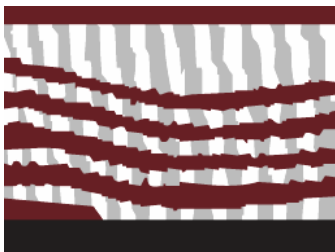


***New South Wales
Registered Native Title
Bodies Corporate Toolkit***

January 2009



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Disclaimer

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Abbreviations

AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ALR	Australian Law Report
Austlii	Australasian Legal Information Institute
ATNS	Agreements, Treaties & Negotiated Settlements Project
BCA	Body Corporate Agreement
CATSI Act	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>
CLR	Commonwealth Law Report
Cth	Commonwealth
FCA	Federal Court of Australia
FCR	Federal Court Report
HCA	High Court of Australia
IBA	Indigenous Business Australia
IFaMP	Indigenous Facilitation & Mediation Project
ILC	Indigenous Land Corporation
ILUA	Indigenous Land Use Agreement
NNTT	National Native Title Tribunal
NTA	Native Title Act 1993 (Cth)
NTRBs	Native Title Representative Bodies
NTRU	Native Title Research Unit
NTSP	Native Title Service Provider
ORIC	Office of the Registrar of Indigenous Corporations
PBCs	Prescribed Bodies Corporate
RNTBCs	Registered Native Title Bodies Corporate
RTO	Registered Training Organisation

Introduction

This toolkit provides information about and for prescribed bodies corporate (PBCs) or registered native title bodies corporate (RNTBCs)¹ in New South Wales. The toolkit is designed primarily to be used as an on-line resource. Throughout the document you will see blue text, this indicates a hyperlink which provides access to additional on-line information.

The toolkit includes:

- general information about RNTBCs and the related native title determinations in New South Wales including an overview of agreements involving RNTBCs;
- a listing of possible State Government funding sources;
- listings of resources including State Government programs, training organisations and other organisations and networks that may be useful to RNTBCs in New South Wales.

Refer also to the [Registered Native Title Bodies Corporate National Toolkit](#) for information about Australian Government and /or national funding sources, networks, training and resources.

This document has been produced as part of the Native Title Research Unit's [Prescribed Bodies Corporate Research Project](#), for more information about this project, or if you would like assistance with this document or any of the information provided in it please contact the Native Title Research Unit on 02 6246 1161.

The Native Title Research Unit invites feedback on this document, including suggestions for additional information to be included in the toolkit. Please contact us on 02 6246 1161 or ntru@aiatsis.gov.au.

¹ The term prescribed body corporate (PBC) derives from Part 2 Division 6 of the *Native Title Act 1993*, which provides that a prescribed body corporate must be determined to manage native title rights and interests. The Native Title (Prescribed Bodies Corporate) Regulations 1999 prescribe the form or types of bodies that may be nominated when a determination recognising native title has been made. The term registered native title body corporate (RNTBC) derives from the *Native Title Act 1993* (NTA) and describes the organisation that is determined by the Court and entered on the National Native Title Register. Under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* an RNTBC will be required to have the words 'registered native title body corporate' or the abbreviation RNTBC as part of its name. For the purpose of this document from this point forward the abbreviation RNTBCs will be used to refer to prescribed bodies corporate and registered native title bodies corporate.

Claimant Determinations Recognising Native Title in New South Wales

As at **1 January 2009** there had been **116** claimant determinations recognising native title in Australia,² **2** of these determination areas are located in New South Wales. These determinations recognised that native title exists in the entire determination areas. The locations of these determination areas are shown in lime green on the National Native Title Tribunal's [Map of Native Title Determinations](#).

Table 1 below provides a summary of the claimant determination recognising native title in New South Wales. The table includes links to information about:

- determination summaries on the [National Native Title Tribunal \(NNTT\)](#) website;
- relevant case law on the [Australasian Legal Information Institute \(Austlii\)](#) website; and
- determination information on [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website (where available).

² This figure includes [Rubibi Community v State of Western Australia \(No 7\) \[2006\] FCA 459](#) (28/04/2006) which is conditional upon a determination under section 56(1) or 57(2) of the *Native Title Act 1993* (Cth).

New South Wales Registered Native Title Bodies Corporate (Jan 2009)

Table 1 Native Title Claimant Determinations recognising native title in New South Wales (in determination date order)

NATIVE TITLE DETERMINATION SHORT NAME (NNTT) NNTT DETERMINATION SUMMARY HYPERLINK	CASE NAME AUSTLII HYPERLINK	NATIVE TITLE DETERMINATION DATE (NNTT)	OUTCOME	LEGAL PROCESS ATNS DETERMINATION SUMMARY HYPERLINK WHERE AVAILABLE
DUNGHUTTI PEOPLE	Buck v New South Wales [1997] FCA 1624	07/04/1997	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA	CONSENT DETERMINATION
THE GITHABUL PEOPLE	Trevor Close on behalf of the Githabul People v Minister for Lands [2007] FCA 1847	29/11/2007	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA	CONSENT DETERMINATION

Types of claimant determinations

These determinations were both consent determinations.³ The Dunghutti People's determination was the first successful determination of native title on the Australian mainland.

³ Please note the description of a determination as either consent or litigated is as entered on the National Native Title Tribunal determination summaries, however note that native title claims often involve a combination of litigation and mediation.

Registered Native Title Bodies Corporate in New South Wales

When a determination recognising native title is made, the [Native Title Act 1993](#) Cth (NTA) requires native title holders to specify an organisation to hold or manage their native title interests.⁴ These organisations are known as Prescribed Bodies Corporate (PBCs). The Federal Court determines the body that will act as the PBC and it must then be registered with the [National Native Title Tribunal](#), as the Registered Native Title Body Corporate (RNTBC).

As at **1 January 2009** there were 56 different Registered Native Title Bodies Corporate (RNTBC), relating to 116 claimant determinations recognising native title in Australia. In New South Wales as at **1 January 2009**, 2 RNTBCs had been determined relating to the 2 claimant determinations recognising native title.

Table 2 below provides detailed information about the RNTBCs in New South Wales including the RNTBC name, type and relevant native title determination information. Additional information about the RNTBCs can be accessed through the various hyperlinks provided in these tables:

- use the **RNTBC link** to access contact details for the corporation on the [Office of the Registrar of Indigenous Corporations](#) (ORIC) website, additional information including the corporation rules can also be accessed by clicking on the documents link provided on the ORAC website;
- use the **type of RNTBC** link to access general corporation information on the on the [Agreements, Treaties and Negotiated Settlements](#) (ATNS) website;⁵ and
- use the **NNTT determination short name** link to access the determination summaries on the [National Native Title Tribunal](#) (NNTT) website.

⁴ NTA s 59, Native Title (Prescribed Bodies Corporate) Regulations 1999.

⁵ The ATNS website also provides details about agreements to which RNTBCs are signatories, refer to the Agreements section of this Toolkit to access this information directly.

New South Wales Registered Native Title Bodies Corporate (Jan 2009)

Table 2 RNTBCs in New South Wales

REGISTERED NATIVE TITLE BODY CORPORATE HYPERLINKS TO CORPORATION INFORMATION ON THE ORIC WEBSITE WHERE AVAILABLE	TYPE OF RNTBC (TRUSTEE OR AGENT) HYPERLINK TO CORPORATION INFORMATION ON THE ATNS WEBSITE	NATIVE TITLE DETERMINATION DATE (NNTT)	NATIVE TITLE DETERMINATION SHORT NAME (NNTT) HYPERLINKS TO DETERMINATION SUMMARY INFORMATION ON THE NNTT WEBSITE
DUNGHUTTI ELDERS COUNCIL (ABORIGINAL CORPORATION)	TRUSTEE	07/04/1997	DUNGHUTTI PEOPLE
GITHABUL NATION ABORIGINAL CORPORATION	TRUSTEE	29/11/2007	THE GITHABUL PEOPLE

Types of RNTBCs

As indicated on Table 2 above, RNTBCs may be either a trustee or an agent RNTBC. When a determination recognising native title is made, native title holders are requested by the Court to decide whether they want native title to be held in trust by the RNTBC or held by the common law holders of native title. In the first instance the RNTBC acts as the trustee for native title holders, in the second instance, the RNTBC acts as an agent for the common law holders of native title. In New South Wales, both RNTBCs are trustees.

RNTBCs and the NTSDA in New South Wales

As at 30 May 2007, native title services for the whole of New South Wales are provided by NTSCORP which is a native title service delivery agency (NTSDA). Table 3 below provides hyperlinks to RNTBC information on the ORIC website.

Table 3 RNTBC by NTSDA region

NTRB REGION HYPERLINK TO NTRB WEBSITE	REGISTERED NATIVE TITLE BODY CORPORATE HYPERLINKS TO CORPORATION INFORMATION ON THE ORIC WEBSITE
NTSCORP	DUNGHUTTI ELDERS COUNCIL (ABORIGINAL CORPORATION)
	GITHABUL NATION ABORIGINAL CORPORATION

Agreements

One of the ways native title holders exercise their native title rights and interests is by entering into agreements with third parties about the use and or management of an area of land or waters. Such agreements often take the form of Indigenous Land Use Agreements (ILUAs) which are registered with the National Native Title Tribunal. A registered ILUA is legally binding on the people who are party to the agreement and all native title holders for that area.

There are three types of ILUAs:

- Area Agreements (see Division 3 Subdivision C of the NTA).
- Alternative Procedure Agreements (see Division 3 Subdivision D of the NTA).
- Body Corporate Agreements (see Division 3 Subdivision B of the NTA).

Body Corporate Agreements (BCAs) can only be made if there are one or more RNTBCs which hold native title to, or have been appointed to act for, the native title holders in relation to the *whole* of the area to be covered by the agreement.

Table 4 below provides a summary of agreements involving the RNTBCs in New South Wales (as sourced from the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website). This table provides hyperlinks to agreement summary information on the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website and the [National Native Title Tribunal \(NNTT\)](#) website.

New South Wales Registered Native Title Bodies Corporate (Jan 2009)

Table 4 Agreements involving RNTBCs in New South Wales⁶

RNTBC HYPERLINK TO CORPORATION INFORMATION ON THE ORIC WEBSITE	AGREEMENT NAME HYPERLINK TO AGREEMENT INFORMATION ON ATNS WEBSITE	TYPE OF AGREEMENT	SUBJECT MATTER (ATNS) HYPERLINK TO SUBJECT MATTER INFORMATION ON ATNS WEBSITE
DUNGHUTTI ELDERS COUNCIL (ABORIGINAL CORPORATION)	Kempsey 'Support to Complete the Macleay Valley Workplace Learning Centre' Shared Responsibility Agreement (SRA)	SHARED RESPONSIBILITY AGREEMENT	Collaboration Partnership Cultural Heritage Education Employment and Training
	Kempsey 'Dunghutti Youth' Shared Responsibility Agreement (SRA)	SHARED RESPONSIBILITY AGREEMENT	Collaboration Partnership Cultural Heritage Education Employment and Training
GITHABUL NATION ABORIGINAL CORPORATION	Githabul People Indigenous Land Use Agreement (ILUA)	AREA AGREEMENT	Access Cultural Heritage Customary Law Employment and Training Environmental Heritage Forestry Native Title Recognition of Traditional Rights and Interests

⁶ Source: <http://www.atns.net.au/> accessed 14 January 2009.

Funding

The New South Wales Government's [Communitybuilders](#) website provides access to information about funding programs from federal, state and local government, as well as institutions, philanthropic trusts and companies. Go to:

<http://www2.communitybuilders.nsw.gov.au/funding/programs/>.

Table 4 below, provides summary information about potential New South Wales Government funding sources for activities that may be carried out by native title holders or RNTBCs including:

- cultural heritage; and
- community development;

This table does not include Australian Government or other nationally available sources of funding, refer to the [Registered Native Title Bodies Corporate National Toolkit](#) for information about such funding opportunities. In instances where the closing date for current funding applications has already passed, users of this toolkit are advised to contact the relevant organisations to seek information about future funding opportunities.

Table 4 Potential funding sources

Department of Education & Training

Aboriginal Enterprise Development Officer Program	
Description	The aim of the AEDO program is to assist Aboriginal people to access education and training pathways to facilitate the establishment and retention of viable Aboriginal business enterprises. The objective of the AEDO program is to increase the confidence and expertise of Aboriginal people to enable them to participate in self-employment opportunities and to encourage an entrepreneurial culture within Aboriginal communities.
Subject	Community Development
Closing date	The Department will not be calling for applications under this program until 2009/2010.
Further information	Telephone: 02 9266 8350
Source	http://www2.communitybuilders.nsw.gov.au/funding/2419.html https://www.det.nsw.edu.au/eas/acomm/

Environmental Trust (NSW)

Protecting Our Places	
Description	The aim of the Protecting Our Places program is to protect land that is culturally significant to Aboriginal people and to support education projects about the environment and its importance in Aboriginal life.
Subject	Cultural heritage

New South Wales Registered Native Title Bodies Corporate (Jan 2009)

Closing date	Contact Environmental Trust (NSW)
Further information	Email: info@environmentaltrust.nsw.gov.au
Source	info@environmentaltrust.nsw.gov.au http://www2.communitybuilders.nsw.gov.au/funding/2947.html

Heritage Office (Department of Planning)

Heritage Incentive Program	
Description	The NSW Heritage Incentives Program supports the community's identification, conservation, management and promotion of NSW heritage. It is now run as 9 targeted programs.
Aboriginal heritage projects	For projects that conserve, promote and increase understanding of Aboriginal heritage Applications can be made at any time
Local Government Heritage Management Program	For the delivery of local government heritage management. Applications can be made at any time.
Community strategic products and services	For the delivery of state significant or state-wide heritage products and services with funding up to \$60,000 per project. Applications for the 2011-13 program will open in late 2010.
Conservation Documents and Management Reports	For the preparation of a conservation documents and management reports for items listed on the State Heritage Register or of state significance Applications taken any time after July 2009, when the program commences.
Historical Research and Local Archive Projects	For historical research and publication of local history; cataloguing, interpretation and conservation of local archives; conservation and interpretation of NSW State Heritage Register or state significant heritage items In 2009, applications will open in March and close in May.
Kick Start Grants	Seed funding to assist groups to raise funds through a tax deductible appeal for state and locally significant heritage items Applications can be made at any time before June 2009, when this program will cease.
On ground interpretation works	For major heritage sites. Maximum \$20,000 for exemplar projects Applications for the 2011-13 program will open in late 2010.
Special program for major cultural and community heritage buildings	for the conservation, maintenance, ongoing and adaptive reuse of public venues that are heritage items listed on the State heritage Register, or state or local heritage items. Minimum project value \$25,000 with maximum funding of \$75,000 per project. Applications for the 2011-13 program will open in late 2010.
Works projects	For the conservation, maintenance and adaptive reuse of heritage items. Minimum project value of \$25,000 with maximum funding of \$75,000. Applications for the 2011-13 program will open in late 2010.

New South Wales Registered Native Title Bodies Corporate (Jan 2009)

Subject	Cultural heritage
Closing date	See table above for further details
Further information	Telephone: 02 9873 8577 or 02 9873 8576 Email: victoria.throp@heritage.nsw.gov.au or miriam.stacy@heritage.nsw.gov.au
Source	http://www.heritage.nsw.gov.au/02_subnav_01.htm

Ministry of Transport

Country Passenger Transport Infrastructure Grants Scheme	
Description	The Country Passenger Transport Infrastructure Grants Scheme is administered by the Ministry of Transport. It provides support funding to improve the amenity of passenger transport infrastructure in rural, regional and remote communities of NSW
Subject	Community Development
Closing date	Contact the Ministry of Transport
Further information	Email: cptigs@transport.nsw.gov.au Telephone: (02) 8836 3100
Source	http://www.transport.nsw.gov.au/cptigs/

Training

Given the breadth of issues that native title holders are called on to deal with training initiatives relating to decision-making and dispute management, communication, governance and business management as well as land and resource management may be useful to RNTBCs.

The Native Title Research Unit's [Indigenous Facilitation and Mediation Project](#) (IFaMP) has published a *Training Resource Guide* for native title representative bodies identifying training in these areas. While no longer updated, this resource continues to provide an overview of training providers and pathways and addresses many of the training needs likely to be required by RNTBCs. In addition this resource highlights the potential for **Registered Training Organisations** to provide **customised courses** to meet client requirements, providing an opportunity for RNTBCs to have their specific training needs addressed. Refer to the IFaMP website for copies of the Training Resource Guide ([Part 1](#) & [Part 2](#)) or contact the Native Title Research Unit on 02 6246 1161. The IFaMP Training Resource Guide includes contact details for State and Territory Training Authorities providing a starting point for investigating training, funding and training providers in particular regions.

The [Office of the Registrar of Indigenous Corporations](#) (ORIC) currently provides a range of training and information sessions for parties establishing a corporation, see [ORIC training and information sessions](#) on the ORAC website for further information or contact ORIC on their toll free telephone number 1800 622 431.

The [National Native Title Tribunal](#) (NNTT) may be able to provide information and assistance relevant to RNTBCs on request, see [Guidelines for providing assistance](#) on the NNTT website for further information or contact the NNTT on 1800 640 501.

New South Wales Registered Native Title Bodies Corporate (Jan 2009)

The [Indigenous Land Corporation](#) also provides assistance for [group based planning](#), [enterprise development](#) and [regional development](#) refer to the ILC website for further details or contact the ILC on 1800 818 490.

New South Wales Government Training Information⁷

Aboriginal Programs

Programs focusing on the vocational education and training needs of Aboriginal people include the VET Infrastructure for Indigenous People program, which provides more capital funding for facilities to assist in making VET more accessible to Indigenous people. Other programs for Indigenous people include the New Careers for Aboriginal People program, the Aboriginal Registered Providers Program and the Aboriginal Enterprise Development Officer Program.

For more information about Aboriginal Programs, contact the Student Services and Equity Programs Directorate on 02 9561 8191.

Information is also available by contacting the Principal Education Officer, TAFE Service, Aboriginal Training and Education Directorate on 02 92 44 5638.

For further information about training programs and providers in New South Wales contact the New South Wales Department of Education and Training:

Phone	(02) 9561 8000 or Aboriginal Education (02) 9561 1933
Facsimile	not available
Postal Address	GPO Box 33 SYDNEY NSW 2001
Street Address	33 Bridge Street SYDNEY NSW 2000
Website	www.det.nsw.edu.au
Email	not available

⁷ The information in this section has been extracted from the IFaMP Training Resource Guide ([Part 1](#) & [Part 2](#))

Networks

Native title holders, through RNTBCs, may seek to establish relationships with a range of organisations with expertise in particular areas relevant to the exercise of native title rights and interests including:

- caring for country and
- cultural heritage.

The following table provides information about programs, organisations and networks operating in New South Wales that may be able to provide assistance to native title holders. Please note that this is not an exhaustive list, the NTRU welcomes advice about other organisations that should be included in this list, contact the NTRU on 02 6246 1161 or ntru@aiatsis.gov.au.

Table 4 Organisations & Programs relevant to RNTBCs

Caring for our Country Facilitators Network

Description	Caring for our Country facilitators are fully funded and directly employed by the Australian Government. They are located in each state and territory. The primary purpose of the Caring for our Country facilitators is to help a wide range of stakeholders to gain a good understanding of how to engage with and participate in Caring for our Country initiatives.
Subject	Caring for country
Further information	Telephone: (02) 6274 1111 Email: via website
Source	http://www.nrm.gov.au/do/facilitator.html http://www.nrm.gov.au/contacts/ausgovt.html

Natural Resource Management Facilitator Network

Description	The Natural Resource Management Facilitator Network represents the Australian Government's NRM programs on the ground and consists of over 700 facilitators located throughout Australia's 56 NRM regions and in all capital cities. This network helps link all governments, regional bodies, Indigenous communities, non-government organisations, industry, volunteers and the community. The network, which is jointly funded by the Australian Government through the Natural Heritage Trust, State/ Territory Governments and host organisations/regional bodies, consists of: Australian Government Facilitators, Regional Facilitators, Indigenous Land Management Facilitators, Local Government Facilitators and Local-level Facilitators/Coordinators.
Subject	Caring for country
Further information	Telephone: 1800 552 008 Email: nrm@environment.gov.au
Source	http://www.nrm.gov.au/publications/facilitator-factsheet.html#download http://www.nrm.gov.au/contacts/ausgovt.html#vic

NSW Aboriginal Languages Research and Resource Centre

Description	The NSW Aboriginal Languages Research and Resource Centre has been established by the New South Wales Government within the NSW Department of Aboriginal Affairs to play a key role in the preservation and revitalisation of Indigenous languages in New South Wales.
Subject	Cultural heritage
Further information	Telephone: 02 9660 2396 Email: tristan.tipps@daa.nsw.gov.au
Source	http://www.alrrc.nsw.gov.au/

Resources

This section of the toolkit provides hyperlinks to information and resources that may be useful to RNTBCs. It also includes a listing RNTBC related publications.

Legislation & Regulations

[Corporations \(Aboriginal and Torres Strait Islander\) Act 2006](#)

[Native Title Act 1993 \(Cth\)](#)

[Native Title \(Prescribed Bodies Corporate\) Regulations 1999](#)

Organisations

[Agreements, Treaties & Negotiated Settlements Project](#)

[Desert Knowledge CRC](#)

[Greening Australia](#)

[Indigenous Business Australia](#)

[Indigenous Land Corporation](#)

[National Native Title Tribunal](#)

[North Australian Indigenous Land and Sea Management Alliance](#)

[Office of the Registrar of Indigenous Corporations](#)

[Tropical Savannas CRC](#)

Australian Government

[Attorney-General's Department](#)

- [Native Title Unit](#)

[Australian Institute of Aboriginal and Torres Strait Islander Studies](#)

- [Audiovisual Archives](#)
- [Library](#)
- [Native Title Research Unit](#)
- [Research Program](#)

[Department of Agriculture, Fisheries & Forestry](#)

[Department of Education, Employment and Workplace Relations](#)

- [Caring for our Country Facilitators Network](#)
- [Indigenous Protected Areas Programme](#)

[Department of Environment, Water, Heritage and the Arts](#)

[Department of Families, Housing, Community Services and Indigenous Affairs](#)

- [Indigenous Coordination Centres](#)

[Department of Innovation, Industry, Science and Research](#)

New South Wales Registered Native Title Bodies Corporate (Jan 2009)

[Department of Infrastructure, Transport, Regional Development and Local Government](#)

New South Wales Government

[New South Wales Department of Aboriginal Affairs](#)

[New South Wales Department of Education & Training](#)

[New South Wales Department of Natural Resources](#)

[New South Wales Department of Lands](#)

[New South Wales Department of Primary Industries](#)

- [Mineral Resources Division: Native Title](#)

[New South Wales National Parks and Wildlife Service](#)

Publications

Reports

Aboriginal & Torres Strait Islander Social Justice Commissioner (Human Rights and Equal Opportunity Commission) [Native Title Reports](#)

Attorney-General's Department [Structures and Processes of Prescribed Bodies Corporate](#)

Strelein, L. and Tran, T. 2007 [Native Title Representative Bodies and Prescribed Bodies Corporate: Native Title in a Post-Determination Environment](#). Canberra: NTRU, Australian Institute of Aboriginal and Torres Strait Islander Studies.

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