The land claim experience drove negotiations for the settlement of our native title rights in the town of Tennant Creek. The Elders at the time were well informed about the process of negotiations, so they went to council.

The Wupurrarni people were the first in Australia to negotiate a consent determination within a township. It took 8 years to negotiate the settlement of our native title interests.

In 2007 the Federal Court handed down the native title determination. In the same year, 2 significant (big) things happened:

1. The Northern Territory Emergency Response (the 'Intervention') started
2. the government suspended the Racial Discrimination Act 1975.

From 2007 to 2015 we had a lot of conflict in town because of the intervention. A lot of the native title holders lost interest. Between 2017 and 2019 we brought in consultants to help us identify who our decision makers were and determine who should sit on our board of directors. This was important for the PBC.

Where we are now

At the 2019 PBC Camp we presented our journey on re-setting ourselves, after some of our senior Elders died and following the effects of the intervention. We told our story of the process we undertook, working with consultants who supported us with:

- understanding our story
- developing cultural decision making and dispute management processes
- keeping native title holders informed.

Developing a foundation towards independence – community wellbeing and cultural identity for future generations

What is happening today

Barkly Regional Deal

The Northern Territory Government and Barkly Regional Council have set up a partnership to help decide which projects need to happen in the Barkly Region and how much money each project should get. This is called the Barkly Regional Deal. It is worth about \$84.5 million. The deal:

- makes our presence in Tennant Creek stronger
- gives us representatives at the governance table and 8 working groups across different program areas.

At governance table we have 2 young people under the age of 45 representing native title interest.

We plan to work with other PBCs across the Barkly region to use our collective native title rights to make agreements, so we all benefit from the deal.

We asked the government to talk to other PBCs in the region about the Barkly Regional Deal, but they are not doing it. They only talked to local authorities. Now, they are creating language groups that they see as representative across the regions. They are not recognising the native title claims. There are a few PBCs in the region, but the governments are ignoring them in the Barkly Regional Deal. We have been trying to bring them into the process to help business development across the region. We need the other PBCs to understand the Barkly Regional Deal so that they can have a say about the big projects that are happening across their country.

If PBCs do not work together, some will be left out of everything that goes on. So, the Patta group is trying to look after our interests and yours.

Aboriginal Organisation Alliance

There are 5 Aboriginal organisations in Tennant Creek. The Warumungu people created the Alliance because they were carrying responsibilities of the whole native title group. The aim of the Alliance is to create one voice for the Warumungu people in the Barkly Region.

The Alliance will benefit the Warumungu people and the native title holders. We are not a service provider, but we are looking at how:

- we can support the different groups to access funding, or get money
- provide advocacy for our town, or speaking up for our town
- we do governance
- to create training structures for the boards across the 5 organisations.

Developing a foundation towards independence – community wellbeing and cultural identity for future generations

This will help the service providers get on and do their business and not have to do the native title work.

The Alliance is working with all levels of government to:

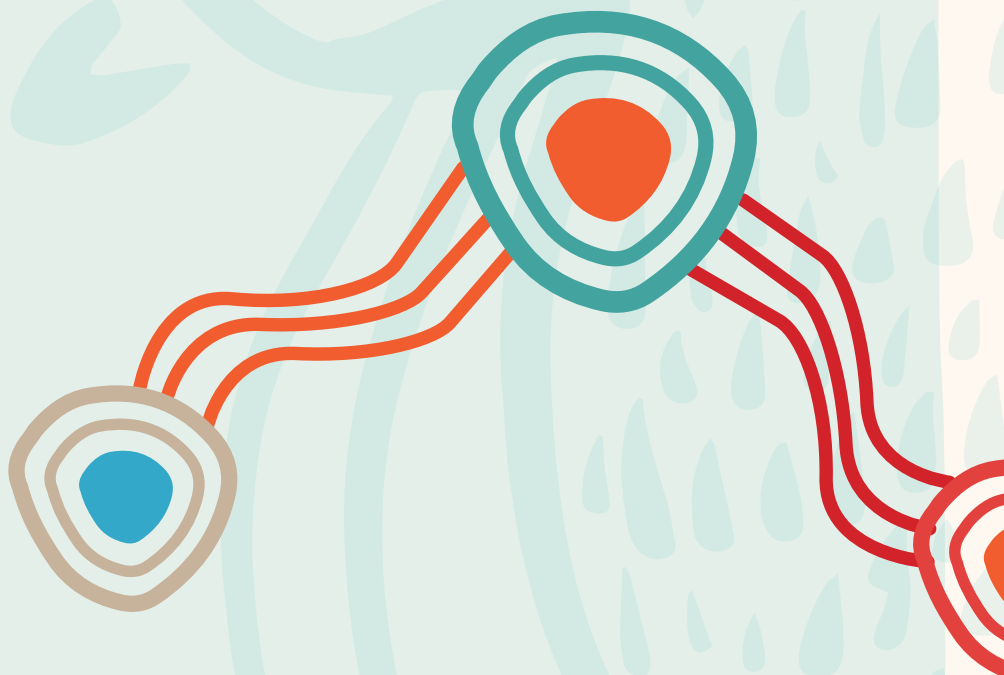
- make how they work with the community better
- work in 2 worlds ways: traditional Aboriginal way and whitefella way.

We have the structures. We work with the government people to teach them and change their thinking to meet us in the middle.

Norman Frank, a Patta AC RNTBC director and native title holder, recalls this statement from his father.

“Us Wupurrarni people need to learn and understand the white man’s laws, so we can get balance in our lives. If we continue to operate in the Aboriginal way everything will be left behind.”

It has been easy for government to leave us on the side and continue to do what they think is good for us, rather than meeting us halfway. So, all policies need to be brought to a level in between so we can talk together and make decisions.



Developing a foundation towards independence – community wellbeing and cultural identity for future generations

Our challenges

- There are demands on the PBC and native title holders to engage in activities.
- We have no administration support or office space.
- Just a few directors do most of the work.
- We do not have much money.
- Non-government organisations (NGOs) and government do not understand the role of a PBC. Their governance process ignores the cultural knowledge and decision-making processes of native title holders.
- We are trying to make 2 new ILUAs and change 1 more.
- We are trying to make 2 lease agreements.
- We need to work with a government department on making the main street better.
- We need to work with government on a continual education process. We want to teach ministers and senior staff on the role and function of a PBC.
- We need to teach the broader community.
- We need a country mapping project to list all the cultural activities.

What we will do next

- Set the strategic plan for the next 5 years.
- Make a proper governance process of working in the 2 worlds. This means making some rules to make sure we look after the PBC proper way.
- Make a strategic plan, or a big plan, for all the things our corporation wants to do, for the next 10 years.
- Work with the younger generation to make a succession plan.
- Support and engage in culture and language programs.

What does Patta do to teach the younger generation to look after the PBC?

When we have governance training, we will bring our young people along to learn. We only have 1 elder in the group. We need to keep a balance of focus of culture and whitefella work. We have 50% of our community under the age of 50.

We do not send young ones to work on their own, we get them to work along-side the directors and to learn from them.

Do you have a succession plan for the board of directors?

That is part of our process. 50% of our board are young people. This is to make sure the knowledge is passed on and kept in the PBC.

Singleton Station groundwater licence



Georgia Stewart (CLC).

Georgia (Georgie) Stewart – Senior Policy Officer, Central Land Council

What does Central Land Council Policy do?

When a new council is elected, the Policy staff go to their first meeting and talk to them about what their policy priorities are. There are 12 current policies. Some of these are about:

- water
- youth law and justice
- housing and education
- keeping land rights strong
- looking after communities and homelands.

We work at a territory and national level. We go to council and we listen to the members' worries and stories. Our job is to match up their concerns and what the government is doing.

Singleton water licence

Singleton Station is in the west and east of the Stuart Highway near Wycliffe Well. It is inside the Western Davenport Water Control District.

The people who own the station are called 'Fortune Agribusiness'. They want to grow the biggest fruit and vegetable farm in the whole of the Northern Territory. They bought it in 2016.

There was a water plan for Western Davenport that showed about 27,000 megalitres (ML) of water is available. But a new plan came out and the amount jumped to about 60,000 ML of water. We started to ask questions about where the extra water came from.

Singleton Station groundwater licence

What is a water licence?

In each district water is first put aside for:

- drinking
- keeping the environment healthy
- supporting culture
- future Aboriginal economic development.

After that, people can ask for a licence to use water for mining, agriculture and other activities. A water licence lets you take water using a bore or river pump system.

Who gives out licences?

In the Northern Territory, the government's Water Controller makes decisions about how water is used. In areas where there is a lot of competition for water, the government has set up Water Control Districts. Each district is supposed to have a plan to guide how the Water Controller decides about water so that no one misses out. Outside of these districts, the Water Controller decides about licences using the NT Water Allocation Planning Framework.

How do you oppose, or fight, a water licence?

The CLC and other organisations have written letters to the government explaining their worries. If the government decides to give the licence but does not fix the problems, then anyone affected by the water licence can ask the government to think about the decision again. That includes native title holders and traditional owners, people from nearby communities and outstations, and organisations that represent them, like the CLC.

Singleton Station groundwater licence

When Fortune Agribusiness applied for the Singleton licence, the CLC wrote to the government about our worries. The Water Controller had already said “yes” to some water for horticulture and agriculture. Other farms already had some, then Fortune Agribusiness group wanted a big part of the rest.

What is in the Singleton water licence?

Fortune Agribusiness asked for the water licence in August 2020. They have asked for 40,000 ML of water every year for 30 years. This is the biggest water licence ever asked for in the Northern Territory. Fortune Agribusiness will use as much water as in Sydney harbour every year. They will use 5 times more than what the whole of Alice Springs uses in 1 year.



Alice Springs
water usage



Fortune Water Licence



What is ground water?

Most, about 90%, of the water in the Northern Territory is groundwater. It flows underground, but it is not like a river. The water can be very old. It builds up over time and is not easily filled up by rain in dry areas. Rainwater goes back down into the aquifer only a few times every 100 years. The aquifer is where the groundwater sits underground.

Singleton Station groundwater licence

What does this have to do with native title?

In 2010, 4 landholding groups across Singleton received their native title determination. With native title, their rights include:

- right to be notified, or told and informed about developments, but not the right to stop access or get in the way of an activity
- the right to enjoy their native title rights on the land
- the right to receive compensation if the native title rights are affected.

When deciding about the water licence, the government notified the CLC, but they did not notify the PBCs, so they have not met the rules under the Native Title Act.

What did the Central Land Council do?

The CLC received notice of the Singleton water licence application by the Northern Territory Water Controller in August 2020. This is a timeline of what the CLC has done since then.



Singleton Station groundwater licence

What are native title holders worried about?

- There is too much risk in this deal.
- If too much water is taken too fast it will kill big trees, and animals and insects that depend on groundwater. Trees could die within 3 or 5 years.
- It could cause shallow soakages and springs, that need the groundwater, to dry up forever. This could happen very quickly.
- Tonnes, a lot, of salt will be left on the ground after 30 years of irrigating, making it hard for land to become healthy again.
- Native title rights might be badly affected.

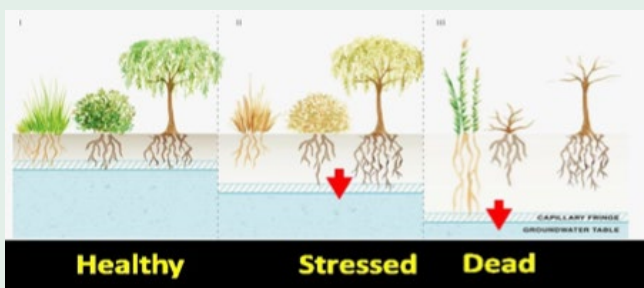
If the damage affects people enjoying their native title rights, they would be entitled to compensation, but this is not an easy thing to get.

Groundwater is very important. People, plants, insects and animals need groundwater. It puts water in soakages and springs. It is a resource for everybody.

All the groundwater in the Western Davenport Water Control District is connected, so if something happens to one part it can affect other areas. Water levels dropping, or clean water becoming salty because of the heavy watering of crops in one area, can cause problems in another part of the ground water system. It is important that we understand how the groundwater systems work together and act to avoid problems.

Water is important for life and culture out bush. It is a precious resource. Soakages, swamps, rockholes, springs and rivers are important. Water is important for what you want to do on country: hunt, look for bush tucker and bush medicine. Trees that depend on underground water like bloodwoods, coolabahs, corkwoods and paper gums, and places where plants, insects and animals live are also important for culture. If these trees and animals are hurt, so is culture.

What happens if water levels drop too much?



If you start pumping the water out and you pump too quickly, the water levels drop too low. If the water levels drop too much, the trees, which rely on the water, will become stressed. If the water levels drop even more, the trees will die.

Singleton Station groundwater licence

Resolution from native title holders and traditional owners of Singleton

Alekarenge people asked to have a meeting with the CLC and government representatives to talk about the water. We had a 2 day meeting. On day 1, only native title holders attended. On day 2, all residents across the region attended. After 2 days, the native title holders and residents made a resolution to direct the CLC to call for a review of the Northern Territory Government's Singleton water licence or to take the government to court if they decide not to conduct a review.

Next steps – cultural values study and water licence review

The CLC anthropologists will do a cultural study across central plains. Native title holders and traditional owners can say what is important to them. The cultural study will help government to see what is at risk when the licence is reviewed. It will make the argument strong for the government to do more research and make the licence smaller.

Test case

There are more and more of these cases happening. The government policy on how they plan and distribute water needs to improve. They need to consult better. We want Aboriginal people to have access to expert information in a way that you can understand. We hope this is a test case that will help make changes to planning.



Singleton Station groundwater licence

Questions

What can other PBCs in the region do to help?

If there is a water district where your PBC is, and there is a process for sharing water, you should contact the CLC about how to be part of the process.

The company has to monitor the water levels. But the issue goes much further than just their lease area and the sacred sites on their lease. So, are they just monitoring water in their own lease area or over the whole region?

The company has to monitor water using an adaptive management plan. The adaptive management plan says that if you see something happening to the trees you need to report it. You also have to monitor the bores and how much water they are producing. But we do not have confidence that they will take action soon enough if they have already planted lots of fruit trees. There is also a risk that by the time someone notices the harm, it might be too late to fix the problem. Some problems, like too much salt in the water, cannot be fixed.

Who owns the water?

The government owns the water and makes decisions through the licensing system. Some things automatically get water, but otherwise you have to ask for it.

Native title holders have the right to access water from natural sources, but they cannot get water from bores or dams. So why can the pastoralists take it from both?

This is the difference between native title rights and pastoralist rights. The pastoralists can sublet their land to any person they want. But the native title holders have no rights to say “no” in this. This is where the CLC needs to advocate for your rights. This shows the importance of advocacy – speaking up. This is what the CLC has been doing for 40 years.

We would like to have a joint land council water forum for everyone to come to and speak strategically about water.

Uluru Statement from the Heart



Georgia (Georgie) Stewart - Senior Policy Officer, Central Land Council

Georgie had people join her to talk about their experience working on the Uluru Statement from the Heart.

Francine McCarthy, Barb Shaw, Pat Brahim and Sammy Wilson talking about their experience working on the Uluru Statement from the Heart.

Uluru Constitutional Convention - 2017

2017 was 50 years since the 1967 Referendum. Australians voted to change the constitution so that:

- Aboriginal and Torres Strait Islander people would be counted in the population
- Commonwealth could make laws for them.

The Uluru Statement calls for the following to happen.

- The Australian Constitution should include a First Nations Voice to Parliament.
- The government should make a 'Makarrata Commission' to look after agreement making and truth-telling between government and Indigenous people. Makarrata is the Yolgnu word for conflict resolution, peacemaking and justice.

Why does the Constitution matter?

The Uluru Statement said the Voice should be protected in the constitution, not only the law. It is not safe if it is in the law because governments can change laws but it is very difficult to change the Constitution.

- The Constitution is the rule book of Australia.
- The Constitution can seem distant from our lives, but it is always there in the background, shaping the work of the parliaments, governments and courts.
- The Constitution has a long-term and powerful effect on the direction of Australia and its laws.
- The Constitution cannot be changed without a referendum.

Uluru Statement from the Heart

To change the Constitution, you need a referendum. For a referendum to succeed, you need a double majority. This means:

1. a majority, or more than 50% of all people across Australia have to vote “yes”, and
2. a majority of people in a majority of the states (4 of 6 states) have to vote “yes”.

Constitutional convention



Scenes from the Constitutional Convention at Uluru.

There were 13 dialogues all over the country to talk about what is important. But even before that, there have been many times that Aboriginal people have tried to strengthen your rights, since Captain Cook came here. People have worked very hard to get here. That is why the Uluru Statement from the Heart is so important.

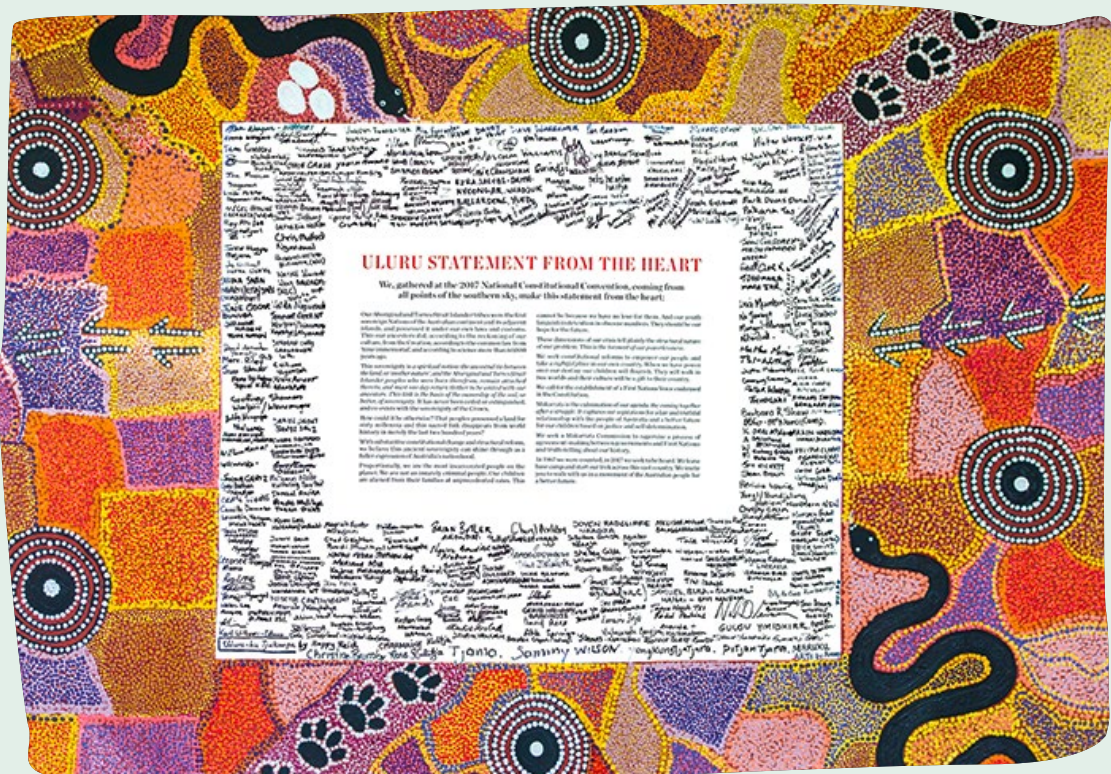
Uluru Statement from the Heart

What is the role of the First Nations Voice to Parliament?

The Voice to Parliament would give a voice to Indigenous views within Parliament. It would give a voice on new or changing laws that will affect Aboriginal people. The Voice to Parliament would:

- empower Aboriginal people – give them strength
- be independent from government
- be permanent – forever.

A Voice to Parliament could be more of an advisory body.



What is this government saying?

The Morrison Government does not support a referendum to include the Voice in the Constitution. They want to legislate first. But polls show more than half of Australians would support constitutional change through a referendum.

The co-design committee for making a Voice wrote a draft report early this year. Groups, including the CLC, wrote about what a regional voice design process could look like. More than 80% of submissions to the Voice report support going straight to a referendum rather than rushing to put it into law.

Uluru Statement from the Heart

Sydney Peace Prize

In 2021, the Uluru Statement from the Heart won the Sydney Peace Prize. The Sydney Peace Foundation award is the only international peace award that comes out of Australia. Previous winners of the Sydney Peace Prize include the Black Lives Matter movement and the Me Too movement.



What did Sammy Wilson, Pat Brahim, Barb Shaw and Francine McCarthy have to do with the Uluru Statement from the Heart?

Sammy, Pat, Barb and Francine were involved in a number of talks and meetings leading up to the Uluru convention in 2019. They were all at the Uluru convention and joined in the discussions and workshops that contributed to the Uluru Statement from the Heart.



Sammy Wilson sharing his story and experience with the Uluru Statement from the Heart.

Thank you



Maggie Kavanagh, Master of Ceremonies.



Maor Lambert and the CLC native title staff.

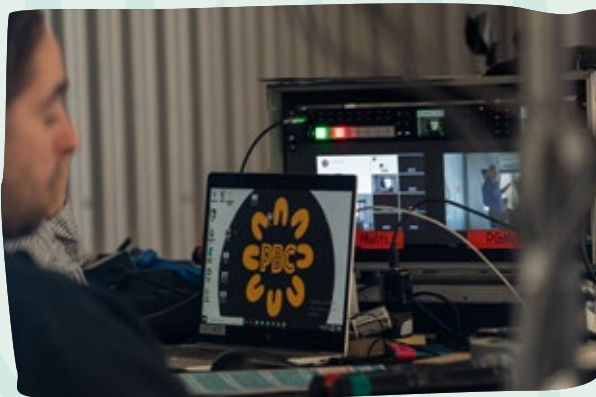


The caterers Lisa Perry, Sarah Cranstone, Ben Williams and Shang Lin from Reality Bites Catering for their amazing meals.

Thank you



CLC staff who helped in many ways at the camp and facilitated workshop groups.



Jeremy Skellern, Ben Collins-Graham and Meret Macdonald for all the brilliant technical productions.



Jodie Hummerston and Adele Millard for note-taking and report writing.



David Moore and Enid Gallagher for interpreting.



Matilda Lilford, Anna Harding and Jason Woods from PAW Media for the wonderful photos and videos.

Thank you





PBC directors, members and other native title holders.
Presenters from CLC, NIAA, NNTC, ORIC, ILSC and Patta AC RNTBC.

The PBC Camp 2021 was supported by

