

Managing Native Title Business: A Toolkit for Prescribed Bodies Corporate (PBCs)

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Visions for Economic Development

To view the video that is linked to this presentation, please go back to the presentation page:

<http://aiatsis.gov.au/publications/presentations/prescribed-bodies-corporate-pbc-toolkit-program-partnership>

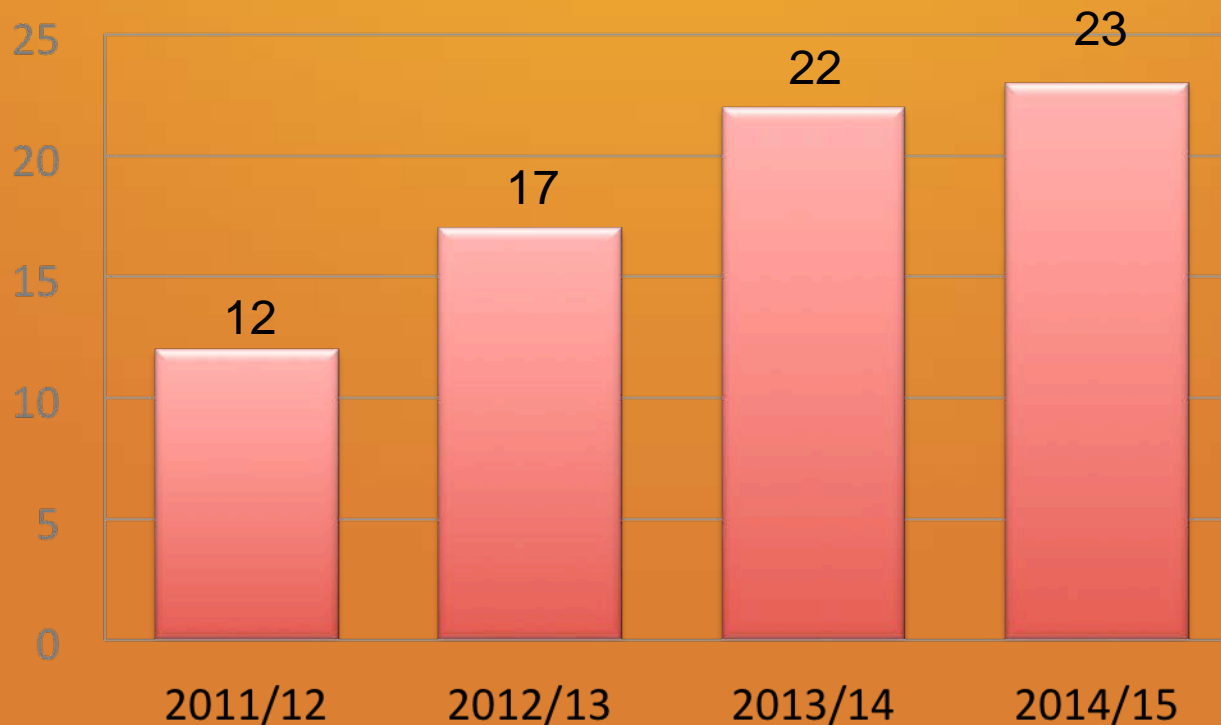




Background

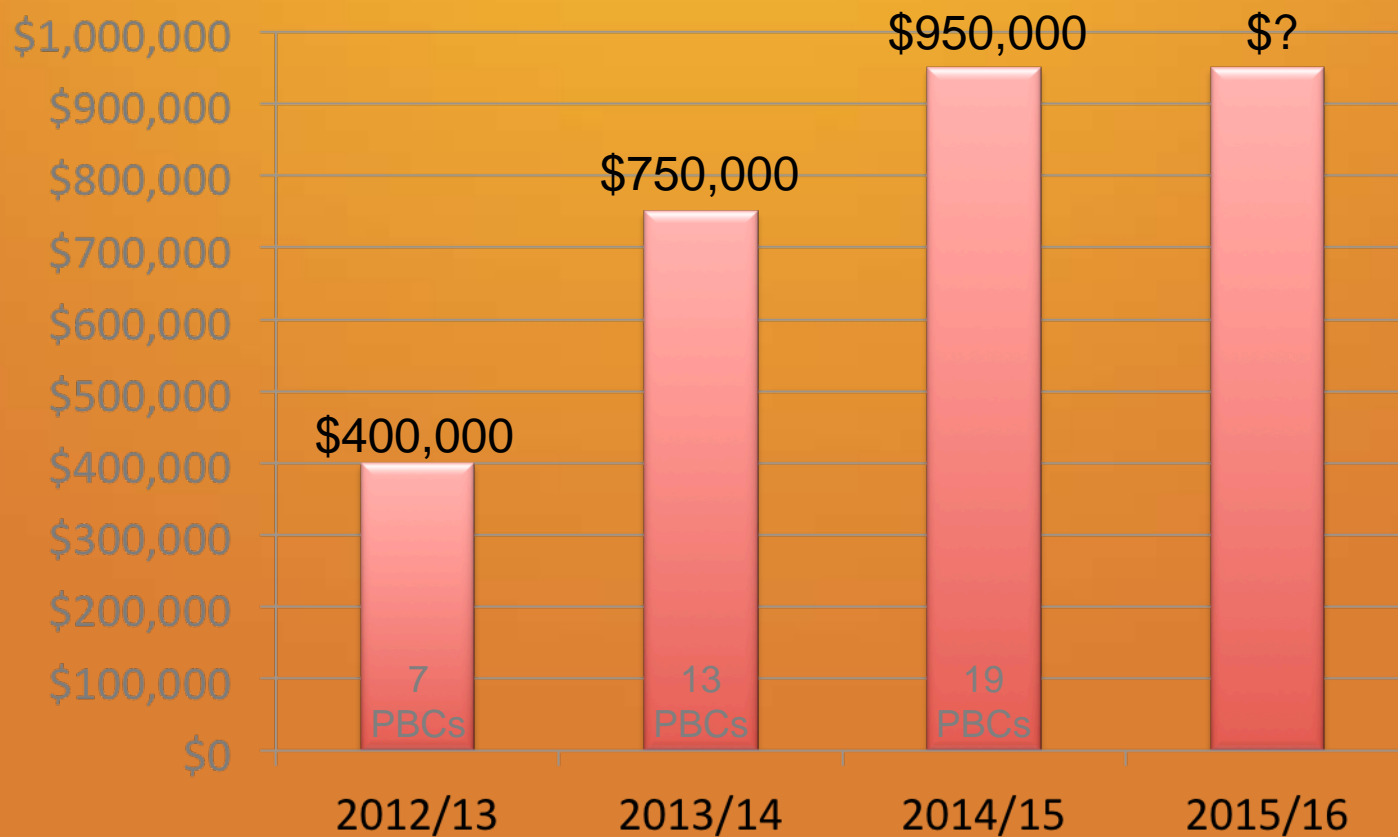
The NQLC has achieved 37 consent determinations of native title and currently has 23 Registered Native Title Bodies Corporate (RNTBC)

No. of PBCs in NQLC's Region





Amount of Funding Received for PBC Support





PBC Support

PBCs in the NQLC region have a variety of circumstances. Some have substantial income from mining and infrastructure development while others, particularly along the coast in areas of closer settlement, have few income generating opportunities.





What do NQLC's PBCs want?

- Operating Policies
- Economic Development
- Increased Basic Support Funding
- Assistance with Indigenous Land Use Agreement (ILUA) Implementation Processes
- Assistance with the Periodic Review of registered ILUAs
- Administration Training
- Financial Management Training
- Governance Training
- Funding Application Preparation
- Assistance with Development of Organisational Structure

Support Activities



PBC SUPPORT UNIT

Along with Chris and completing our 'Road Trip' visits to all of the NQLC region funded PBCs (we've been busy folks!), the PBC Support Unit (Sue, Chris and David) facilitated two workshops in North/April for PBCs to learn more about Grant Submission writing. These workshops (one each in Cairns and Townsville, were facilitated by Ms Melissa Robertson of Savvy Events. At the workshops Melissa shared with us her wealth of knowledge about where to look for funding and how to prepare successful submissions (what's more, Melissa came with a bagful of handy tips and tricks about how to best use the internet to explore a Corporation's options. Melissa was a great facilitator and the training was enjoyed by all who participated. Everyone learnt something new and useful.

We did have an ulterior motive in organising the training though (after all there is such thing as a free feed) and that was to specifically work through the PBC Support Funding Applications for 2022/23. Most of the PBCs have now submitted their applications to the NQLC and we're pleased to say that this year they are of a very high standard - which will certainly make our job of assessing them and recommending funding that much easier.

Grant's been very busy in Townsville putting the finishing touches to the PBC Toolkit, which we hope to have out in June, and working with stakeholders to do some preliminary identification of potential joint venture opportunities between PBCs and commercial operators. We'll be contacted with some additional funding opportunities and asked to explore the possibilities. We will be more than happy to help you with your PBC's future.



PBC PAGES

IN PBC PAGES IS A NEW WEB PAGE SECTION OF PAGES WHERE WE WILL KEEP YOU UP TO DATE WITH THE LATEST NEWS, EVENTS AND LISTINGS. IT'S RESPONSIVE AND ALSO GIVE YOU SOME 'TIPS TO HELP YOU MANAGE YOUR PBC'.

It's November 2022. President/Chairman/Corporate Director (PBC) Lawrence Williams attended the New Year PBC Dinner (celebrating 100 years of the PBC) at the Queensland State of Origin Centre, Brisbane. Both the evening and the following day were a great success. The night's entertainment was superb and the PBC members enjoyed the evening and the day. The PBC members enjoyed the evening and the day. The PBC members enjoyed the evening and the day.

TAGALAKA ABORIGINA CORPORATION RNTBC CROYDON

Aboriginal and Torres Strait Islander, Art (2022)

Over time, many of our Country assets and values including our art sites, our story places and our sacred sites, have been damaged and our sacred sites have been lost or our land is not being looked after as well as our family. Our family and our land are connected so we recognise the need to have our Country and our family together through planning and projects.

To date, Tagalaka has continued on our healing journey, transported through Tagalaka Cultural Centre.

PBC TIPS

Financials

Keeping financials is one of the hardest things that you do to keep a PBC's operations in a co-operation organisation.

As a director together with the other directors, the law makes you personally responsible for keeping proper corporation accounts and records. Directors must ensure the corporation keeps appropriate financial records that:

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INFORMATION SHEET FOR PBCs

THE OFFICE OF THE REGISTRAR OF INDIGENOUS CORPORATIONS (ORIC)

THE NORTH QUEENSLAND LAND COUNCIL

The North Queensland Land Council Pasture Site Representative Body Aboriginal Corporation (NQLC Pasture Site Representative Body Aboriginal Corporation) is a native title Representative Body (RNTBC) under section 204(2) of the Native Title Act 1993 (NTA). It is a government owned and controlled corporation. It is a registered corporation under the Corporations Act 2006 (CA) and is a registered native title Representative Body (RNTBC) under section 204(2) of the Native Title Act 1993 (NTA). The purpose of the RNTBC is to represent the native title holders in the Pasture Site and to manage the Pasture Site on behalf of the native title holders. The RNTBC is a registered native title Representative Body (RNTBC) under section 204(2) of the Native Title Act 1993 (NTA).

PBC PAGES

YOUR PBC

EWAMIAN PROFILE

EWAMIAN PROFILE

EWAMIAN PROFILE

YOUR PBC

YOUR PBC

YOUR PBC

HOW ORIC HELPS CORPORATIONS AFTER NATIVE TITLE DETERMINATION

THE CATSI Act and native title

Flowchart showing the process from Pre-determination to Post-determination, involving the Registrar of Indigenous Corporations (ORIC) and the Native Title Registrar.



NQLC support for PBCs

- NQLC supports PBCs in a number of ways
- PBC Support Unit:
 - Assistance with ORIC compliance
 - PBC support funding grants
 - Regional capacity building workshops
 - Advice on governance, strategic planning, business development
- FAME Unit:
 - Management of future acts
 - ILUA implementation
- LEGAL Unit:
 - Convening first AGM
 - Compliance of CATSI and corporation regulations
 - ILUA implementation



Why is the PBC Toolkit Needed?

- NQLC supports PBCs aspirations to be independent, autonomous and successful
- Through NQLCs work with PBCs, it has been repeatedly identified that PBCs face a complex range of issues when managing native title business
- There is currently no comprehensive source of advice and information for PBCs – and in many cases there is no specific advice that suits PBC's needs
- NQLC receives little operational funding to support PBCs – only 3 staff to support 23 PBCs
- NQLC needed a strategic approach to supporting PBCs with limited resourcing available for staff



Solution

- Create a comprehensive information resource for PBC directors, members and staff
- Create a document that can be a “go to guide” for a broad range of PBC business
- Toolkit will go hand in hand with staff support and targeted training
- Written in plain english so that it is accessible
- One document that brings together all the things PBCs need to know



Why is PBC Business Complex?

- PBCs are unique organisations
- PBCs don't receive adequate funding to support their operations
- PBCs only receive basic support with training
- Past restrictions on funding arrangements have limited NQLC capacity to support PBCs
- For many years PBCs and Native Title Representative Bodies (NTRBs)/Native Title Service Providers (NTSPs) have identified the lack of adequate information and assistance available to PBCs



What Information and Advice do PBCs Need?

- The business of a Prescribed Body Corporate (PBC) is unique to that of any other Aboriginal or Torres Strait Islander organisation.
- Only PBCs have to match the business of a corporation with the demands of managing native title rights and interests under the *Native Title Act 1993* (Cth).
- Because of this PBCs face a diverse and complex range of responsibilities.
- PBC business includes corporate compliance, native title administration, effective governance and decision making, and engagement with a broad range of law, regulation and policy.



What PBCs Have to do vs. What PBCs Want to do?

- PBCs have legal obligations to perform certain functions
- The first part of the toolkit is getting PBCs on top of their compliance responsibilities
- But little of this relates to traditional owners aspirations for native title
- PBCs often face community expectations to be vehicles of social change and deliver outcomes in the areas of business development, land management, cultural heritage, employment, housing, health and education
- So the toolkit incorporates a range of other topics including cultural heritage, land management and business development



Tailoring advice for PBCs

- ORIC supports over 2000 Aboriginal and Torres Strait Islander corporations – of these just over 140 are PBCs
- Because PBCs are unique they require tailored advice
- There are currently no dedicated sources of information and advice available to PBCs to assist with their broad and complex operations
- PBCs all experience the pressures of competing demands on their limited time and resources



NQLC – AIATSIS Partnership

- In 2014 the North Queensland Land Council (NQLC) and the Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) entered into a partnership to develop a comprehensive Toolkit for the directors, members and staff of Prescribed Bodies Corporate (PBCs) in the NQLC region.



Why NQLC and AIATSIS?

- The NQLC region has the highest number of PBCs for any NTRB/NTSP region in Australia at 23, and sees the PBC Toolkit as a key strategy for supporting PBCs in the region to achieve independence and meet community aspirations from native title.
- AIATSIS has been working in partnership with PBCs since 2007 and established a PBC support project in 2011 based on requests from PBCs at national forums.
- NQLC and AIATSIS are both committed to resolving the gap in adequate support currently available to PBCs, so this partnership brings together mutual aims of both organisations.

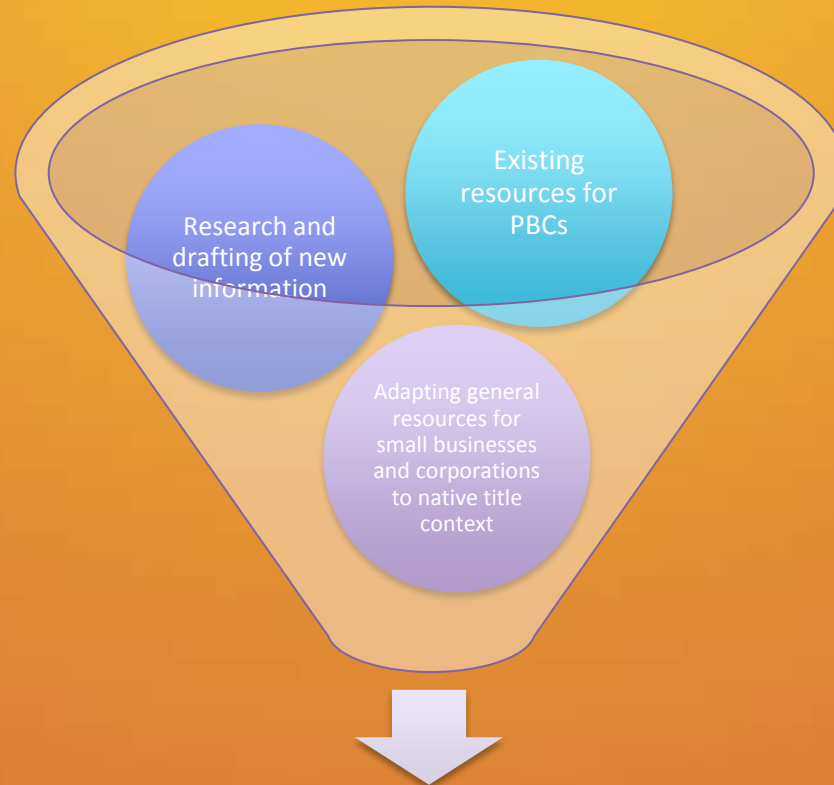


Project scope

- Develop modules covering PBC business
- Focus first on necessary PBC business:
 - Compliance activities
 - Native title administration
 - Financial administration
- Focus second on PBC aspirations:
 - Social, cultural and economic activities



Methodology



NQLC PBC Toolkit



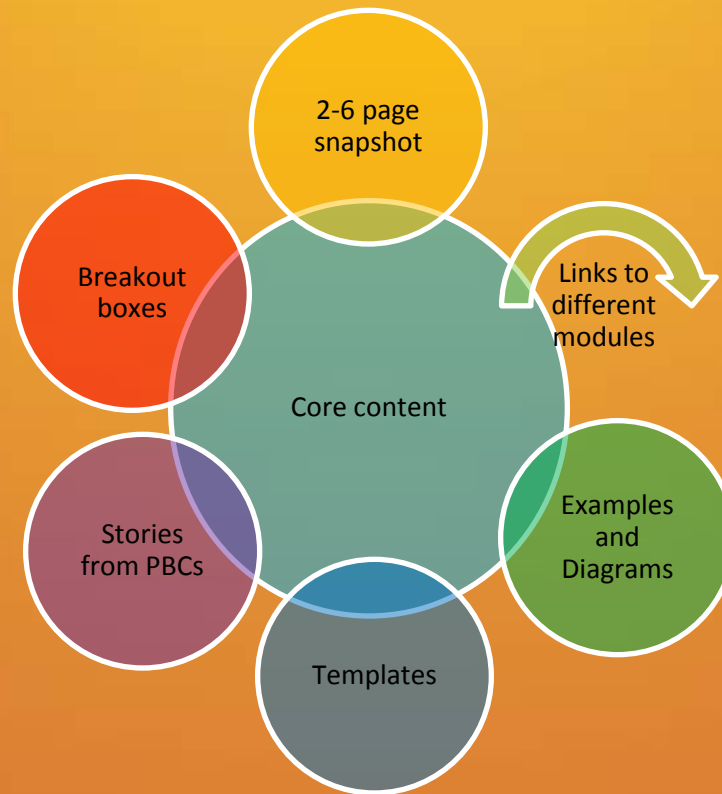
NQLC PBC Toolkit

- Existing resources available to PBCs:





Elements





NQLC PBC Toolkit: Part 1

Module	Title
Module 1	What is a PBC?
Module 2	Rules and Regulations
Module 3	Members and native title holders
Module 4	Elections and committees
Module 5	Directors
Module 6	Meetings
Module 7	Decision making and dispute management
Module 8	ORIC – the role of the regulator
Module 9	Record keeping and reporting



NQLC PBC Toolkit: Part 2

Module	Title
Module 10	Future acts and ILUAs
Module 11	Fees for service
Module 12	Funding
Module 13	Strategic and business planning
Module 14	Employees
Module 15	Dealing with third parties
Module 16	Training and support
Module 17	Media and communication
Module 18	Going under administration

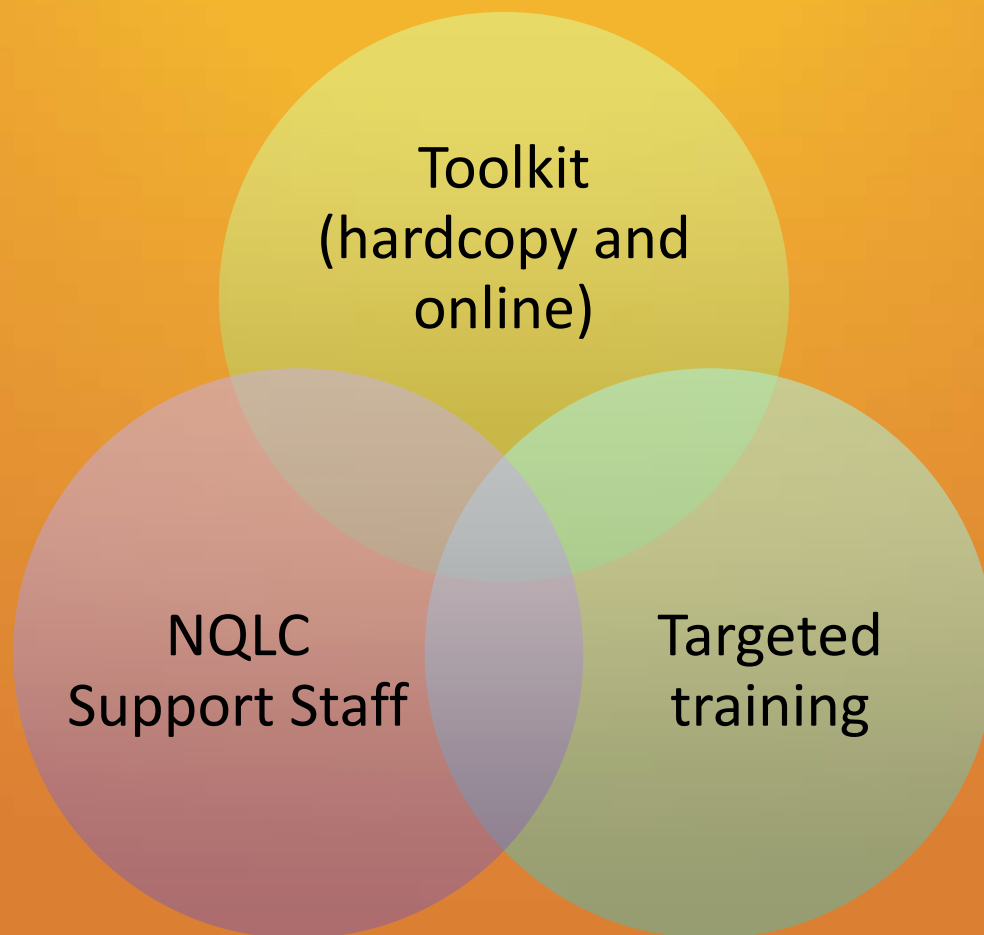


Ideas for additional modules

- Land management/ joint management
- Agreement making
- Cultural archiving
- Corporate structures
- Community development
- Cultural healing programs
- Setting up an ASIC corporation
- Managing a trust
- Economic and business development
- Engaging in research activities



Format





Timeline





Timeline

Editing based
on PBC
feedback

Gathering
examples,
photos, stories
and illustrations

Final edit with
advice of
educators

Toolkit
published

Toolkit
translated into
a training
curriculum

Training pilot



Timeline

Review of
training pilot

Roll out
accredited
training

Annual review
and expansion
of content



Training Partnerships

- TAFE Certificate in Business Administration
 - NQLC is currently collaborating with a registered training organisation about incorporating some modules into a Certificate in Business Administration qualification



Contact

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