



Report on the 2019 Survey of Prescribed Bodies Corporate (PBCs)

December 2020

Belinda Burbidge, Marcus Barber, Taryn M Kong & Tahn Donovan



© 2020 National Native Title Council, Australian Institute of Aboriginal and Torres Strait Islander Studies, Commonwealth Scientific and Industrial Research Organisation.

Ownership and intellectual property rights

Unless otherwise noted, copyright, and any other intellectual property rights associated with the survey data included in this publication is owned by the Prescribed Bodies Corporate (PBCs) who completed the survey from which the data has arisen. Copyright, and other intellectual property rights, relating to the data set and associated analysis resides with the authors and three partner organisations: Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), National Native Title Council (NNTC), and Commonwealth Scientific and Industrial Research Organisation (CSIRO).

Any information sourced from this report should be attributed to: Belinda Burbidge, Marcus Barber, Taryn M Kong, and Tahn Donovan. Report on the 2019 Survey of Prescribed Bodies Corporate (PBCs), Canberra: AIATSIS, 2020.

ISBN 9781925302455

Disclaimer

AIATSIS, NNTC, and CSIRO advise that the information contained in this publication comprises general statements based on scientific research. The reader is advised and needs to be aware that such information may be incomplete or unable to be used in any specific situation. No reliance or actions must therefore be made on that information without seeking prior expert professional, scientific and technical advice. To the extent permitted by law, the authors do not warrant that the information in this document is free from errors or omissions. The authors do not accept any form of liability, be it contractual, tortious, or otherwise, for the contents of this document or for any consequences arising from its use or any reliance placed upon it.

The research and development of this report has been co-funded by the National Indigenous Australians Agency (NIAA) and CSIRO.

Cover photos

Yawuru Country. Credit: Nyamba Buru Yawuru; Smoking on Yawuru country. Credit: Nyamba Buru Yawuru; and Liyan-ngan Nyirrwa AGM at Nyamba Buru Yawuru offices, Broome. Credit: Nyamba Buru Yawuru.

For more information, please contact:

Marcus Barber
Principal Research Scientist
CSIRO
Ecosciences Precinct
Dutton Park QLD 4102
Marcus.Barber@csiro.au
07 3833 5519

Belinda Burbidge
Director of Policy
National Native Title Council
12–14 Leveson St
North Melbourne VIC 3051
belinda.burbidge@gmail.com
0424 739 606

Peter Bligh
Director of Indigenous
Country and Governance
AIATSIS
51 Lawson Crescent
Acton ACT 2601
peter.bligh@aiatsis.gov.au
02 6129 3919

Warning: Aboriginal and Torres Strait Islander readers should be aware that this document may contain sensitive information, images or names of people who have since passed away.

Contents

List of tables	3
List of graphs	3
Acknowledgements	4
Abbreviations	4
Statistical List of Terms	5
Executive summary	6
Key results and findings	6
Recommendations	9
Introduction	10
Background: native title and PBCs	10
Past research on PBCs	10
Survey aims and objectives	11
Methodology	12
Research ethics, data sovereignty and valuing PBC participation	12
PBC survey design and testing	13
Administering the survey	14
Sample size and strata	15
Data analysis	17
Quantitative analysis	17
Qualitative analysis	17
Results	18
Director numbers and demographics	18
Mean number of directors	18
Number of directors	18
Gender of directors	19
Age of directors	20
Independent directors	21

Corporate structure	21
Corporate purposes and work activities	21
Corporate relationships	24
Corporate capabilities	26
Key corporate challenges and needs	28
Corporate successes and planning for the future	33
Discussion	36
Key survey findings and themes	36
Who are PBCs?	36
What are PBCs for?	38
How are PBCs working and engaging?	38
What support do PBCs need?	39
What have PBCs achieved and what do they want to achieve?	39
Policy and advocacy	40
Self-determination: the right to choose	40
Free, Prior and Informed Consent (FPIC)	41
Building the story of the native title sector	41
Recognising resourcing needs	42
Coordinating the policy response	42
Economic and enterprise development	43
Information needs and future research	43
Conclusion and recommendations	45
Board composition and sustainability	45
PBC growth and development	45
Working with PBCs to provide resourcing and support	46
References	48
Appendix A: Background to the 2019 survey partnership and survey tool	51
The partnership	51
Survey tool development	52
Appendix B: Survey instrument	53

List of tables

Table 1: Role of person completing the survey	15
Table 2: Target PBC sample strata by jurisdiction and PBC size	16
Table 3: Comparison of actual and targeted (in brackets) sample strata by jurisdiction and PBC size	16
Table 4: Mean number of directors by size	19
Table 5: Mean proportion of male and female directors	19

List of graphs

Graph 1: PBC current directors by age group	20
Graph 2: Combined responses covering the three most important purposes of PBCs	22
Graph 3: Kinds of work done by PBCs, and all the entities they own or control, in the last 12 months	23
Graph 4: Organisations PBCs have worked or regularly communicated with in the last 12 months	24
Graph 5: PBC access to skills and areas of expertise	26
Graph 6: Key challenges faced by PBCs in achieving their goals	28
Graph 7: Support that would help PBCs overcome the challenges identified	30
Graph 8: Information needs of PBCs	31
Graph 9: Key areas of success that PBCs have had in the past five years	33
Graph 10: Types of work that PBCs want to or plan to do in the next five years	34
Graph 11: PBCs succession arrangements	35

Acknowledgements

We acknowledge that this survey was developed and conducted on country that always was, and always will be, Aboriginal and Torres Strait Islander land and waters.

We thank all the Prescribed Bodies Corporate (PBCs) who kindly donated their time and knowledge to this project and completed the survey.

This survey is the result of collaboration between three project partners: the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), the National Native Title Council (NNTC) and the Commonwealth Scientific and Industrial Research Organisation (CSIRO). This is the first time these institutions have all worked together and the authors would like to acknowledge the effort and the financial and in-kind support that was provided by each institution to enable a successful result. Core funding for the survey project came from multiple sources within the National Indigenous Australians Agency (NIAA) and CSIRO. The authors would like to acknowledge the support and guidance of NIAA staff in the progressive development of the survey collaboration. All remaining omissions or errors are the responsibility of the authors.

Abbreviations

Abbreviations	
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
CATSI Act	Corporations (Aboriginal and Torres Strait Islander Act) 2006 (Cth)
CSIRO	Commonwealth Scientific and Industrial Research Organisation
GERAIS	Guidelines for Ethical Research in Australian Indigenous Studies, AIATSIS
PBCs	Prescribed Bodies Corporate
NNTC	National Native Title Council
NIAA	National Indigenous Australians Agency
NTA	Native Title Act 1993 (Cth)
NTRAC	Native Title Research Advisory Committee
NTRB/NTSP	Native Title Representative Body/Native Title Service Provider
ORIC	Office of the Registrar of Indigenous Corporations
CSSHREC	CSIRO Social Science and Human Research Ethics Committee
FPIC	Free Prior and Informed Consent
UNDRI	United Nations Declaration on the Rights of Indigenous Peoples

Statistical List of Terms

Average	This is a number expressing the central or typical value in a data series. However, it is an ambiguous term because average can refer to the arithmetic mean, median, the mode, the geometric mean, and weighted means, among other things.
Coefficient of variation	The coefficient of variation is a statistical measure of the dispersion of data points in a data series around the mean. The coefficient of variation represents the ratio of the standard deviation to the mean, and it is a useful statistic for comparing the degree of variation from one data series to another.
Correlation	It measures the degree to which two variables move in relation to each other and is expressed numerically by the correlation coefficient. The correlation coefficient's values range between -1.0 and 1.0. The sign of the coefficient refers to the directions of relation (i.e. positive means the same direction and negative means the opposite direction), and the numerical value refers to the strength of relation (i.e. further away from 0 the stronger the relation).
Maximum	The number with the largest value in a data series.
Mean	We refer to arithmetic mean, which is calculated by dividing the sum of a list of numbers by the number of elements in the list. In everyday terms the mean is often referred to as an average.
Minimum	The number with the smallest value in a data series.
Range	It is the difference between the largest and smallest values in a data series. As a statistical term, the range is a single number, not a range of numbers.
Ratio	A ratio shows the relative sizes of two or more values.
Standard deviation	Measures the dispersion of a dataset relative to its mean and is calculated as the square root of the variance.
Variance	It is a measurement of the spread between numbers in a data series. It is calculated by taking the differences between each number in the data series and the mean, then squaring the differences and dividing the sum of the squares by the number of values in the data series.

Executive summary

This report outlines the rationale, methods, results, and implications of a 2019 survey of Registered Native Title Body Corporates (RNTBCs) which are Indigenous corporations generally known as Prescribed Bodies Corporate (PBCs). PBCs are body corporates incorporated under the (Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth) (CATSI Act) 2006) and established after a determination of native title is made by the Federal Court in accordance with the Native Title Act 1993 (NTA) to represent the common law holders and manage their native title rights and interests. PBCs are crucial managers of Indigenous rights and interests in country, key foci for Indigenous social and economic development aspirations and important organisations for external parties seeking contact with Traditional Owners.

The number and geographic extent of PBCs has been growing rapidly and new data about this emerging sector is badly needed. The only previous national survey of PBC activities, challenges and successes was conducted in 2013 by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). The 2019 survey reported here was developed and conducted through a partnership between AIATSIS, NNTC (the peak advocacy body for Native Title Representative Bodies and Native Title Service Providers (NTRB/NTSPs) and more recently for PBCs) and CSIRO (Australia's national science agency).

The primary aim of the new survey was to generate a national-scale dataset that could support an understanding of the current state of the PBC sector, inform policy and program development and provide a baseline to identify future change. The survey methodology was informed by three key principles or objectives:

- national best practice standards of ethical research and data sovereignty
- high participation rates from PBCs through free, prior and informed consent
- ensuring representative jurisdictional and corporate distribution.

In 2019 there were a total of 204 PBCs across Australia comprised of 140 small, 56 medium, and 8 large PBCs. The 2019 survey secured the participation of 59 PBCs and met key sample targets for variations in both jurisdictional spread and PBC size. This was the first national survey of PBCs to engage such a wide range and number of PBCs across Australia. It creates a baseline national dataset that provides foundations for both current and future understanding. The major findings and recommendations from the survey are summarised below.

Key results and findings

Board composition

- The average number of directors in PBCs (8.3) is consistent with previous estimates and does not vary greatly across different PBC sizes. Smaller PBCs therefore carry a comparatively greater governance load than medium and large PBCs.
- PBC directors are significantly older on average than the wider Indigenous population and the most common age group for directors is 45–54 years old. They are also more likely to be male (58%) than female (40%). The proportion of male PBC directors is higher than the previously reported proportion for Indigenous corporations more broadly.

Current PBC activities and services

Almost half (47%) of PBCs reported owning or controlling a separate entity, the most common being those for managing land and rangers.

The three most popular responses chosen as purposes of a PBC were:

- fulfil statutory responsibilities under the NTA (83%)
- look after and manage country (81%)
- strengthen culture (62%).

Cultural services (76%) and environmental services (64%) were by far the most commonly chosen kinds of work done by PBCs. The next nearest category reported was social services (26%).

31% of PBCs indicated that they are providing services prescribed under the NTA without charging for them.

External relationships

The three most common categories of organisation that PBCs reported having worked or communicated with in the previous twelve months were NTRB/NTSPs (79%), state and territory government departments (67%) and other PBCs (66%).

60% or more of PBCs reported having access to five categories of skills: office administration, accounting/bookkeeping, dealing with government, completing funding and grant applications, and corporate governance. The lowest levels of access (less than 40%) were chosen by PBCs for two crucial skill categories - facilities maintenance and information and communications technology.

Challenges

The two main challenges identified by PBCs were a lack of resources (67%) and a lack of skills, expertise and knowledge (52%). All other types of challenges were chosen by less than 35% but more than 10% of PBCs, indicating that additional challenges are context-specific and diverse.

Support

A question about support that PBCs require had a considerably higher response rate than the question about challenges faced. The most common responses were consistent with the responses regarding key challenges - 83% chose more funding and 62% chose training in specific skills. Strategic and business planning (57%) was a further priority for future support.

The two highest priority PBC information needs were for Indigenous knowledge (74%) and on-country business and enterprise options (71%). However, nine of eleven categories were nominated by at least 40% of respondents, highlighting the breadth and significance of information needs.

Successes

PBCs had higher response rates when reporting successes in the past five years than challenges. Three categories of success were nominated by over 70% of PBCs:

- fulfilling native title obligations
- looking after and strengthening country
- improving governance.

Future aspirations

The most frequently selected categories were cultural services (including cultural heritage, cultural programs and art production), chosen by 84% of respondents.

This was closely followed by environmental services (land and sea management, carbon and biodiversity) that was chosen by 78% of respondents.

However, reflecting the diversity of PBC aspirations, all seven categories were chosen by at least 30% of PBCs.

71% of PBCs have future planning or visioning documents.

54% of PBCs are undertaking governance training. Other forms of succession planning, such as youth leadership training and mentoring, are less commonly reported.

Discussion

Key findings and themes in the survey results are further investigated through five discussion questions:

1. Who are PBCs?
2. What are PBCs for?
3. How are PBCs working and engaging?
4. What support do PBCs need?
5. What have PBCs achieved and what do they want to achieve?

The report considers the implications of the findings for policy and advocacy including:

- self-determination
- building a narrative for the sector
- recognising resourcing needs
- coordinating the policy response
- economic and enterprise development
- information and research needs.

Recommendations

The evidence from the survey and the subsequent analysis supports some key recommendations. These are primarily directed at various levels of government, particularly the National Indigenous Australians Agency (NIAA), as well as PBCs themselves. Yet they have implications for actors and stakeholders across the native title sector, including NTRBs/NTSPs, state and territory governments, research institutions, the private sector, and non-government organisations.

Board composition and sustainability

Recommendation 1: Support PBCs to identify board sizes appropriate to their circumstances and which specifically assist smaller PBCs with the governance complexity entailed by their representative role.

Recommendation 2: Directly support succession planning by enabling greater representation for youth and next generation leaders.

Recommendation 3: Support PBCs in developing balanced boards of directors in terms of gender and diversity.

PBC growth and development

Recommendation 4: Provide clear and accessible information for PBCs on internal PBC structures, the roles of sub-entities and what kinds of challenges and opportunities are created by different corporate structures.

Recommendation 5: Create systems that directly connect the work PBCs undertake to meet NTA obligations with appropriate resourcing and compensation mechanisms that support PBCs highlighted primary purpose of caring for country and culture.

Recommendation 6: Ensure Australian commonwealth, state and territory processes take into account the significant role played by regional representative bodies, state and territory governments, and inter-PBC relationships in the work of PBCs.

Working with PBCs to provide resourcing and support

Recommendation 7: Undertake further work with PBCs to assess whether there is sufficient access to required skills and provide targeted support for information and communications technology and facilities maintenance needs and requirements.

Recommendation 8: Work with PBCs to establish what kinds of support they require and co-design programs that specifically target funding and training.

Recommendation 9: Ensure PBCs have access to direct, secure and ongoing funding in order to fulfil their statutory obligations under the NTA.

Recommendation 10: Work with PBCs to develop culturally relevant programs, tools and materials to address information needs, noting that Indigenous Knowledge and on-country business and enterprise options are immediate priorities.

Recommendation 11: Create systems that appropriately value and financially compensate Indigenous people and organisations for their provision of cultural and environmental services and provide resourcing that allows PBCs to share and promote their own successes.

Recommendation 12: Provide resourcing and support for at least 90% of PBCs to develop strategic and business planning that can be refreshed on standard corporate timeframes.

Introduction

This report outlines the rationale, methods, results, and implications of a survey of Indigenous corporations known as PBCs. These organisations are required following a successful determination under the NTA to manage and protect the native title rights and interests identified in the determination on behalf of the native title group. As crucial managers of Aboriginal and Torres Strait Islander rights and interests in country, they are also key foci for Indigenous social and economic development aspirations. This introduction provides some background context to PBCs, identifies past research, and outlines the objectives of the work.

Background: native title and PBCs

PBCs are called ‘prescribed bodies’ because they have certain prescribed obligations under the NTA, including a requirement to incorporate under the CATSI Act. The CATSI Act is the law that guides how Aboriginal and Torres Strait Islander corporations are run and regulated by the Registrar of Indigenous Corporations, an independent statutory office holder appointed by the Minister for Indigenous Affairs and supported by the Office of the Registrar of Indigenous Corporations (ORIC).

PBCs have an important role in the native title sector, ‘as the holders and/or managers of native title, as access points for multiple parties with interests in native title land and waters, and as readily identifiable representatives of traditional owners’ (Bauman, Strelein and Weir 2013, p.2). Some PBCs carry out additional activities to their statutory obligations, such as ‘town planning, social harmony projects, cultural protocols, welcome-to-country ceremonies, interpretive and cultural signage, job creation, training and economic development’ (Office of the Registrar of Indigenous Corporations 2014, p.4). Native title holders also hold a wide range of aspirations for their PBCs; including being able to effectively care for country, culture and people and having the ability to implement economic and commercial business development (McGrath, Stacey and Wiseman 2013, p.29). However, the 2013 AIATSIS PBC survey found that many PBCs were poorly resourced. This means their responsibilities and the expectations placed on them often exceeded their capacity to deliver on the aspirations of the native title holders.

Past research on PBCs

There has been some research carried out in the post-determination sphere of native title, including about: PBC aims and aspirations (NTRU 2013; Bauman, Strelein and Weir 2013); governance (Bauman and Pope 2009; Bauman, Smith and Keller 2014; Bauman, Smith and Keller 2014; Blechynden 2017a, 2017b, 2017c; Burbidge 2017a, 2017b; Johnston and Burbidge 2018; Kingham and Bauman 2005; Strelein 2013; Weir 2007) intercultural corporate structures (Barcham 2013); director demographics (Buchanan 2015); and youth engagement in native title and PBCs (Williamson and Little 2019). However, the existing information is incomplete, and there is substantial demand for further information and research on the trends and developments of PBCs at both regional and national scales.

The only previous national survey of PBC activities, challenges and successes was the AIATSIS survey of 2013. The 2013 survey was a comprehensive study of PBC capacity. Its findings focus on three areas: i) indicators of organisational capacity; ii) PBC main activities and aspirations; and iii) external support and relationships (Native Title Research Unit 2014). AIATSIS had commenced a process for developing a follow-up survey in 2017 but this work was not completed for logistical and operational reasons. AIATSIS also put out a series of policy papers to provide a national picture of the distribution of wealth and growth of PBCs by size and of the income and costs of small PBCs in 2017 and 2018.

Survey aims and objectives

AIATSIS and the CSIRO/NNTC partnership originally began developing independent surveys. They then identified the multiple benefits that could be generated from a formal collaboration (see Appendix A). The primary aim of the new combined survey was to generate a national-scale dataset that could support understanding of the current state of the PBC sector, inform policy and program development and provide a baseline to identify future change. The specific aims of the survey were to identify key aspects of PBC:

- governance
- aspirations
- capacities
- activities
- networks and relationships
- successes
- challenges
- support needs.

In meeting these aims, the survey would support the identification of national patterns in the current circumstances of PBCs, interrogate and expand on insights derived from previous local and regional case study observations, and engage Indigenous peoples in research and development. It was envisaged that PBCs could directly benefit from clear, contemporary and evidence-based statements about their condition and their interests. This information could then be used to build a case for grant and other funding applications, to support policy and program development, sectoral advocacy, and the realisation of longer term PBC aspirations.



Regrowth. Credit: Christiane Keller

Methodology

To realise the intended aims and objectives, the methodology was informed by three key principles and objectives:

- national best practice standards of ethical research and data sovereignty
- high participation rates from PBCs through free, prior and informed consent
- ensuring representative distribution across jurisdictional location and corporate size.

The sections below provide further detail regarding how these objectives were enabled in method design and implementation.

Research ethics, data sovereignty and valuing PBC participation

The project was collaboratively co-designed by the three partner organisations, AIATSIS, CSIRO and the NNTC, informed by the AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies (GERAIS).¹ AIATSIS and the NNTC are Aboriginal and Torres Strait Islander organisations who are led by an Aboriginal and Torres Strait Islander board and executive. Additionally, the project team engaged the AIATSIS Native Title Research Advisory Committee (NTRAC) for advice throughout the project. The NTRAC is a research advisory committee consisting of native title experts, the majority of whom are also Aboriginal and Torres Strait Islander peoples. The project also received ethics approval and oversight from the CSIRO Social Science and Human Research Ethics Committee (CSSHREC). The CSSHREC contains a combination of research and community members, including Indigenous representatives. A copy of the consent protocol at the beginning of the survey is provided in Appendix B.

The project adhered to the principle of Free Prior and Informed Consent (FPIC) by ensuring that all PBCs participating in the survey received:

- an extended 12-month data collection period to ensure that data could be collected in a culturally respectful manner
- detailed written and verbal information about the project
- the opportunity to respond to that information and ask questions
- time for consultation within PBC corporate governance structures to gain appropriate approval to participate
- the choice of different modes of participation. This included telephone or online survey participation, as well as face to face survey options.

The project also adheres to principles of Indigenous Data Sovereignty, including Indigenous project governance and control of data.² Protection of PBC intellectual property rights was outlined in the consent form at the beginning of the survey and is included on all project outputs. To provide PBC participants access to their data in a clear and usable form, the project includes the development of a web page and access protocols to ensure PBCs can access their data. The project has reporting protocols in place to all project partners, participants and advisory committees.

1 <https://aiatsis.gov.au/research/ethical-research>

2 Indigenous Data Sovereignty principles are outlined by the Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective and are available at: 'Maiam Nayri Wingara: Key principles' n.d.

Significant consideration was given to how PBC participation could best be recognised and/or compensated for. With any research project that involves working with Aboriginal and Torres Strait Islander organisations, it is important to acknowledge that while the research may be the first priority of the research team, community organisations already have high workloads and a number of competing priorities that may or may not include research. The undervaluation of PBC time by those requiring PBC time, attention and engagement is an ongoing systemic issue for the sector. Existing data prior to the current survey suggested that most PBCs have few or no staff. Those PBCs with paid staff could have them complete the survey on behalf of the organisation, however, this labour needs to be recognised. The project team note that PBC director positions are frequently unpaid. AIATSIS had resources reserved to provide PBCs with a small payment for survey completion based on national research remuneration rates for the estimated time it would take to complete the survey.³ However, this payment would have required administrative systems and associated overheads to process a relatively small amount.

As an alternative, the project created an incentive-based approach to participation that did not entail an additional administrative burden and had the advantage of enhancing PBC capacity. AIATSIS provided three PBC prize packages to be drawn through random electronic draws at the end of the survey distribution phase. Each prize enabled two PBC directors from each winning PBC to attend the next National Native Title Conference by covering the costs for:

- conference registration
- return economy class airfares
- accommodation and meal allowance.

The average total prize value was approximately \$10 000. Many PBC directors and staff commented during survey participation that they would not be able to attend the conference and knowing that the completing the survey provided a chance to do so was a significant incentive. The project team acknowledges the importance of appropriately valuing PBC time and that further scoping of appropriate compensation and/or incentives for PBC participation is an important aspect of preparation for future surveys.

PBC survey design and testing

Response rates and associated sample size had been an issue with previous surveys. The project team decided to sacrifice a degree of comparability with the 2013 survey to streamline the survey size and structure of the new combined survey and thereby enable a greater response rate. Effectively, the intention of the 2019 survey was to establish a new baseline tool for the future. Further details about the development of the tool are available in Appendix A. The format and wording of the questions balanced the aims of gaining a meaningful spread of information (for example by allowing for multiple answers to a single question) with the need to encourage PBCs to prioritise. The order of the questions balanced temporal ordering (e.g. current status vs future plans and aspirations) with a thematic emphasis on challenges and opportunities to facilitate survey completion. The finalised survey tool of 20 questions is provided in Appendix B.

³ The project team acknowledges that payment for completion for the time it takes to fill out the survey does not include the time it takes for the Director to consult with their board or other community members and make a decision about the completion of the survey.

Administering the survey

The survey was administered by NNTC staff, supported by AIATSIS staff in a coordinated process. The collaborative approach to the survey influenced the process through which it was to be administered as well as the survey design. Each partner had insights and experience to ensure that the survey was administered in a culturally appropriate way that ensured proper ethics protocols while aiming to reach the ideal jurisdictional and size response rate (see desired survey stratum below). The two key factors in administering the survey were

1. proving adequate time for PBC directors to receive information about the survey, return to their PBCs to make a decision about their participation and then have time to complete the survey, and
2. providing a combination of online and in person platforms for PBCs to discuss and complete the survey.

Prior to and during the distribution phase of the survey, the project team utilised several mechanisms to promote awareness and understanding of the survey to enable PBCs to make an informed decision about their participation. This promotion occurred through the:

- the AIATSIS PBC email network
- the NNTC email network
- the PBC website hosted by AIATSIS
- at NNTC events, including PBC regional forums and Native Title Management Operations Training (NTMOT)
- a presentation at the 2019 National Native Title Conference
- an advertisement in the Koori Mail.

The online survey was administered through the AIATSIS PBC website. PBCs were emailed information about the survey and provided a link via the AIATSIS email list. This PBC contact list is kept up to date using PBC contact details registered with ORIC and an annual manual update of contact details by emailing and calling PBCs. The initial email contact was followed up with telephone calls to check that PBCs had received the information and provide further information where necessary. This follow up effort was crucial to realising improved survey completion rates.

Some PBCs were comfortable filling out the survey online without further engagement with project staff, but for others, face to face engagement at NNTC events and/or trips to NTRBs was essential in enabling subsequent PBC participation. Face to face engagement with PBCs allowed the project implementation team to:

- build a connection with PBC directors that assisted their willingness to complete the survey
- promote the benefits of completing the survey and the collective voice that it would provide to government on the status and future aspirations of PBCs.

Some PBCs also chose face to face engagement as the preferred option to complete the survey. During these meetings, a member of the project team would sit with the PBC and interview them using a copy of the survey for the interview. This method provided a space that ensured confidentiality and allowed questions to be explained or expanded on in a way relevant to the local context of the individual PBC.

Other PBC representatives were provided with paper copies of the survey at NNTC events and chose to take the survey back to their boards to discuss, complete and then post in the survey. In these circumstances, realising that the high workloads and associated time constraints on PBC boards may constrain final completion, the project team followed up by telephone.

The survey is an organisational survey and PBCs were able to complete the survey in the way that best suited their internal governance arrangements. This process allowed PBCs to determine themselves who in their organisation was best placed to complete the survey. Those completing the survey are categorised into the following roles.

Table 1: Role of person completing the survey

Role of person completing survey	Number of PBCs
CEO	7
CEO and chairperson	1
Chairperson	10
Business manager	1
Executive officer	1
Community representative	1
Director and other titles	21
Financial controller/treasurer	2
Administrative officer/manager	11
Non-member director/COO	1
Independent director	1
Lawyer – PBC support	1
Total	58

Sample size and strata

To ensure the data collected through the PBC survey was as representative as possible of PBC jurisdiction and size, the survey team created an ideal survey stratum based upon existing knowledge about the jurisdictional distribution of PBCs across Australia.⁴

PBC size (large, medium or small) is determined using ORIC's classification system which uses consolidated gross operating income, consolidated gross assets and employees to separate all Indigenous corporations into the three sizes that determine the reporting requirements of the organisation.⁵ The consolidated gross income and asset figures are defined as the total value of things owned by the corporation and any entities it controls. The size listed on a corporation's general report is calculated by the corporation and not by ORIC.

⁴ Information about the number and geographical distribution of PBCs can be found on the [PBC website](#) hosted by AIATSIS; the interactive mapping tool, [Native Title Vision](#), hosted by the National Native Title Tribunal, and the [Office of the Registrar of Indigenous Corporations \(ORIC\)'s website](#). This information has been collated into an annual snapshot by AIATSIS and is available in their biannual [native title newsletter](#).

⁵ Small corporations: a consolidated gross operating income of \$100,000 or more and less than \$5 million; medium corporations: a consolidated gross operating income of less than \$5 million and large: a consolidated gross operating income of \$5 million or more. For additional information about ORIC's size classifications for Indigenous corporations, see the [ORIC factsheet on corporation size and reporting](#).

The target survey stratum for meeting the project objectives was to reflect the jurisdictional distribution of large, medium and small PBCs across Australia. For example, as at 2019, nationally there were 204 PBCs: 140 small, 56 medium and 8 large PBCs. Queensland had the highest number (85) of PBCs, but 65 of those PBCs were small and only one was large. In contrast, 5 of the 8 large PBCs in Australia as of 2019 were in Western Australia (Nicholson 2019). Table 1 shows the PBC sample strata targeted for the survey prior to commencement.

Table 2: Target PBC sample strata by jurisdiction and PBC size

	NSW	NT	QLD	SA	VIC	WA	Total
Large	0%	0%	0%	0%	0%	2%	2%
Medium	2%	0%	10%	6%	2%	10%	30%
Small	2%	18%	28%	4%	0%	16%	68%
Total	4%	18%	38%	10%	2%	28%	100%

A small sample population requires a much larger sample size as a percentage of the population to achieve a given statistical confidence interval. A population of less than 5 000 is generally considered a small population. In this study, the population is only 204, meaning that a sample of 172 PBCs - equivalent to an 84% response rate - would be needed to achieve a 95% confidence level. Obtaining an 84% response rate is highly unlikely give the challenges noted in the previous two sections. In this survey, we achieved a response rate of 29%, or 59 PBCs, which is substantially lower than the required numbers. Although the low response rate limits confidence in the analysis, it is a higher response rate compared to the two preceding national PBC surveys.

Regardless of the sample size, we aimed to have the jurisdictional and size distribution of the sampled PBCs be as close to those of the population as possible to achieve a representative sample. Table 2 shows the distribution of the actual responses with the target sample for the 2019 survey. It indicates a similar pattern of distribution as Table 1, with some notable differences. The largest difference was the responses from South Australia, where the difference between target and actual percentage was 8%, and in relative terms, this represents 69% of the target count. The other notable differences between target and actual strata are small PBCs in New South Wales, medium PBCs in Western Australia and large PBCs in Victoria (Table 2).

Table 3: Comparison of actual and targeted (in brackets) sample strata by jurisdiction and PBC size

	NSW	NT	QLD	SA	VIC	WA	Total
Large	0%	0%	0%	2%	2%	2%	5%
	(0%)	(0%)	(0%)	(0%)	(0%)	(2%)	(2%)
Medium	2%	2%	14%	0%	2%	14%	33%
	(2%)	(0%)	(10%)	(6%)	(2%)	(10%)	(30%)
Small	3%	10%	31%	2%	0%	16%	62%
	(2%)	(18%)	(28%)	(4%)	(0%)	(16%)	(68%)
Total	5%	12%	45%	3%	3%	31%	100%
	(4%)	(18%)	(38%)	(10%)	(2%)	(28%)	(100%)

Data analysis

Survey responses were entered into a spreadsheet in the sequence of the survey questions either as text strings or numbers. For the questions with multiple segments and/or lists of choices, each segment and/or choice was set up as a binomial variable, where a positive response or a selection would be entered as 1, and where a negative response or a non-selection would be entered as a 0. Prior to the analyses the dataset was checked for completeness and validity. This included checking of missing responses, mismatches (e.g. different names entered for the same PBC, different capitalisation in categorical response), data that is not a 0 or 1 for a binomial variable, and responses to segments of a question not adding up to the total for the question (e.g. number of directors by gender and age category not corresponding to the total). All discrepancies were identified and resolved by tracing back to the hard or electronic-copy of the PBC survey and/or clarifying with the PBC participants.

Quantitative analysis

The project team performed quantitative analysis on the variables with numerical values and binomial variables. The analysis was done in Excel for Office 365 MSO with built-in functions such as Min, Max, Average and Stdev.S. The coefficient of variation was calculated as a ratio of the standard deviation to the mean. The proportion of directors by gender and age category was calculated as a percentage of the total. The mean or proportion for each of the binomial variables set up for questions 7 and onward was calculated. Bar graphs were plotted in Excel using the chart function to capture the means for each question. A pivot table was also used to explore the PBC director gender and age category by PBC size.

Considering the sample size limitations, we determined that it would be inappropriate to perform correlation analysis based on the PBC jurisdiction and region. Consequently, we cannot make comparisons and contrasts in the results between jurisdictions and regions. The project team acknowledges that there may be jurisdictional and regional patterns in the aspects covered by the survey questions. However, we do not have an adequate sample size to examine these patterns using correlation analysis.

Qualitative analysis

The design, implementation and recording of the survey meant that the qualitative data was primarily restricted to the 'other' or 'comments' section of the questions (see Appendix A). Consequently, the project did not use a formal or standard qualitative analysis method such as a coded content or narrative analysis. Instead, for responses that had multiple comments, the categories used in the quantitative questions or the 2013 AIATSIS data were deployed to categorise the same or similar responses by number. For responses with either fewer comments or more narrative, the team used an inductive method⁶ to draw out relationships between the responses and the themes. These complemented the relationships already identified by the primary quantitative responses.

⁶ Inductive method is moving from specific observations to broader generalisations and theories or the generation of theories emerging from the data.

Results

When compared with the 2013 AIATSIS survey and the draft 2017 survey, the 2019 survey improved the number of PBCs participating, their jurisdictional spread and their representativeness in terms of size of corporation. The combination of the new survey design and the new approaches to implementation and participation incentives supported this outcome. Fifty-nine PBCs participated, with participants drawn from a wide range of PBC sizes and geographic locations. The key results and findings from the questions are reported below. They are organised in terms of the underlying categories and themes in the survey instrument:

- director numbers and demographics
- purposes and work activities
- relationships and capabilities
- challenges and needs
- successes and planning for the future.

Where it is useful in giving additional context, reference is made in the results section to key findings from the 2013 survey. Key cross-cutting themes and interconnections in the data are further reviewed in the discussion section.

Director numbers and demographics

The composition of PBC boards are a crucial determining factor of overall corporate capacity, particularly in small and medium PBCs with minimal or few paid staff. It is important in addressing skills limitations and succession planning, as well as age and gender representativeness. This was addressed in the new survey through a series of questions on these topics. The 2013 AIATSIS survey did not include questions about director demographics and so a direct comparison with this survey is not possible. However, Buchanan (2015) used PBC reporting to ORIC to determine the number, gender and generation of PBC directors as at 2011–2012 to provide one point of comparison.⁷

Mean number of directors

Under the CATSI Act, PBCs can usually have between three and twelve directors. Where the membership of the PBC is particularly large or complex, an exemption can be made by the Registrar to enable additional representation CATSI Act d 243.1–5. The statistics of director numbers in the survey sample reflect this situation:

Number of directors

Range: 13 (minimum reported was 18 and maximum was 14)

Mean: 8.3

Standard deviation: 2.7

Coefficient of variation: 33%

⁷ This publication (Buchanan 2015) appears to be the only previous one available containing information about director demographics.

⁸ This low figure seems likely to be a reporting error.

Table 4: Mean number of directors by size

PBC size	Mean number of directors
Large	9.3
Medium	7.9
Small	8.4
Total	8.3

The mean number of directors is consistent with that from the 2011–12 survey, where the average number of directors reported to ORIC was 8.2 (Buchanan 2015, p.6). The coefficient of variation (33%) indicates that there is not a lot variation in the number of directors from the mean among the PBCs.

Gender of directors

The PBC survey asked participants to place their directors into three categories: male, female or other. As PBC representatives are undertaking the classification themselves and a non-binary option is available, this method is more reliable than indirectly assessing gender from titles and/or names, which has been used in the past to estimate PBC gender composition.⁹ The survey found that the majority (58%) of PBC directors are male, 18% higher than female directors.

Table 5: Mean proportion of male and female directors

PBC size	Mean proportion of female directors (%)	Mean proportion of male directors (%)
Large	36%	64%
Medium	38%	56%
Small	41%	59%
Total	40%	58%

The refined method did produce results that were nevertheless highly consistent with previous work. Buchanan found that 41.0% of directors were female and 59.0% were male (Buchanan 2015, p.6). This indicates that the overall gender balance on PBC boards has been relatively static in the intervening years.

The stronger male representation on PBC boards is not reflective of the wider picture for Indigenous corporations. Buchanan also found that, amongst the top 500 Aboriginal and Torres Strait Islander corporations, 54.9% of directors were female and 45.1% were male. More recent ORIC-generated data from 2015–16 showed a distribution of 51.6% female directors, 47.2% male and 1.3% unknown (Buchanan 2015, p.6).

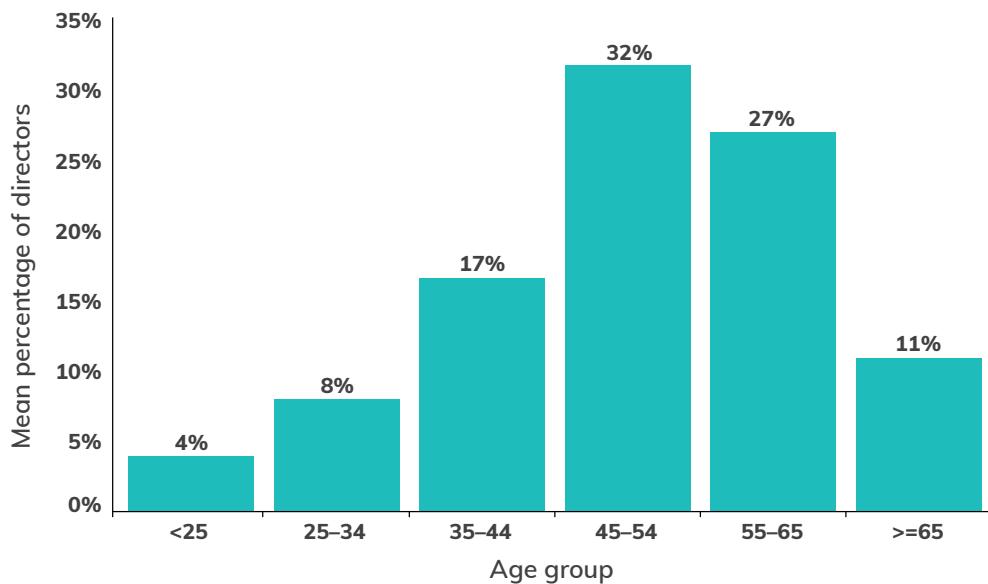
⁹ Previous reporting of gender composition on PBC boards has been generated using PBC reporting to and by ORIC and has involved ORIC's assessment of titles used (Mr, Mrs, etc) to determine gender. Where there have been no titles, ORIC has undertaken an assessment of the first name to determine and apply a gender label. This method does not support a robust self-reported form of gender identity – only the categories of male or female are offered or used, and first names cannot accurately indicate someone's gender.

Age of directors

Previous surveys have used age categories that commenced with decades (20, 30, etc.). The new survey chose different categories for two complementary reasons:

1. to reduce the number of age categories and the consequent potential for reporting errors and
2. to make the remaining categories more relevant to PBC operations - the 'under 25' and 'over 65' categories were regarded as sufficient to capture young people and elders respectively.

The results from the new survey shown in Graph 1 indicate that PBC directors are significantly older on average than the wider Indigenous population. The most common age group for PBC directors is 45–54 years.



Graph 1: PBC current directors by age group

The 2019 PBC survey results are consistent with Buchanan's findings from 2011–12, when the majority (74%) of directors were aged 40–69 years (Buchanan 2015, p.9). Board director positions involve a degree of authority and responsibility and so the average age of directors would be expected to be higher than the average for the wider Indigenous population. However, the difference is substantial - in 2016 more than half (53%) Aboriginal and Torres Strait Islander people were under the age of 25 years. The difference also appears consistent as the number of younger directors does not appear to have significantly increased from 2011–12 to 2019. In 2011–12, Buchanan found that 7% of directors were aged 20–29 years and 14% were aged 30–39 years (Buchanan 2015, p.10). In 2019, only 4% of directors were under 25 years old and 8% were aged 25–34 years. The 2019 survey was not able to capture the relationship between age and gender. The 2011–2012 data did not show substantial variation in the gender balance between age groups with the exception of the age category of 20–29 years (2% female directors as compared with almost 5% male) (Buchanan 2015, p.9).

Independent directors

Independent directors are directors who are not Indigenous and/or not members of the native title holding group. They are generally appointed based on the strategic, financial, legal and/or skills and experience they offer the board. The selection, appointment, terms and duties of independent directors are specified in the ORIC-approved rule book for each PBC. In 2013, no PBCs who were surveyed reported having non-member or associate directors (sometimes known as independent directors). In 2019, PBCs did report having independent directors, with an average number of 0.4. However, PBCs reported having up to 9 independent directors creating a standard deviation figure of 1.21, three times higher than the mean. This is because for some PBCs, the category of independent directors includes advisors to the PBCs, such as cultural advisors. Most PBCs do not have any independent directors and the small number of PBCs that do have independent directors tend to have many more than the average.



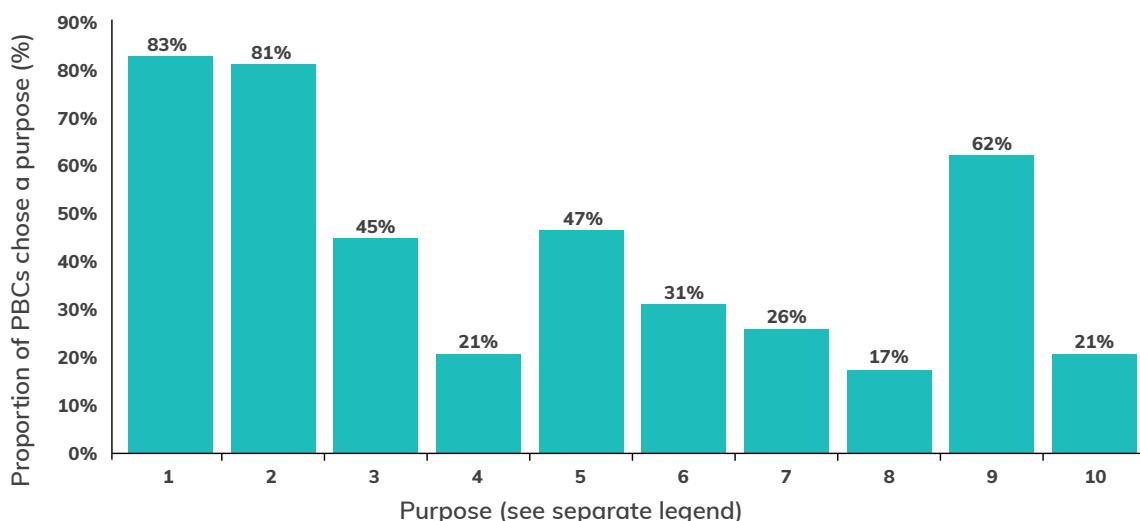
Yawuru Country. Credit: Simon Rowell

Corporate structure

No questions were asked in the 2019 survey about the internal corporate structure of the PBC, however, the survey did ask participants to identify if the PBC owned or controlled other entities. Almost half (47%) of participants reported owning or controlling a separate entity. These included entities focused on rangers/land management, multiple service delivery, and/or economic development. Ranger programs and land management entities were the most reported entity with 20% of PBCs reporting that they owned or controlled this kind of entity. Entities for the purpose of investment or economic development were the second most reported. The results differ from those in the 2013 survey in which the most reported PBC entity was a trust (33%) followed by land and water management entities (11%) (NTRU 2013, p.7). This difference may reflect the wording of the question. In 2013 PBCs were asked what entities they were 'associated' with whereas the 2019 survey asked what entities were specifically 'owned or controlled' by PBCs. It may also reflect a larger number of PBCs having gained control of land and sea management and/or having devolved that function to a subsidiary entity.

Corporate purposes and work activities

PBCs have a set of native title duties and obligations prescribed by legislation, but their members and directors may also understand them as a means for achieving a wider set of objectives and aspirations. The survey tool responded to this circumstance by offering participants the opportunity to show their knowledge of the formal duties and obligations, but also identify other prioritised purposes for their organisation. The tool asked them to nominate three priority purposes from a list that encompassed: care for country; political representation; pursuing future claims; wealth and business opportunities; employment, education and training; service provision; cultural development; and managing the activities of non-native title holders. The tool did not limit respondents to nominating three, and consequently, 31% of participants nominated more than three. The project team was aware in advance that this response profile was possible. This was not considered problematic though, as the question aimed to gauge the diverse set of expectations that PBC members and staff have for the purposes of their organisation and the activities they should therefore undertake. Graph 2 shows the total responses to this question.



Graph 2: Combined responses covering the three most important purposes of PBCs

Legend: PBC purposes

1. Fulfil responsibilities under Native Title Act 1993 (Cth)
2. Look after and manage country
3. Be a strong representative voice
4. Pursue further native title claims
5. Create wealth and business opportunities
6. Create employment
7. Provide education and training
8. Provide community services
9. Strengthen culture
10. Manage activities by non-native title holders on country

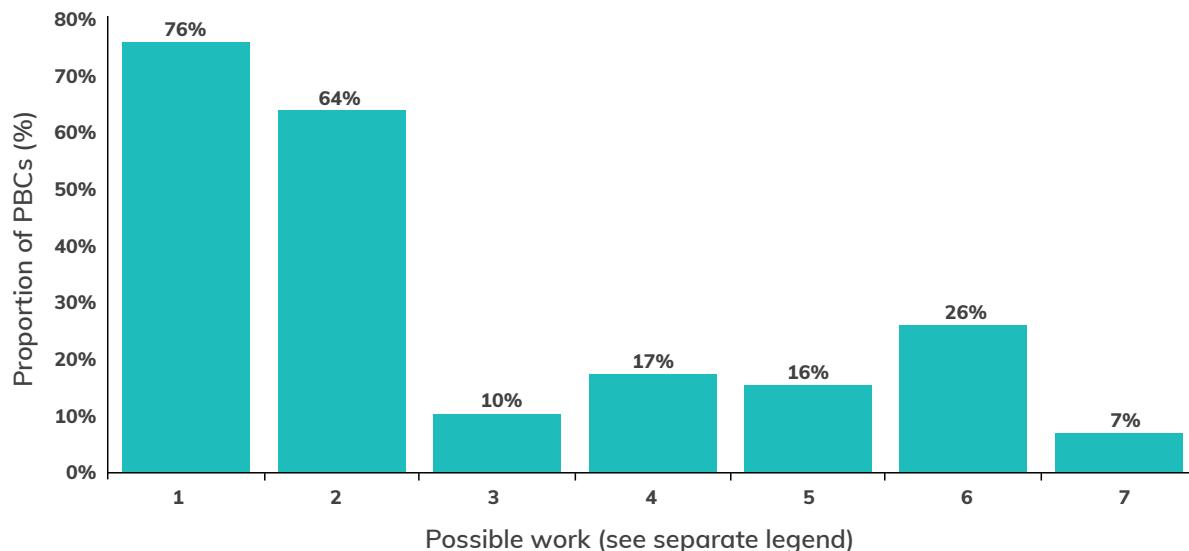
Despite the additional responses over and above the three requested, some clear participant preferences and prioritisations are evident in the data. Two purposes were nominated as almost equivalently the most popular and reflected respondents' understanding of both the formal responsibilities of PBCs under the NTA, and their related obligation to look after and manage the country. The third most popular response referenced cultural strengthening, followed again by two equivalently popular responses that prioritised wealth and business development and political representation respectively. The remaining purposes all had considerably fewer nominations than would be expected if the total number of nominations were to be evenly distributed across the list.

The next part of the survey focused on questions about PBC work in the previous twelve months. Question 8 asked about the general work activities of PBCs. Question 9 focused on the provision of prescribed services to native title proponents, specifically if these services represented a revenue stream or an un-costed activity burden on PBCs and whether PBCs were charging for them.

The responses to questions 8 and 9 would be expected to generally be consistent with the PBC purposes nominated above, but there may be circumstances where the PBC participants see a mismatch between the activities their PBC is currently engaged in and what they understand should be the PBCs primary purposes. Graph 3 shows the responses to question 8 about general work activities.



Yawuru Country. Credit: Simon Rowell



Graph 3: Kinds of work done by PBCs, and all the entities they own or control, in the last 12 months

Legend: Kinds of work

1. Cultural services (including cultural heritage, cultural programs, art production)
2. Environmental services (land and sea management, carbon, biodiversity)
3. Farming and fishing (including pastoralism, agriculture, aquaculture, horticulture, forestry, bush food development)
4. Mining, transport and construction services
5. Hospitality services (including tourism, accommodation, catering and retail)
6. Social services (including housing, employment, community, and education services)
7. Financial services and investments

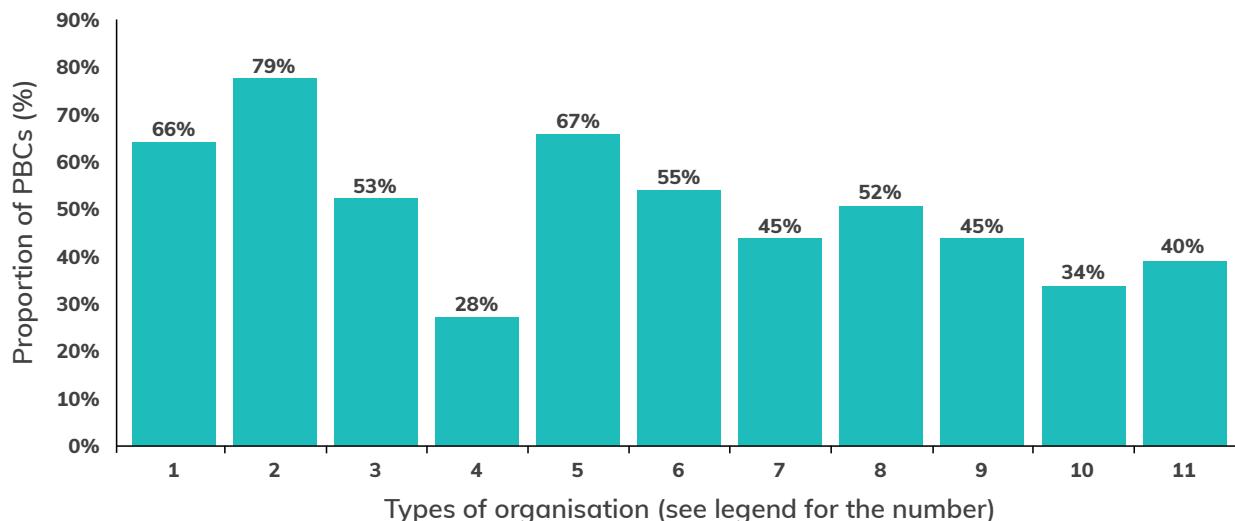
Two activities – cultural and environmental services – are by far the most popular responses relating to general PBC activities over the past 12 months. The relatively small proportions across the other 5 out of 7 categories of work suggests that PBCs undertake a limited set of work activities and/or do not own or control entities that undertake additional work. The 2019 responses are broadly consistent with responses from a related question in the 2013 AIATSIS survey, where the three main categories of reported activities undertaken by the PBC included native title (including future acts), cultural work and land and sea management (Native Title Research Unit 2014, p.10).

For question 9 regarding native title work, 29% of PBCs reported that they did not provide prescribed services to native title proponents, 41% of PBCs provided services and charged for them and 31% provided services without charging. Two PBCs indicated that they charged for some services and not others.¹⁰ In the 2013 survey, the main categories of activity nominated by PBCs were native title (including future acts), cultural work and land and sea management (Native Title Research Unit 2014, p.10). The 2019 survey responses for both questions 8 and 9 indicate that prescribed native title services under the NTA and the wider provision of cultural and environmental services remain crucial areas of activity.

¹⁰ Another two PBCs appeared to require further clarification on the question based on what they wrote on the survey but were unable to be re-contacted prior to survey completion.

Corporate relationships

Question 10 and 11 of the survey were focused on PBC relationships with external organisations and the internal capabilities that supported external engagements. Question 10 examined the relationships between PBCs and other organisations by asking which categories of organisation PBCs were working or regularly communicating with. PBCs were free to choose as many categories as they wished and to add other categories not listed. The results for this question are shown in Graph 4.



Graph 4: Organisations PBCs have worked or regularly communicated with in the last 12 months

Legend: Types of organisation

1. Other PBCs
2. NTRBs or NTSPs
3. Other local Aboriginal or Torres Strait Islander organisations
4. National Indigenous organisations
5. State or territory government departments and agencies
6. Federal government departments and agencies
7. Mining companies
8. Other commercial enterprises and businesses
9. NRM or land and sea management boards/organisations
10. Scientists or research institutions
11. Other non-government organisations

Graph 4 demonstrates several points about work collaboration and stakeholder communication. Firstly, the most common contacts are with NTRB/NTSPs, showing that they continue to be the most used service providers by PBCs and are providing ongoing in-kind support for many PBCs following successful determinations. This result is consistent with previous findings. In 2013, 85% of PBCs reported that they received support from their NTRB/NTSP (Native Title Research Unit 2014, p.15). Secondly, alongside NTRB/NTSP relationships, PBCs frequently work and communicate with other PBCs. PBC-to-PBC communication and collaboration is an area of PBC activity that is not well understood or documented in the sector. It may be expected where smaller regional clusters exist, such as in the Torres Strait Islands, but the sector does not currently have formal data on the purposes,

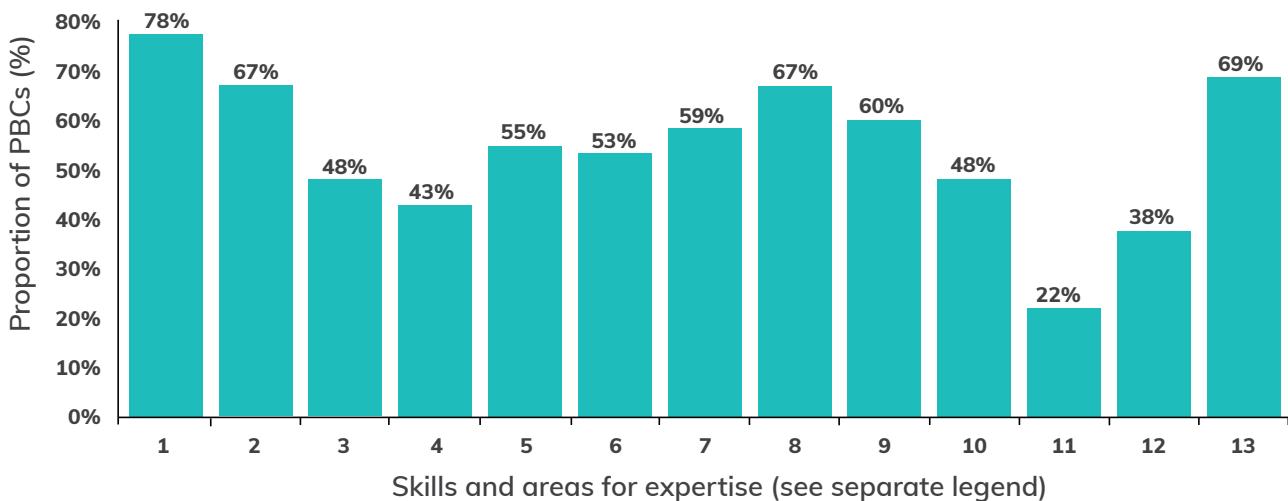
mechanisms, intensities, or durations for PBC-to-PBC engagement. Thirdly, although PBCs are constituted under Commonwealth legislation, they are engaging extensively with state and territory governments – actually the second most frequently reported interaction. This is consistent with the stated purposes and activities of PBCs that are focused on country and cultural issues, as states and territories are primarily responsible for issues such as land and water law, planning, and cultural heritage. At the other end of the response rate, a fourth noteworthy point is that the least chosen types of organisations are national Indigenous organisations (such as the NNTC) and scientific and research institutions. This suggests further opportunities to engage with these kinds of entities are needed.



Yawuru Country. Credit: Simon Rowell

Corporate capabilities

The types of partnerships PBCs have are reflected in the areas of skills and expertise available to PBCs. This was the subject of Question 11 and the results are shown in Graph 5.



Graph 5: PBC access to skills and areas of expertise

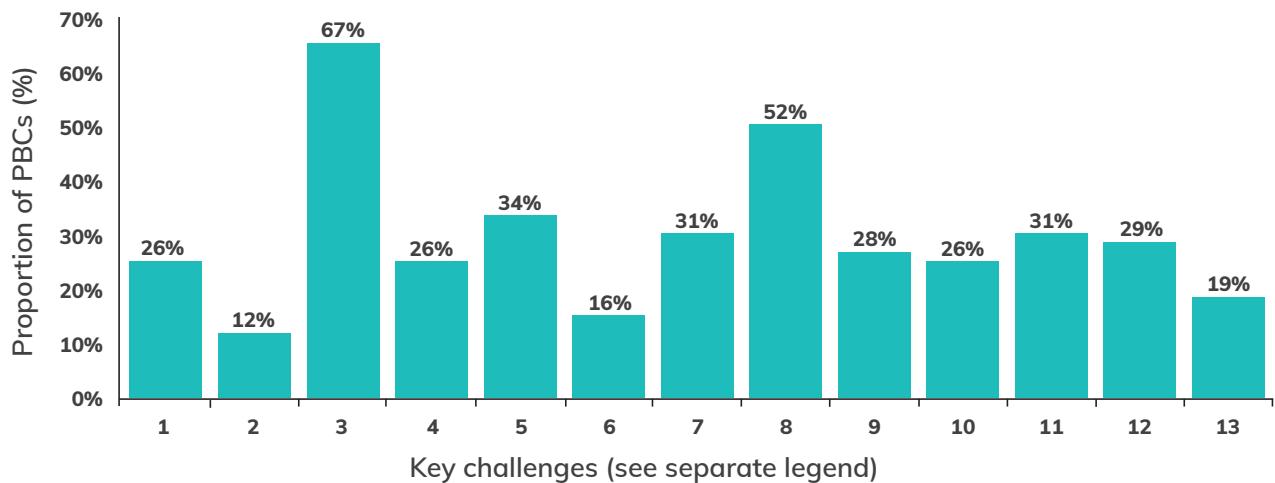
Legend: Skills and areas of expertise

1. Office administration
2. Accounting or bookkeeping
3. Business management and development
4. Human resources
5. Environmental and natural resource management
6. Writing and reviewing contracts and agreements
7. Native title law
8. Dealing with government
9. Completing funding and grants applications
10. Dispute resolution and mediation
11. Facilities maintenance
12. Information and communications technology
13. Corporate governance

60% or more of PBCs reported having access to five categories of skills: office administration, accounting/bookkeeping, dealing with government, completing funding and grant applications and corporate governance. Access to a further set of six categories of skills were reported by between 40–60% of PBCs. Fewer than 40% of PBCs reported having access to two skill categories: facilities maintenance; and information and communications technology. There is a contrast between the responses about PBC capability provided in 2019 and those in 2013. In the 2013 survey only one skillset (governance) was reported by more than 50% of PBCs, with only 37% in 2013 reporting access to administrative skills, and 26% accessing legal or commercial expertise (Native Title Research Unit 2014, p.13). This suggests that PBC access to skills and expertise has both increased and diversified between 2013 and 2019 – indicating an overall improvement in PBC capability. However, the question did not encompass whether the capability was sufficient. This was addressed in the next section on key challenges.

Key corporate challenges and needs

Questions 12–15 of the survey examined the key challenges and needs faced by PBCs and what responses would help them overcome these challenges. The responses to question 12, the key challenges faced by PBCs, are shown in Graph 6.



Graph 6: Key challenges faced by PBCs in achieving their goals

Legend: Key challenges

1. Not sure where to start
2. Don't know where to find out about opportunities
3. No funds, or not enough funds
4. To many responsibilities and obligations (e.g. reporting)
5. Uncertainties or issues with land tenure
6. Obtaining permits or licences for activities and business ventures
7. Recruiting or keeping staff
8. Lacking certain skills, expertise or knowledge
9. Disputes or lack of agreement between PBC members
10. Lack of collaboration with other key organisations
11. Difficulty attracting government investment
12. Difficulty attracting private investment
13. Agreeing on a clear vision or plan for the future

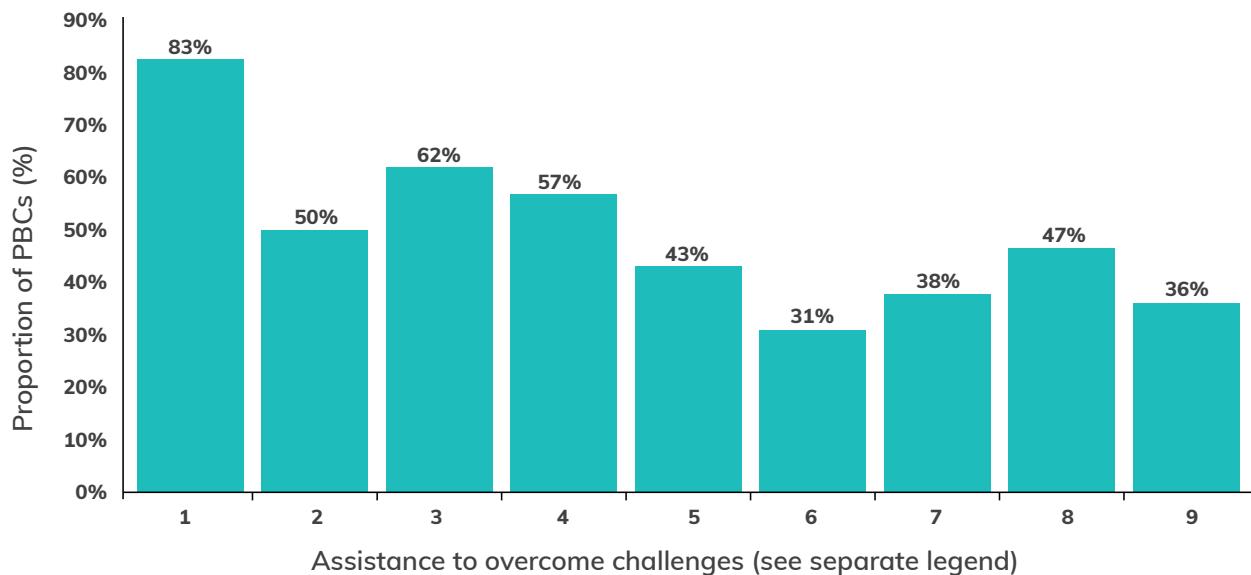
There were two key challenges that received a higher response rate than other challenges: a lack of resources (67%) and a lack of certain skills, expertise and knowledge (52%). All other options were selected by less than 35% of PBCs. Funding appears to be an entrenched problem - in 2013 73% of PBCs identified a lack of funding as a key reason for not being able to operate and/or achieve their goals (Native Title Research Unit 2014, p.11). A majority of PBCs face the challenge of lacking certain skills, expertise or knowledge despite having gained access to a variety of skills as indicated in their responses to the previous question. The remaining 11 possible responses were selected by at least 10% of PBCs, indicating that beyond the primary issues of funding and skills, the challenges PBCs face are context-specific and diversified.

Question 12 allowed for qualitative comments and notes. Additional comments suggest that the categories of challenges selected for the survey tool were realistic, and the option to provide additional participant-generated content was beneficial. One PBC from QLD commented that they were currently faced with the following issues: other bodies not recognising the PBC; land title held by other bodies; conflict between traditional owners and unclear boundaries; no return of native title materials; tourism not benefiting traditional owners; no compensation; and that they are too reliant on their NTRB. Other PBC qualitative commentary noted challenges in the areas of economic and commercial development, a lack of training available and racism experienced by the PBC from other local bodies. Responses to this question highlight that two foundational challenges, insufficient resources and a lack of certain skills, underpin a diverse array of additional challenges that are specific to individual PBC circumstances.

Question 13 followed thematically from question 12, but framed the issues differently by asking what would help PBCs overcome the challenges they identified. The expectation was that the nature of the responses would be consistent with the challenges identified in question 12. Graph 7 shows the responses to question 13.



Bingi Beach, NSW, Yuin Country. Credit: Levi Lee.



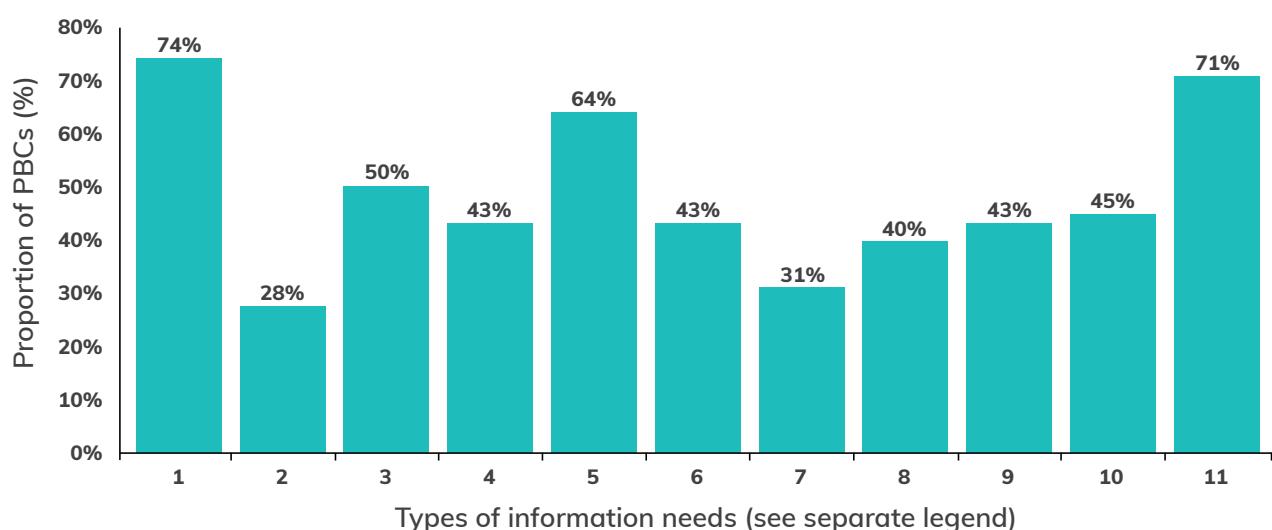
Graph 7: Support that would help PBCs overcome the challenges identified

Legend: Support that would help PBCs overcome the challenges identified

1. More funding
2. Assistance completing funding and grant applications
3. Training in specific skills
4. Help with strategic and business planning
5. Advocating for changes to government policy
6. Research on issues that affect PBCs
7. Connecting with investors
8. Mediation and governance support
9. Business development support

The pattern of responses is highly consistent with the challenges previously identified and highlighted additional funding (83%), training and skills (62%) and assistance to secure funding (50%) as priorities. The other category selected by more than 50% of PBCs was help with strategic and business planning. This response is consistent with growing complexity of PBC responsibilities and the particular importance placed on future enterprise development (see below). However this response was not as consistent with the response to question 12 in which a relatively smaller proportion of PBCs nominated 'agreeing on a clear vision or plan for the future' as a key challenge. The difference in response may relate to the weight PBCs assigned to the phrase 'agree on a clear vision' relative to 'plan for the future' – the former was regarded as less of a challenge and so not emphasised. Importantly, all forms of assistance were chosen by at least 30% of PBCs in question 13, an even spread that reflects the array of support people identify as required. Comparing this with the responses to question 12, consistently more PBCs selected categories of support in question 13 than selected challenges in question 12. The significant disparity may reflect how PBCs choose to understand and represent themselves (i.e. as requiring support to a greater degree than facing challenges). However, the categories provided in the two questions were not identical and greater alignment in the survey format in future surveys would assist in interpreting this result.

36% of PBCs selected business development support, a finding that appears consistent with the 2013 result where 44% of PBCs noted the need for business development. In question 13, 'Research on issues that affect PBCs' received the lowest number of responses. This kind of response was expected in advance of the survey given the levels of research fatigue in Indigenous communities noted in the introduction. Yet a lack of information about the sector was a primary motivation for conducting the survey. Both AIATSIS and CSIRO as research and knowledge institutions and NNTC as a PBC advocacy institution were aware of severe issues with existing data and the risk it would pose in guiding future policy and planning with PBCs. As a result, question 14 re-framed research provision as 'PBC information needs'. PBC responses to these information needs are shown in Graph 8.



Graph 8: Information needs of PBCs

Legend: Information needs

1. Indigenous knowledge - cultural mapping, kinship and connection, history and environmental management
2. Minerals and energy
3. Soils and water
4. Animals and plants
5. Health of country (e.g. damage to country, relationship to community wellbeing)
6. Non-Indigenous laws and policies
7. Information about non-native title holders' use and interests
8. Access to data held by governments (e.g. health records)
9. Access to data held by research institutions and universities
10. New technology and management options
11. On-country business and enterprise options

The responses show the substantial spread of information needs for the PBC sector. All categories were selected by at least 25% of PBCs and 9 of 11 categories were selected by at least 40%. Reflecting two contrasting but crucial aspects of contemporary PBC focus and activity, the highest priority was placed on 'Indigenous knowledge' (74%) and the second highest on 'on-country business and enterprise options' (71%). The two other categories selected by at least 50% of PBCs - 'the health of country (64%) and 'soils and water' (50%) - demonstrate the importance of caring for country. The two least selected categories - 'minerals and energy' and 'non-native title holders' - are challenging for PBCs to select given their organisational focus on protecting native title rights and on representing the interests of their native title holders. Yet these more challenging categories were still selected as important by over a quarter of participants. The strength of the responses to question 14 relative to the response about research in question 13 could indicate the degree to which PBCs still envisage 'research' as being on or about them, rather than for them. It highlights the need for the research sector to more effectively address PBC information needs and to communicate to PBCs that it is able to do so.

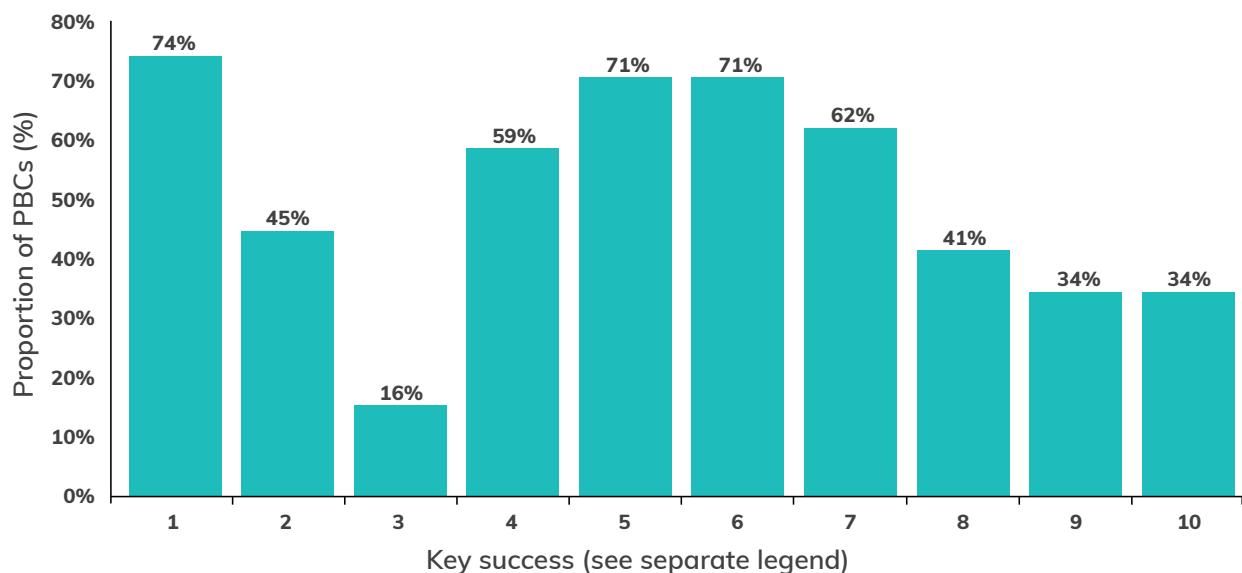
PBC challenges and needs, and how these challenges might be addressed, is highly significant to future policy and planning. For this reason, question 15 of the survey created the option for further qualitative open-ended responses about these issues. The responses contained both consistencies with previous responses as well as refinements and included:

- the need for ongoing and direct funding
- opportunities for further investment or economic development
- training in native title roles and responsibilities
- compliance
- balancing corporate and cultural governance.

Four different PBCs expressed frustration at not being able to access sufficient NTRB/NTSP services for different reasons. Comparing results regarding challenges, needs, and responses between the 2013 and 2019 surveys is difficult due to different questions and wording being used. This question of historical changes in challenges and needs will be reviewed in more detail in the Discussion chapter.

Corporate successes and planning for the future

The final part of the survey focused on successes that PBCs may have had over the past five years and plans for the next five years (particularly strategic documents and succession planning). Despite often having little funding and resourcing, and primarily relying on the voluntary labour of their directors and members, a substantial proportion of PBCs reported successes and achievements in multiple areas in the past five years. These are shown in Graph 9.



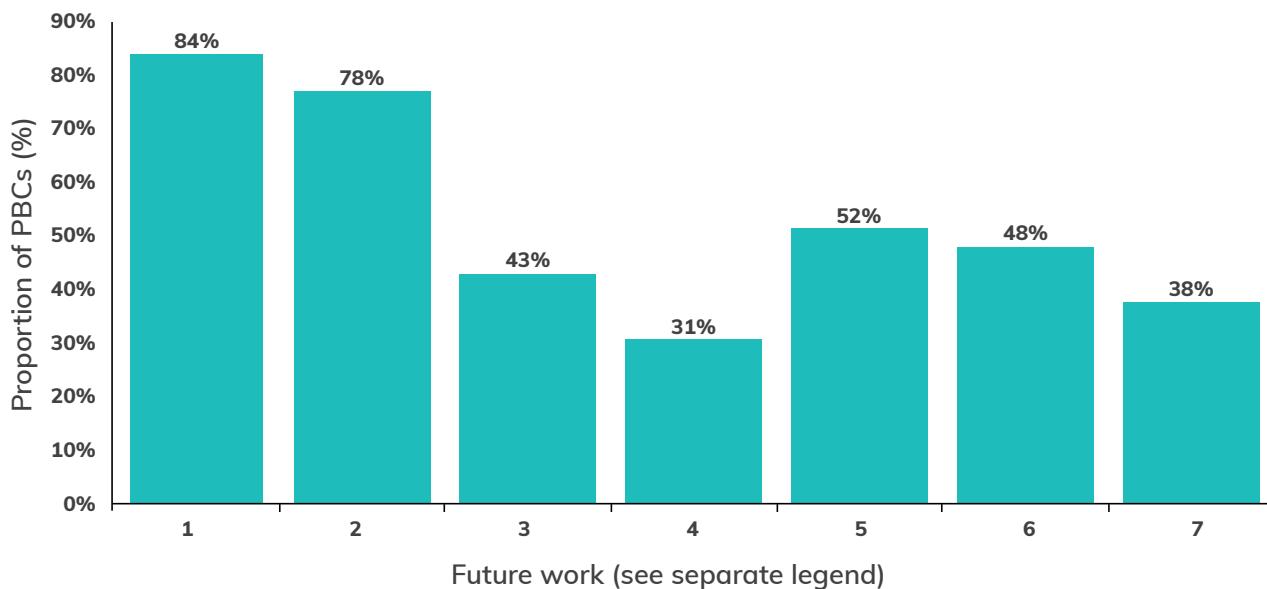
Graph 9: Key areas of success that PBCs have had in the past five years

Legend: Key area of success

1. Meeting its obligations under the Act
2. Winning a determination
3. Mounting a new claim
4. Bringing people together
5. Improving governance
6. Looking after country
7. Strengthening culture
8. Creating new business and employment
9. Providing education and training
10. Managing non-Indigenous activities on country

Overall PBC response rates for this question were noticeably higher than for the previous question about challenges faced. Three categories of success were nominated by over 70% of PBCs - fulfilling native title obligations (74%), looking after and strengthening country (71%), and improving governance (71%). A further two categories, strengthening culture (62%) and bringing people together (59%), were nominated by over 50% of PBCs. The survey also sought to capture PBCs native title claim activity. By definition the participants in the survey have achieved at least one determination, but a small proportion are mounting new claims (16%). A larger number had secured a determination in the last five years (45%) although the survey could not show if this was the first such determination that required PBC formation or the success of a subsequent claim over a new area.

Question 17 focused on PBC plans and aspirations for the next five years. These results are shown in Graph 10.



Graph 10: Types of work that PBCs want to or plan to do in the next five years

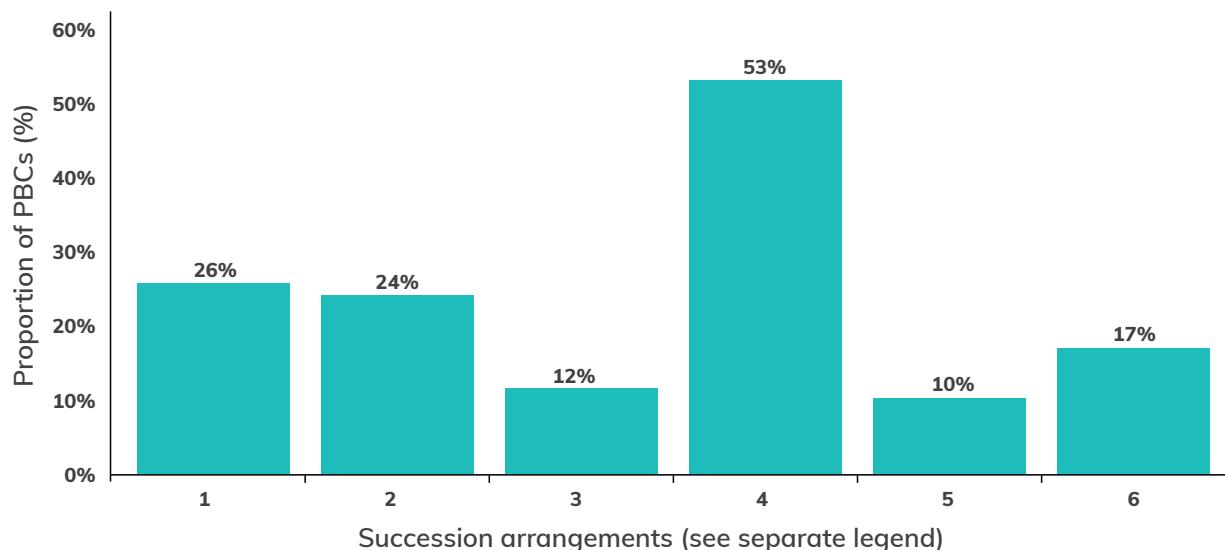
Legend: Type of work

- 1. Cultural services (including cultural heritage, cultural programs, art production)
- 2. Environmental services (land and sea management, carbon, biodiversity)
- 3. Farming and fishing (including pastoralism, agriculture, aquaculture, horticulture, forestry, bush food development)
- 4. Mining, transport and construction services
- 5. Hospitality services (including tourism, accommodation, catering, and retail)
- 6. Social services (including housing, employment, community, and educational services)
- 7. Financial services and investments

The two strongest responses were that 84% of PBCs want or plan to carry out cultural services (including cultural heritage, cultural programs, art production) and the 78% who want or plan to carry out environmental services (land and sea management, carbon, biodiversity). Just over half the PBCs who responded to the survey wished to carry out hospitality services and just under half the PBCs would like to undertake social services, farming and fishing.

Question 18 asked PBCs if they had documents that set out a plan or vision for the future. This was kept as a simple yes/no question to manage survey fatigue, as 6 of the previous 7 questions were long questions with multiple answers. 71% of participants in the survey answered yes, indicating both that planning is an important feature of the existing sector, but that more effort in this area would be beneficial as over 25% of PBCs do not have future planning or visioning documents. This result also supported the result in question 13, where 57% of PBCs indicated a need for assistance with strategic and business planning.

Question 19 investigates succession planning, the strategies and actions PBCs had for developing their people for the future. This area is crucial given the long term, growing, and systemic responsibilities of PBCs and the age demographics of Indigenous people in Australia. Recognising that PBCs may vary in their approach to this issue, a number of non-exclusive options were provided that encompassed youth engagement, mentoring, leadership and governance. The responses to this question are shown in Graph 11 below.



Graph 11: PBCs succession arrangements

Legend: Succession arrangements

- 1. Succession plan
- 2. Youth engagement plan
- 3. Mentoring program for young leaders
- 4. Governance training
- 5. Youth leadership training
- 6. Nothing like these

The response rates highlight that some succession planning activity is occurring, but that it is at a lower level once governance training (which may or may not have succession planning as an objective) is excluded. 26% or fewer of PBCs selected the other categories and 17% indicated no arrangements at all.

The final question (20), provided qualitative free text for anything else that PBCs wanted to say prior to completing the survey. A low response rate to this question may indicate survey fatigue or that PBCs were not concerned that any issues had been left out of the survey. The most common response to question 20 was PBCs emphasising the need for funding and resourcing.

Discussion

Key survey findings and themes

The 2019 PBC survey was highly successful in achieving the target sample size, something that had been a substantial hurdle for previous efforts undertaken since the 2013 survey. The 2019 survey tool improved and built on the work of previous surveys with a focus on PBC:

- director numbers and demographics
- purposes and work activities
- relationships and capabilities
- challenges and needs
- key successes and future plans.

Where possible, comparison with previous survey results and/or related datasets such as Buchanan (2015) have been provided to give some further context to the 2019 results.

A significant number of surveys were completed in face to face or interview situations. Participants said that they found the survey interesting and often articulated that they hoped that the collective information would enable PBCs to position themselves better and contribute to the development of the community and country. As expected, research fatigue was a clear issue for the survey. Participants interviewed made comments such as, 'What, more research? When is the government going to use the research they've already got to make things better for our mob?' or 'they just want more research, then more research'.

The survey included both PBC directors and/or staff and the participants noted that if they, '...could have a voice as one a big mob of PBCs, then maybe things could be better in the future'. The success of the survey means that it can potentially play the role of providing a collective voice, as well as generating evidence that enhances understanding of existing trends and generates new insights. This section will highlight key aspects of the findings and identify interconnections, cross-cutting themes, and implications that can inform future planning, policy and advocacy for the sector.

Who are PBCs?

The 2019 survey placed a greater emphasis on the collection of data about PBC director demographics than the previous 2013 survey. Consequently, direct comparisons between 2013 and 2019 are not possible for this data, yet Buchanan's data reported in 2015 does provide a reliable proxy for past circumstances.

With regard to board size, the finding that the number of directors does not vary greatly with the size of the corporation indicates that board composition is influenced by other factors. These include representation of internal groups/families inside the membership and/or the need for particular skills that the PBC cannot or does not want to service through other means (such as direct staffing). It also implies that smaller PBCs face similar issues of governance complexity and collective decision making to large PBCs. Smaller PBCs, however, do not have substantial resources to meet these challenges.

The size of PBC boards has remained broadly consistent over the previous eight years, with an average number of 8.3 directors in 2019. Unless the previous average reflected a fundamentally different distribution across small and large PBCs, the relative resourcing constraints amongst small PBCs to address their internal governance complexity have not substantially improved over time.

In terms of director demographics, the 40% female composition of PBC boards looks favourable compared with the ASX200 average, but not when compared with Indigenous corporations overall.¹¹ It would be useful to understand in more detail why Indigenous males are preferentially occupying director positions in PBCs when compared with other types of Indigenous corporations.

Similarly, the data for the age profile of directors highlights that age seniority is a crucial factor and that the proportion of young people has not shifted greatly over time. PBC boards are both more male and substantially older in composition than the overall Indigenous population. Yet the cultural authority that accrues with increasing age does not result in the oldest members of the population sitting on PBC boards. It may be that the demands of the positions mean those over 65 are not heavily represented in the data. Buchanan's reasoning for the majority of PBC directors being middle aged rather than elders is that:

[A]s cultural leaders, elders tend to delegate corporate leadership to middle-aged people who have the necessary education, energy and experience. These observations suggest that the absence of older people from formal governance structures such as PBCs does not necessarily reflect a lack of power and influence in decision-making processes (Buchanan 2015, p.14).

The implication is that PBCs must find other mechanisms for having the cultural knowledge and authority of elders expressed in PBC decision-making. In some PBCs a council of elders or cultural advisory group may be used as another form of representation of elders.

Williamson and Little (2019) provide some preliminary findings about why youth are underrepresented in native title through their qualitative research. One possible reason is that increased youth mobility for education and employment has resulted in larger numbers of young Indigenous people living off country. This provides new challenges for cultural transmission and connection to country (Williamson and Little 2019, pp.8–9). The authors also report that younger people felt that while they had a sound knowledge in their local context of native title, they did not have the technical knowledge required to participate more in native title governance (2019, pp.9–10).



Smoking on Yawuru country. Credit: Nyamba Buru Yawuru

¹¹ 2019 average was 30%. See <https://aicd.companydirectors.com.au/advocacy/board-diversity/statistics>.

Questions of age and gender in board composition in turn highlight the issue of the rationales for electing particular kinds of directors. For example, some PBC memberships may emphasise representational boards in which the number and composition of directors reflects the internal social organisation of the native title holders. Other PBCs may more strongly emphasise skills-based boards in which drawing an even representation distribution from the native title membership is one of a number of considerations rather than the main priority. As boards are elected, different parts of the membership may be using different criteria in making their board selections. The use of independent directors is one means of addressing skills issues in ways that might then enable PBCs to focus on a more representative spread of native title members. However, the data on independent directors shows that many PBCs do not have them, highlighting that this remains an emergent possibility rather than the norm.

One further means of addressing issues of representation within PBC boards is diversification in governance structures. The 2019 survey results provide information about the number and demographics of directors, but not about the governance and decision-making structures that may sit beneath these. The survey did ask about sub-entities and almost half of PBCs have a sub-entity. Although sub-entities can increase internal PBC complexity, the governance structures of such entities can be crucial to managing issues of internal group representation as well as providing opportunities for skill development. An increase in the internal complexity and diversification of PBCs would be expected as the sector continues to grow. What new structures are being developed, and how and why, will be an increasingly important aspect to understand.

What are PBCs for?

The 2019 survey invited participants to indicate how they interpreted and prioritised the formal obligations of PBCs and how their organisations were positioned with respect to delivering on the wider aspirations of their members and common law holders. There was considerable consistency and continuity in the responses about underlying purposes and existing activities. Carrying out native title and future act obligations may be the primary purpose for which PBCs are formally created, but this is only one of the many roles they play in cultural services, land and water management and furthering the development of community more generally. The signal from survey participants was clear in this respect – responsibilities under the NTA, looking after country and strengthening culture dominated the responses about purposes. However, when asked to nominate three priorities, 31% of survey respondents chose to nominate more than three.

Current activities were consistent with the focus on community, culture and country – the provision of cultural and environmental services is the dominant form of work that PBCs do, even in circumstances when they are not being paid for it, as 31% reported about their native title services. Although cultural work was the most prominent work undertaken by PBCs in 2019, land and water service entities were the most common entities owned or controlled by PBCs. This suggests that PBCs themselves are the body undertaking cultural work. This has policy implications for the role of PBCs in cultural policy spaces, such as cultural heritage.

How are PBCs working and engaging?

The findings about PBC relationships and capabilities highlights the diverse set of stakeholders that they interact with and the skills needed to play their role. The data showed the importance of NTRB/NTSP relationships, PBC-to-PBC engagement and state and territory government interactions to current circumstances. It also showed that further roles for national Indigenous organisations and scientific and research institutions may be warranted. The interactions and relationships raise future research questions, including the form, purpose, duration, geographic spread, and frequency of the interactions.

PBCs reported access to a range of skills and capabilities to assist the work they needed to do – including office administration, financial services and corporate governance. There also appear to be some important capability limitations, with fewer than 50% of PBCs reporting access to: human resources, business management and development, and dispute resolution and mediation support. Only 38% reported access to information and communications technology support and skills and only 22% had facilities maintenance support.

The 2013 survey focused on infrastructure more than skills but reported that just over half of PBCs had an office, and for those with an office only 63% reported that the office was sufficient for its purpose (Native Title Research Unit 2014, p.7). Wider comparison with the 2013 results suggests that the accessibility of skills appear to have improved but significant issues remain with respect to the skills to meet infrastructure and technological needs.

Neither the 2013 or 2019 survey sought to identify the source of the skills and expertise being accessed – whether they were ‘in house’ or coming from an external provider. In the comments section of the 2019 survey, four PBCs indicated that areas of expertise were being provided by their local NTRB/NTSP. Some larger PBCs have many of these skills and forms of expertise in house, however, smaller PBCs are not resourced to be able to procure skills and/or expertise from their local area. NTRB/NTSPs will remain valuable service providers in many instances, but PBCs may also want to seek skills from their own communities and other Indigenous organisations and communities they work with. Processes such as community skills mapping will assist in determining what is and is not available locally.

This issue of regional and external versus local and internal skills and support, is related to the degree to which generically identified skills are ‘fit for purpose’ for the specific needs of PBCs. For example, although 67% of PBCs report having some access to corporate governance skills, these may not be skills that mesh well with their cultural governance requirements and/or may not be provided by Indigenous experts. The quality and cultural suitability of the services available to PBCs will be an ongoing area for development. This suggests that it would be useful to undertake more specialised work on who is providing the skills PBCs are accessing and how they are accessing them (e.g. local internal skills or from a regional hub).

What support do PBCs need?

PBCs provided clear and consistent responses to the challenges they face and the needs they have. A lack of resources, skills, expertise, and knowledge are foundational challenges from which a range of other identifiable challenges derive. Correspondingly, when asked to identify ways to improve their circumstances, the majority of PBCs prioritised funding and skills improvement, then strategic and business planning, with the latter a key step in both supporting and enabling the former. Other potential options to address the challenges faced by PBCs were supported at lower but still significant levels, consistent with the diversity of responses to the challenges themselves. When asked to consider information needs, PBC responses highlighted the diversity in their future roles, requiring better data and research support to improve Indigenous knowledge, and provide for on-country business and enterprise options. Understanding how to keep country healthy and how to preserve key PBC assets was a related informational priority. There was a variation between the percentage of PBCs reporting the need for business development support (36% in Graph 7) and the number asking for information about on-country business and enterprise options (71 % in Graph 8). This may be an artefact of different response rates to different questions in the survey. It may also be an indication that PBCs wish to develop their own options based on independent information, rather than seek external business development support by default. Collectively, the results show how PBCs are obliged to be both corporate and cultural, to generate resources and grow their skills, but also to realise members' requirements for the care of culture and country.

What have PBCs achieved and what do they want to achieve?

The constraints on PBC resourcing and capability were well demonstrated by the survey, yet PBCs also wished to highlight their successes and aspirations. Questions on these topics received some of the highest response rates in the survey as PBCs noted their success in meeting their formal native title obligations, looking after country, improving governance, strengthening culture, and bringing people together.

In the survey, questions about successes received fewer qualitative comments than questions about challenges. The wording of the questions was not identical which may be one factor. The question about challenges was phrased to capture ongoing and contemporary challenges, whereas the question about successes provided a five year limit on the assumption that five years would be approximately the timeframe for another future survey and to avoid the implication that PBCs should report on their extended history. The differences in response rates for both challenges and successes may be a consequence of the time boundedness of the latter, the relative ease of reporting on challenges and successes, on the accuracy of the specified category options, or a combination of these factors.

The characteristics of recent successes were consistent with the future aspirations identified by PBCs. Cultural and environmental services were a particular focus of attention. After meeting statutory obligations under the NTA, the most common successes reported were, improving governance, looking after country and culture, and bringing people together.

Some historical context to aspirations can be provided by the 2013 survey. It asked PBCs what activities they would like to undertake in the future but are not currently able to. Over 50% of PBCs reported tourism, land and sea management, business, and employment as desirable future activities (Native Title Research Unit 2014, p.10). Based on responses to the 2019 survey question on current activities, land and sea management aspirations may have been realised in a significant number of cases (64% reported this activity). However, tourism aspirations remain underdeveloped with only 16% of PBCs reporting hospitality related services in the previous 12 months.¹²

A majority of PBCs have a strategic plan or other document that sets out what they want to achieve. Given the level of aspiration PBCs carry, creating these kinds of plans and documents, and refreshing and revising them regularly, remains a crucial undertaking for all PBCs. The survey also highlighted that developing people through succession planning is a crucial area of future need. Indigenous Australia is demographically young, and the sector will need to support and service young and emerging leaders more effectively in the years ahead. It would be beneficial to track the impact of succession development activity, and particularly whether it supports a future increase in the number of younger PBC members and directors.

¹² It needs to be noted that in many regions of Australia, such as the Northern Territory, land and sea management is carried out by community bodies separate to the PBC, such as ranger or IPA groups.

Policy and advocacy

Participants in the survey were clearly motivated by the potential implications of the survey data for policy and advocacy. The data may be used in a range of ways, ranging from characterising sectoral needs, to enabling individual PBCs to identify how they are positioned within a spectrum of organisations. The following sections consider how the data relates to key contemporary issues, including:

- self-determination
- building the story of the native title sector
- recognising resourcing needs
- coordinating the policy responses
- economic and enterprise development.

These are considered in further detail below.

Self-determination: the right to choose

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a non-binding document adopted by the United Nations in 2007. When UNDRIP was first conceived in September 2007, Australia was among only four countries to vote against its adoption. Two years later in 2009, following a change of government, Australia then shifted its position in support of UNDRIP (United Nations 2007).

Article 3 of UNDRIP is the right to self-determination, for Indigenous people to freely determine their political status and freely pursue their economic, social and cultural development (United Nations 2007). More recently, enabling greater community control and autonomy over local decision-making is an important principle in the new framework for Closing the Gap (Department of the Prime Minister and Cabinet 2020, p.9). The right to freely determine is rooted in autonomy within local decision-making of Indigenous people, where PBC decision-making sits. This right involves PBCs determining what skills and expertise they require and where those skills and expertise come from. For example, some PBCs may choose to use services, such as administrative, legal and financial services from NTRB/NTSPs. Other PBCs may prefer to use services from within their own PBC, community or regional Indigenous body. Further research is required to determine what models of service delivery is preferred by PBCs and how the Commonwealth may best support that.

What is clear from the 2019 survey is that PBCs would like more training in areas such as governance, administration and economic development. ORIC provides training in compliance and some operational areas and the NNTC currently provides the Native Title Operations Management Training, although Commonwealth funding for this program finishes shortly.¹³ Some NTRB/NTSPs, such as North Queensland Land Council's PBC Support Unit, offer PBCs in their region services and training. There are also some private operators in this space. However, compared to other NGO and corporate sectors, there are limited training opportunities available for PBCs that address the legal and cultural complexities of native title.

¹³ For further information about the Native Title Management Operations Training (NTMOT), see the National Native Title Council's [webpage](#).

Free, Prior and Informed Consent (FPIC)

Embedded in the right to self-determination is the right to Free, Prior and Informed Consent (FPIC) within decision-making. Indigenous data sovereignty is an important part of FPIC in PBC decision-making, as PBCs cannot make informed decisions without information generated by, for, and about their communities. Indigenous data sovereignty was raised in the qualitative comments section of the survey on the kinds of support PBCs need. 74% of PBCs required information on Indigenous knowledge encompassing cultural mapping, kinship and connection, history and environmental management.

Indigenous data sovereignty has already begun in Australia as a movement led by Indigenous academics and is slowly receiving support from the public and private sectors.¹⁴ However, this also needs to be addressed at policy and funding level within native title. While NIAA have supported an AIATSIS research project on Returning Native Title Materials, little funding support has been provided directly to NTRBs who have already begun or are looking to return cultural and native title materials to PBCs.¹⁵ The need for information on Indigenous knowledges highlights the need for better data sovereignty laws, policies and practices in Australia.

Building the story of the native title sector

Building the story of the native title sector is an important part of truth telling in native title and the history of Aboriginal and Torres Strait Islander communities. The ongoing growth of the native title sector is also a crucial development in the future of land and natural resource ownership and management, particularly in regional and remote areas. It is important that the sector, through its individual PBCs, becomes increasingly articulate in telling the collective story of the roles that it is playing and how those roles can be recognised, supported, and amplified. One survey participant wrote 'healthy people, healthy country, healthy culture' as a holistic approach by the PBC that is reflective of the role PBCs understand themselves to have in the community.

The 2019 survey demonstrated that PBC directors place importance on developing activities and knowledge to ensure the health of their communities, country and to strengthen culture. This is a clear goal of PBCs and was demonstrated in several responses about the purpose, activities and needs of the PBCs surveyed, the kinds of work and activities PBCs are undertaking and wish to further develop and the support they require to do so.

14 For further information about Indigenous Data Sovereignty see: <https://www.maiamnayriwingara.org/> and <https://press.anu.edu.au/publications/series/caepr/indigenous-data-sovereignty>.

15 For further information about the AIATSIS research project Return of Native Title Materials, see the [AIATSIS webpage](#).

Support for PBCs needs to be directed at addressing key issues, sharing successes, building awareness of the native title story, gaining and leveraging native title rights and interests, and articulating with the wider aspirations of the communities in which PBCs are grounded. This can be achieved by providing PBCs with access to grants and resources to develop their own online presence, communications and developing cultural materials and networks that promote and share the successes of PBCs with other Aboriginal and Torres Strait Islander communities as well as the broader Australian public. This will in turn develop opportunities and future partnerships that will build on the work PBCs have already achieved. The importance of local stories that create action and change is embedded in the revised Closing the Gap framework (Department of the Prime Minister and Cabinet 2020, p.10) and a similar approach needs to be applied for the native title sector.

Recognising resourcing needs

There are some existing Commonwealth and state funding opportunities available for PBCs, such as the PBC Capacity Building Funding scheme, part of the Indigenous Advancement Scheme by NIAA.¹⁶ Dedicated Commonwealth funding for PBCs, however, is limited and access is not guaranteed. For many PBCs, the amount of PBC-specific funding they will be able to secure in any given year is not enough to fully resource the execution of their basic statutory functions and obligations, let alone also effectively pursue the interests and aspirations of their native title holders. The vast majority of PBCs rely partially or wholly on support from a NTRB/NTSP, who are themselves often under-resourced, to carry out basic statutory functions and obligations.

PBC-to-PBC engagement was the third most common external relationship reported by PBCs in the survey results. It is not clear whether this reflects PBCs engaging with adjacent or immediate neighbours or participating in wider regionalisation processes (either driven by NTRBs/NTSPs boundaries, by an existing Indigenous cultural bloc, by government initiatives and planning regimes such as catchment management, or by a combination of these things). Further exploration of support for this kind of ongoing engagement is needed to foster communication, collaboration, peer-to-peer learning, coordination, and regional Indigenous nation-building.

The survey demonstrated that to ensure the success of PBCs as well as healthy communities, country and cultures through native title requires direct and ongoing resourcing to PBCs. Directly funding PBCs supports self-determination of communities. With direct funding PBCs can make decisions and enact how their PBC will operate, what services they will use and what kinds of development they wish to pursue to in turn generate and sustain future resourcing streams.

Coordinating the policy response

Some of the issues identified above may be resolved by additional resourcing or improved access to existing resourcing programs. However, some of the issues require additional measures such as legislative and policy reform, targeted support and training, and improved partnerships. There are several policy conversations in train that affect PBCs, native title and traditional owner communities. These include Closing the Gap, national representation, compensation, cultural heritage and conversations specific to state jurisdictions, such as developments in treaty and agreement making. However, while all of these conversations directly impact PBCs and their ability to manage and leverage their native title rights, interests and aspirations, these policy conversations can happen within government 'silos' rather than being approached from an holistic cultural perspective in partnership with Indigenous peoples. PBCs are working within a framework that requires them to address these issues as one group corporation and the policy approach of government needs to be coordinated in a way that systematically engages and supports PBCs within the different policy areas.

¹⁶ At the time the survey was conducted, the PBC Capacity Building Funding program was current and information about the scheme could be found on [NIAA's website](#).

Policy design and development needs to address non-Indigenous siloing in which policies concerning Indigenous health, education, land and waters, and cultural services are separated into different policy areas and funding streams. The siloing of policy means that funding programs become more specialised and specific, with greater administrative complexity and competition for resources between funding areas.

A coordinated policy approach would result in improved economies of scale and efficiencies for both government and the native title sector when engaging with and supporting PBCs to carry out their statutory obligations in managing and leveraging native title rights and interests, as well as additional responsibilities in cultural heritage, land and sea management, and economic development.¹⁷

Economic and enterprise development

Another policy implication arising out of the PBC survey is the need for greater economic development. Almost half of the PBCs surveyed reported owning or controlling a separate entity ranging from a single ranger or land management program, to a multi-service delivery entity for economic development. Land and water management entities, such as ranger programs, were the most reported entity owned or controlled by a PBC followed by entities for the purpose of investment of income or other funds. A few PBCs had entities for hospitality, tourism or social services but far less than the amount of PBCs (almost half) who wished to conduct activities or business in these sectors in the next five years.

PBCs do not generally own or control a separate cultural heritage entity, yet 76 % of PBCs reported doing cultural services and 84% of PBCs expressed a desire to undertake work in this area in the next five years. The assessment of the opportunities for the economic development for PBCs should be focused on key areas of identified aspiration: cultural services, followed by land and water management, hospitality and social services. PBCs require options for economic development in addition to the mining agreements and other Indigenous Land Use Agreements that have been key sources of external revenue for some groups.

The Commonwealth needs to focus on how economic development for PBCs can be improved by supporting the alignment of areas identified by PBCs as their preference for work and community development with the best options for financial and social viability. Tools and techniques such as start-up funding for cultural service businesses and tax breaks for sustainable industry companies who would partner with PBCs in on-country enterprises are some of the key options that would be useful to consider.

Information needs and future research

Responses to the questions about research and then about information needs highlights the importance of appropriate reframing of what the research sector can do for PBCs and how it can do it. Fatigue about 'research' is a real issue, demonstrated by the fact that research was the least chosen option to the question asking PBCs about areas of further support. Yet in the next question, PBCs selected 9 of the 11 categories of information need in higher numbers than the proportion who chose 'research' as a required area of support. This shows the importance of approaching PBC information needs in the right way in order for the scientific and research community to address the significant information gaps that exist for PBCs. Information and research needs encompass the full range of potential PBC issues and interests.

The most popular choices for information gaps highlight that understanding Indigenous cultural and environmental assets, and the economic and enterprise options that flow from these, is crucial for the next phase of PBC development. The guidance provided by the responses here is crucial for organisations such

¹⁷ An Indigenous Evaluation Strategy has been developed by the Productivity Commission for a whole of government framework for Commonwealth use when selecting, planning, conducting and using evaluations of policies and programs affecting Aboriginal and Torres Strait Islander people, available [here](#) on the Productivity Commissions website. It should be noted that the strategy was not co-designed with Aboriginal and Torres Strait Islander peoples and does not reflect the views of native title groups or corporations.

as CSIRO and AIATSIS. It particularly shows how important it will be to broker a wide array of scientific, technical, and research skills for PBCs in a 'PBC first' and 'country-first' approach to understanding assets and how the use of them can be prioritised.

PBC challenges and needs, and how these challenges might be addressed, is highly significant to future policy and planning. For this reason, question 15 of the survey created the option for further qualitative open-ended responses about these issues. The responses contained both consistencies with previous responses as well as refinements and included:

- the need for ongoing and direct funding
- opportunities for further investment or economic development
- training in native title roles and responsibilities
- compliance
- balancing corporate and cultural governance.

Future work with PBCs is required to address: what skills and information resources PBCs already have within community or through external partnerships, what information needs are missing but available within the broader native title sector and how this might be coordinated to ensure information is shared across PBC networks and is able to be tailored to local community contexts.



Smoking on Yawuru country. Credit: Nyamba Buru Yawuru.

Conclusion and recommendations

The survey results in this report re-emphasise that PBCs are crucial managers of Indigenous rights and interests in country, play a key role in strengthening culture, and are foci for Indigenous social and economic development aspirations. The report provides new data about this emerging sector, building significantly on the only previous successful national PBC survey, conducted in 2013.

The partnership between AIATSIS, NNTC and CSIRO provides a model for combining organisational capabilities to deliver success. The new national-scale dataset that has been generated can support understanding, inform policy and program development, and provide a baseline to identify future change. It met national best practice standards of ethical research and data sovereignty through free, prior and informed consent, secured higher participation rates than previous surveys, and delivered a representative jurisdictional and corporate distribution. Should the data prove useful to PBCs and the wider sector, it is hoped that this in turn will enable higher participation rates in future surveys. The evidence in the survey results provides the basis for some key recommendations. These recommendations are provided below, following a framing piece of evidence.

Board composition and sustainability

Evidence: The average number of PBCs appears consistent across time, and smaller PBCs have similar board sizes to large PBCs.

Recommendation 1: Support PBCs to identify board sizes appropriate to their circumstances and which specifically assist smaller PBCs with the governance complexity entailed by their representative role.

Evidence: PBC directors are generally older than the wider population and succession planning remains limited, largely focused on governance training.

Recommendation 2: Directly support succession planning, enabling greater representation for youth and next generation leaders.

Evidence: PBC boards have a greater proportion of males than previously reported gender composition in boards of other Indigenous corporations.

Recommendation 3: Support PBCs in developing balanced boards of directors in terms of gender and diversity.

PBC growth and development

Evidence: Almost half (47%) of PBCs reported owning or controlling a separate entity, the most common being ranger or land management entities. Little is known about the internal corporate structure of PBCs and how these structures relate to PBC purposes, activities, and aspirations.

Recommendation 4: Provide clear and accessible information for PBCs on internal PBC structures, the roles of sub-entities, and what kinds of challenges and opportunities are created by different corporate structures.

Evidence: When asked about the current purposes of their organisation, PBCs chose fulfilling their statutory responsibilities under the NTA, looking after and managing country, and strengthening culture as priority purposes. When asked about current activities, by far the most chosen forms of work were the provision of cultural services and environmental services. 31% of PBCs indicated that they are providing services prescribed under the NTA without charging for them.

Recommendation 5: Create systems that directly connect the work PBCs undertake to meet NTA obligations with appropriate resourcing and compensation mechanisms, and which foster the caring for country and culture that PBCs highlight as primary purposes.

Evidence: PBCs are constituted through, and largely supported by, Commonwealth government processes. The three most common categories of organisation that PBCs reported having worked or communicated with in the previous twelve months were NTRB/NTSPs (79%), state and territory government departments (67%) and other PBCs (66%).

Recommendation 6: Ensure Australian Commonwealth, state and territory processes take into account the significant role played by regional representative bodies, state and territory governments, and inter-PBC relationships in the work of PBCs.

Working with PBCs to provide resourcing and support

Evidence: 60% or more of PBCs reported having access to five categories of skills: office administration, accounting/bookkeeping, dealing with government, completing funding and grant applications, and corporate governance. Fewer than 40% of PBCs reported having access to two crucial skill categories - information and communications technology and facilities maintenance.

Recommendation 7: Undertake further work with PBCs to assess whether there is sufficient access to required skills and provide targeted support for information and communications technology and for facilities maintenance needs and requirements.

Evidence: PBCs reported a lack of resources (67%) and skills, expertise and knowledge (52%) as primary challenges. All other types of challenges were chosen by between 10% and 35% of PBCs, suggesting that additional challenges are diverse and context-specific. The question about the support that PBCs require had a considerably higher response rate than the question about challenges faced, but the most common responses (83% chose more funding and 62% chose training in specific skills) were consistent with the responses regarding key challenges.

Recommendation 8: Work with PBCs to establish what kinds of support they require and co-design programs that specifically target funding and training as the key areas for further support.

Evidence: 83% of PBCs understood that fulfilling their obligations under the NTA to be the most important purpose of the PBC. Yet PBCs are not resourced to do this and funding (67%) is still the biggest challenge faced by PBCs.

Recommendation 9: Ensure PBCs have access to direct, secure and ongoing funding in order to fulfil their statutory obligations under the NTA.

Evidence: The two highest priority PBC information needs are for Indigenous knowledge (74%) and on-country business and enterprise options (71%), but nine of eleven categories were nominated by at least 40% of respondents, highlighting the breadth and significance of information needs.

Recommendation 10: Work with PBCs to develop culturally relevant programs, tools and materials to address information needs, noting that Indigenous knowledge and on-country business and enterprise options are immediate priorities.

Evidence: PBCs had higher response rates when reporting successes in the past five years than challenges. Three categories of success were nominated by over 70% of PBCs – fulfilling native title obligations; looking after and strengthening country; and improving governance. The categories of future aspiration chosen the most were cultural services (84%) and environmental services (78%). However, reflecting the diversity of PBC aspirations, all seven categories were chosen by at least 30% of PBCs.

Recommendation 11: Create systems that appropriately value and financially compensate Indigenous people and organisations for their provision of cultural and environmental services and provide resourcing that allows PBCs to share and promote their own successes.

Evidence: 71% of PBCs have future planning or visioning documents but 57% of PBCs nominated strategic and business planning as a priority for future support.

Recommendation 12: Provide resourcing and support for at least 90% of PBCs to develop strategic and business planning that can refreshed on standard corporate timeframes.



Bigambul people visiting AIATSIS to conduct research in 2019. Credit: Stacey Little

References

- Barcham, M 2013, 'Working with Indigenous and western corporate structures - the Central Arrernte case', in T Bauman, LM Strelein, and JK Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Canberra, pp. 253–270, accessed April 21, 2015, <https://aiatsis.gov.au/sites/default/files/research_pub/bauman-strelein-weir-living-native-title-book_2.pdf>.
- Bauman, T and Pope, J 2009, *Solid work you mob are doing: case studies in Indigenous dispute resolution and conflict management in Australia*, National Alternative Dispute Resolution Advisory Council, Melbourne, accessed October 1, 2014 <https://aiatsis.gov.au/sites/default/files/research_pub/bauman-2009-case-studies-indigenous-dispute-resolution_2.pdf>.
- Bauman, T, Smith, DE and Keller, C 2014, AIATSIS and AIGI survey of gaps and challenges in Indigenous governance research and practical tools: draft summary, AIATSIS Research Publications, Canberra, ACT, accessed July 30, 2018, <<https://aiatsis.gov.au/publications/products/aiatsis-and-aigi-survey-gaps-and-challenges-indigenous-governance-research-and-practical-tools>>.
- Bauman, T, Smith, DE and Keller, C 2014, AIATSIS and AIGI Indigenous governance survey into gaps in Indigenous governance research and practical tools: draft summary of responses, AIATSIS, Canberra, accessed July 30, 2018, <https://aiatsis.gov.au/sites/default/files/products/research_outputs_statistics_and_summaries/2014-bauman-smith-keller-survey-summary-indigenous-governance-research-tools_0.pdf>.
- Bauman, T, Strelein, LM and Weir, JK (eds) 2013, *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Canberra, accessed <https://aiatsis.gov.au/sites/default/files/research_pub/bauman-strelein-weir-living-native-title-book_2.pdf>.
- Blechynden, A 2017a, *National picture: constitutions of Prescribed Bodies Corporate*, AIATSIS, Canberra, accessed August 25, 2020, <<https://aiatsis.gov.au/publication/34998>>.
- Blechynden, A 2017b, *Dispute management: constitutions of Prescribed Bodies Corporate*, AIATSIS, Canberra, accessed August 25, 2020, <<https://aiatsis.gov.au/publication/34996>>.
- Blechynden, A 2017c, *Decision-making: constitutions of Prescribed Bodies Corporate*, AIATSIS, Canberra, accessed August 25, 2020, <<https://aiatsis.gov.au/publication/34999>>.
- Buchanan, G 2015, 'Gender and generation in native title: director demographics and the future of prescribed bodies corporate', *Land, Rights, Laws: Issues of Native Title*, 6, no. 3, p. 20, <https://aiatsis.gov.au/sites/default/files/research_pub/gender_and_generation_in_native_title_3.pdf>.
- Burbidge, B 2017a, *Distribution of wealth and growth of PBCs by size*, AIATSIS, Canberra, accessed August 25, 2020, <<https://aiatsis.gov.au/publication/34997>>.
- 2017b, *National picture: growth of Prescribed Bodies Corporate*, AIATSIS, Canberra, accessed August 25, 2020, from <<https://aiatsis.gov.au/publication/34995>>.
- 2019, 'Project update: PBC survey 2019', *NTRU Native Title Newsletter*, AIATSIS, no. 2, p. 6, <https://aiatsis.gov.au/sites/default/files/research_pub/nativetitlenewsletter_27nov19_web_3.pdf>.
- Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth) (CATSI Act) 2006, accessed October 21, 2020, <http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/catsia2006510/>.

Department of the Prime Minister and Cabinet 2020, *Closing the Gap Report 2020*, Australia, Department of the Prime Minister and Cabinet, accessed October 21, 2020, from <https://ctgreport.niaa.gov.au/sites/default/files/pdf/closing-the-gap-report-2020.pdf>.

Johnston, IG and Burbidge, B 2018, National picture: small native title corporations – income and costs, AIATSIS, Canberra, accessed August 25, 2020, https://aiatsis.gov.au/sites/default/files/research_pub/native_title_policy_paper_6_0_3.pdf.

Kingham, F and Bauman, T 2005, Native title mediation: issues identified, lessons learnt: proceedings and findings of IFaMP workshops with native title mediators, February and March 2005, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, accessed April 21, 2015, http://aiatsis.gov.au/sites/default/files/products/report_research_outputs/bauman-kingham-2005-ifamp-workshops-report.pdf.

'Maiam Nayri Wingara: Key principles' Maiam Nayri Wingara, accessed October 21, 2020, <https://www.maiamnayriwingara.org/key-principles>.

McGrath, PF, Stacey, C and Wiseman, L 2013, 'An overview of the registered native title bodies corporate regime', in T Bauman, LM Strelein, and JK Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Canberra, pp. 27–64, accessed https://aiatsis.gov.au/sites/default/files/research_pub/bauman-strelein-weir-living-native-title-book_2.pdf.

Native Title Act 1993 (Cth) (NTA) 1993, accessed October 21, 2020, http://www5.austlii.edu.au/au/legis/cth/consol_act/nta1993147/.

Native Title Research Unit 2014, AIATSIS 2013 PBC survey findings. Report prepared for the Department of the Prime Minister and Cabinet, November 2014, AIATSIS, Canberra.

Nicholson, K 2019, 'Native title snapshot 2019', NTRU Native Title Newsletter, AIATSIS, no. 2, pp. 12–13, https://aiatsis.gov.au/sites/default/files/research_pub/nativetitlenewsletter_27nov19_web_3.pdf.

Office of the Registrar of Indigenous Corporations 2014, Information sheet for PBCs, Commonwealth of Australia, accessed October 22, 2020, from https://www.oric.gov.au/sites/default/files/documents/04_2014/Information_sheet_for_PBCs_v1-0_web.pdf.

'PBC Survey Competition' 2019, Australian Institute of Aboriginal and Torres Strait Islander Studies, accessed August 25, 2020 <https://aiatsis.gov.au/research/research-themes/native-title-and-traditional-ownership/pbc-survey-competition>.

Smyth, L and Mongta, T 2019, 'Findings and lessons from a cross-sectional study of native title corporations', accessed October 21, 2020 https://old.aiatsis.gov.au/sites/default/files/docs/presentations/pbc_survey_2019.pdf.

Strelein, LM 2013, 'Native Title Bodies Corporate in the Torres Strait: finding a place in the governance of a region', in *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Canberra, pp. 65–108, https://aiatsis.gov.au/sites/default/files/research_pub/bauman-strelein-weir-living-native-title-book_2.pdf.

United Nations 2007, United Nations Declaration of the Rights of Indigenous peoples, United Nations, accessed October 21, 2020, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

Weir, J 2007, 'Native title and governance: the emerging corporate sector prescribed for Native Title holders', *Land, Rights, Laws: Issues of Native Title*, vol. 3, no. 9, accessed October 21, 2020, <https://aiatsis.gov.au/sites/default/files/products/issues_paper/weir-ntip-v3n9-native-title-governance-emerging-corporate-sector_0.pdf>.

Williamson, B and Little, S 2019, 'What do young fellas reckon? Exploring the experiences of Aboriginal and Torres Strait Islander youth in native title', *Land, Rights, Laws: Issues of Native Title*, vol. 6, no. 6, accessed October 21, 2020, <<https://aiatsis.gov.au/publication/34957>>.

Appendix A: Background to the 2019 survey partnership and survey tool

The partnership

The rapid rate of change in the native title sector, as well as its growing significance to land and sea ownership and management, has meant that new data is badly needed. In 2018, in response to the growing information gap, AIATSIS began developing a second and longer survey to build on and expand the research from the 2013 survey. This was part of the PBC Capability Project designed to collect information about the work that PBCs do and information about the size, function, governance, operations and economic capacity of PBCs around Australia.

In 2017, the CSIRO and NNTC began collaborating on a project focused on three case studies of Indigenous on-country enterprise development. In early 2018, CSIRO and NNTC realised the importance of placing the three case studies in the existing project within the wider context of PBC economic aspirations in the native title sector. This would enable understanding of how representative the case studies were and how economic knowledge and impact from the project could be shared within the sector. The partners also wished to further support the capability and growing profile of the NNTC. Up until 2019, NNTC members were solely comprised of NTRBs, but the NNTC had subsequently made it possible for PBCs to directly join as members.

Changes to both the membership categories and the corresponding governance structure of NNTC will be important to the future of the sector. A survey on enterprise development would provide the opportunity for both PBCs and the NNTC to start a process of greater contact about issues that mattered to PBCs. Directly recruiting PBCs to become NNTC members was not a goal or aspect of the survey process. The partners began developing a short, PBC-appropriate survey that was focused specifically on PBC economic development needs and interests to be implemented by NNTC. The initial drafting of the CSIRO-NNTC PBC economic development survey was informed by previous work by AIATSIS and others focused on aspects of PBC development.

Later in 2018, the NNTC, AIATSIS, and CSIRO began discussing the coordination of the two surveys, leading to consideration of directly combining them. Following approval from respective project oversight committees, the three organisations began collaborating on a combined survey tool and participant information sheet that supported ethics approval from both the CSIRO and AIATSIS ethics committees for a formal collaboration. An initial Memorandum of Understanding supported the development of a full research agreement completed in June 2019.

Survey tool development

Initially the project partners had designed two different surveys, by NNTC-CSIRO and AIATSIS respectively. The CSIRO-NNTC survey was focused on economic issues and enterprise development and emphasised simplicity, usability and brevity, with no more than 10 questions. The AIATSIS survey built on the previous AIATSIS 2013 survey, focusing broadly on PBC capability and emphasising comprehensiveness. Response rates and associated sample size had been an issue with the previous survey and so AIATSIS was open to a substantial revision of the survey design and to the consideration of the new incentives to participate described in the main text.

The team was aware that any survey would be dependent on PBC participants that were stretched in multiple ways, with a wide spread of responsibilities and locations, as well as limited resources to meet their statutory obligations. A presentation of the original CSIRO-NNTC project at the 2018 Native Title and Economics Conference had highlighted data ownership, methods used in previous studies/ surveys, research fatigue and intellectual property issues in publication would all be potential barriers for the intended work from a PBC perspective. These considerations informed the development of the joint survey tool which involved several months and a substantial number of drafts. An original draft comprising less than thirty questions was created and then iteratively refined and pilot tested with some PBC members of the NNTC. This enabled a final survey tool of twenty questions.

Project ethics, research fatigue and data comparability informed consideration of the order, format, and wording, as well as the total number, of the questions. Ensuring successful participation involves consideration of how responses and ideas may be drawn out during a survey which may be delivered through face to face or telephone conversations. The format and wording of the questions balanced the aims of gaining a meaningful spread of information (for example by allowing for multiple answers to a single question) with the need to encourage PBCs to prioritise these questions. The order of the questions balanced temporal ordering (e.g. current status vs future plans and aspirations) with a thematic emphasis on challenges and opportunities. The objective of this survey planning was:

- to assist in improving overall response rates to the survey
- to enable a narrative conversation to develop in face to face and telephone interviews
- to mitigate against the possibility that, for particularly under-resourced and/or struggling PBC participants, the process of working through the survey instrument may itself negatively impact on the perception of the organisation.

This meant that questioning about challenges was immediately followed by potential solutions and the final part of the survey combined consideration of current successes with future aspirations.

Appendix B: Survey instrument



Welcome!

Prescribed Bodies Corporate (PBCs) are very important to the future of Australia. In 2019, a new survey of PBCs is being run that will inform PBC policy, governance, and development opportunities.

Three national organisations have come together to support the survey. The National Native Title Council (NNTC) works on behalf of its Members in the native title sector to help Prescribed Body Corporates (PBC) grow and develop. The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) is a world leader in Aboriginal and Torres Strait Islander research. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) is the national science agency. The survey will be run by NNTC and AIATSIS staff, supported by scientific advice from the CSIRO.

This survey is intended for PBC directors, CEOs or other staff to complete on behalf of their PBCs, but it is up to each PBC to decide how and who they want to do the survey for them. The survey is just about PBC goals, activities and needs, and only public information is needed. Survey information will be kept in secure storage at the three organisations.

The survey results will be made available to PBCs and the wider public in reports written by the organisations involved. This will help support PBC sector planning and development. By showing where the needs are, it can also assist local PBC strategic planning and funding applications. Further AIATSIS, NNTC, and CSIRO presentations, factsheets, and research articles may also use the results in the public reports.

The survey is part of wider projects and partnerships between NNTC, AIATSIS, and CSIRO funded by the Department of the Prime Minister and Cabinet of the Australian Government.



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



National
Native Title
Council

The AIATSIS and CSIRO Ethics Committees have reviewed the survey and given the research team permission to do this research. The contact details for the research team and for AIATSIS and CSIRO Ethics staff appear at the bottom of the page. Culturally or commercially sensitive information is not required in this survey. No participant will be identified by name in the final results or report without their permission. Participation is voluntary and participants can withdraw information they have provided at any time up until the final results are published in late 2019.

By signing your name below you are showing that you:

- agree to take part in the survey,
- understand the aims and conditions of the survey, and
- consent to your answers being included in the results.

Your name: _____

Email: _____

Phone number: _____

Your role in the PBC: _____

Yoursignature: _____

Today's date: / /2019

RESEARCHER CONTACT DETAILS

NNTC: Tahn Donovan
 (08) 9358 7404
 0466 897 608
tahn.donovan@nntc.com.au

CSIRO: Marcus Barber
 (07) 3833 5519
 0407 867 445
marcus.barber@csiro.au

AIATSIS: Luke Smyth
 (02) 6246 1603
 0407 617 454
luke.smyth@aiatsis.gov.au

ETHICS CONTACT DETAILS

CSIRO: Cathy Pitkin
 (07) 3833 569
csshrec@csiro.au

AIATSIS: Secretariat – Research Ethics Committee
 (02) 6246 1111
ethics@aiatsis.gov.au



1. PBC Name

2. How many directors does your PBC have?

3. How many of your PBC's current directors identify as:

Female _____

Male _____

Other _____

4. How many of your PBC's current directors are:

Under 25 _____

25-34 _____

35-44 _____

45-54 _____

55-64 _____

65 or older _____

5. How many independent directors does your PBC have?

Independent directors are directors who are not members of the PBC. Sometimes PBCs appoint independent directors because they have specialist knowledge or expertise.



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



6. Please list any entities that are owned or controlled by your PBC

This includes any businesses, investment companies, organisations or programs that sit 'under' your PBC.

7. What are the three most important purposes of your PBC?

- Fulfil responsibilities under *Native Title Act 1993* (Cth)
- Look after and manage country
- Be a strong representative voice
- Pursue further native title claims
- Create wealth and business opportunities
- Create employment
- Provide education and training
- Provide community services
- Strengthen culture
- Manage activities by non-native title holders on country
- Other (Please specify):



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



National
Native Title
Council

8. What kinds of work have your PBC, and all the entities it owns or controls, done in the last 12 months?

- Cultural services (including cultural heritage, cultural programs, art production)
 - Environmental services (land and sea management, carbon, biodiversity)
 - Farming and fishing (including pastoralism, agriculture, aquaculture, horticulture, forestry, bush food development)
 - Mining, transport and construction services
 - Hospitality services (including tourism, accommodation, catering, and retail)
 - Social services (including housing, employment, community, and educational services)
 - Financial services and investments
 - Other work not listed:
-
-
-
-
-
-
-
-

9. In the last 12 months, has your PBC provided any prescribed services to native title proponents?

'Prescribed services' include providing comments on proposed future acts, exercising procedural rights in response to future acts, negotiating 'right to negotiate' future act agreements (Section 31 agreements) and negotiating Indigenous Land Use Agreements (ILUAs).

- Yes, and charged for it
- Yes, but didn't charge for it
- No



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



National
Native Title
Council

10. In the last 12 months, what kinds of organisations has your PBC worked or regularly communicated with?

- Other PBCs
 - Native Title Representative Bodies (NTRBs) or Native Title Service Providers (NTSPs)
 - Other local Aboriginal or Torres Strait Islander organisations
 - National Indigenous organisations
 - State or Territory government departments and agencies
 - Federal government departments and agencies
 - Mining companies
 - Other commercial enterprises and businesses
 - NRM or land and sea management boards and organisations
 - Scientists or research institutions
 - Other non-government organisations (NGOs)
 - Other kind of organisation not listed:
-
-
-
-
-
-
-
-

11. Does your PBC have access to any of these skills and areas of expertise?
This could be from staff, directors, members or people who volunteer for your PBC.

- Office administration
- Accounting or bookkeeping
- Business management and development
- Human resources
- Environmental and natural resource management
- Writing and reviewing contracts and agreements
- Native title law
- Dealing with government
- Completing funding and grant applications
- Dispute resolution and mediation
- Facilities maintenance
- Information & communications technology
- Corporate governance



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



National
Native Title
Council

12. What are the key challenges your PBC faces?

- Not sure where to start
- Don't know where to find out about opportunities
- Not enough resources
- Too many responsibilities and obligations
- Uncertainties or issues with native title rights
- Obtaining permits or licences for activities and business ventures
- Recruiting or keeping staff with appropriate skills
- Lacking certain skills, expertise or knowledge
- Disputes or lack of agreement between native title holders
- Lack of collaboration with other key organisations (e.g. local government, businesses)
- Difficulty attracting government investment
- Difficulty attracting private investment
- Agreeing on a clear vision or plan for the future
- Other (Please specify):



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



13. What do you think would help your PBC overcome these challenges?

- More funding
- Assistance completing funding and grant applications
- Training in specific skills
- Help with strategic and business planning
- Advocating for changes to government policy
- Scientific research for PBCs
- Connecting with investors
- Mediation and governance support
- Business development support
- Other (Please specify):



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



14. What are your PBC's biggest information needs?

You might want information about your country, your people/nation, opportunities etc.

- Indigenous knowledge (e.g. cultural mapping, kinship and connection, history, environmental knowledge)
- Minerals and energy
- Soils and water
- Animals and plants
- Health of country (e.g. damage to country, relationship to community wellbeing)
- Non-Indigenous laws and policies
- Information about non-native title holders' use and interests
- Access to data held by governments (e.g. health records)
- Access to data held by research institutions and universities
- New technology and management options
- On-country business and enterprise options
- Other (Please specify):

15. Is there anything else you would like to say about the challenges and needs your PBC has and what would help it address them?



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



National
Native Title
Council

16. What are some key areas of success that your PBC has had in the past 5 years?

- Meeting its obligations under the Act
- Winning a determination
- Mounting a new claim
- Bringing people together
- Improving governance
- Looking after country
- Strengthening culture
- Creating new business and employment
- Providing education and training
- Managing non-Indigenous activities on country
- Other (please specify): _____

17. What kinds of work do your PBC, and all the entities it owns or controls, want or plan to do in the next 5 years?

- Cultural services (including cultural heritage, cultural programs, art production)
- Environmental services (land and sea management, carbon, biodiversity)
- Farming and fishing (including pastoralism, agriculture, aquaculture, horticulture, forestry, bush food development)
- Mining, transport and construction services
- Hospitality services (including tourism, accommodation, catering, and retail)
- Social services (including housing, employment, community, and educational services)
- Financial services and investments
- Other work not listed: _____



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



National
Native Title
Council

18. Does your PBC have any documents that set out a plan or vision for the future?
For example, a business plan, strategic plan, planning book or strategic vision.

- Yes
- No

19. Does your PBC have any succession arrangements?

- Succession plan
- Youth engagement plan
- Mentoring program for young leaders
- Governance training
- Youth leadership training
- Nothing like these
- Other not listed:

20. Is there anything else you want to say?



AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



National
Native Title
Council



AIATSIS

**Australian Institute of Aboriginal
and Torres Strait Islander Studies**

51 Lawson Crescent, ACTON ACT 2601
GPO Box 553, CANBERRA ACT 2601

P 61 2 6246 1111

E research@aiatsis.gov.au

aiatsis.gov.au/research