

# PBC

## capacity building

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**P**RESCRIBED BODIES CORPORATE (PBCs) have statutory functions under the *Native Title Act 1993 (Cth)* (NTA) and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)* (CATSI Act). Additionally, PBCs have a wide range of other economic, environmental, and cultural aspirations that form part of their broader native title rights and interests.

PBC aspirations fall into four categories:

1. **Independence:** PBCs seek more corporate independence in the management of their native title rights and interests
2. **Respect and recognition:** PBCs seek greater levels of political recognition and respect for their rights and interests from other groups
3. **Caring for country, culture and people:** PBCs aspire to use their native title rights to improve the social and cultural wellbeing of their members, as well as the broader community
4. **Community development, service provision and economic development:** PBCs want to use their native title rights to provide greater socio-economic security for their communities.<sup>1</sup>

AIATSIS research demonstrates<sup>2</sup> AIATSIS website, that although the number and size of PBCs are increasing – there are currently 145 PBCs around Australia – PBCs continue to hold aspirations within these four categories. For example, during the 2015 Annual PBC Meeting held at the National Native Title Conference (NNTC), PBC members expressed a desire for the formation of a strong national advocacy body of PBC representatives, for the following reasons:

1. Coordination and certainty
2. Representation
3. Greater influence

Despite the fact PBC aspirations have remained largely consistent, PBC capacity is changing. This is partly due to changes to the amount of support NTRBs/NTSPs can provide to PBCs. Historically, the Commonwealth Government preferred to provide nominal funds to PBCs through NTRBs/NTSPs, with direct funding to PBCs being provided occasionally.<sup>3</sup> Funding from FaCHSIA to PBCs via NTRBs/NTSPs increased during 2011-12 and NTRBs/NTSPs were able to fund PBCs for longer than before.<sup>4</sup>

Another reason for the growth in PBC capacities in PBCs is the 2011 amendments to the PBC Regulations, which allowed for

native title holders to elect non-member directors to assist with skill shortages. Additionally the changes allowed for PBCs to charge fees for service.

Despite these advances, PBCs still face a lack of human and financial resources, an over-reliance on the unpaid labour of their members, inadequate and poorly targeted training support and ineffective mechanisms to deal with dispute resolution.<sup>5</sup>

AIATSIS Research is currently working to overcome these constraints on PBCs. For example, in collaboration with North Queensland Land Council, we have been working on the development of a national PBC toolkit and accompanying training. The toolkit includes a combination of statutory requirements and best practice information on PBC activities.

A lack of financial resources, particularly when setting up a PBC, remains the number one concern for PBCs. In response to this AIATSIS research has developed PBC training and funding guides for PBCs in each state/territory around Australia. Also, between 2006 and 2013, AIATSIS convened a series of workshops with PBCs and government stakeholders raise awareness of PBC needs and identify suitable funding programs.<sup>6</sup>



During 2015 AIATSIS research has been developing the PBC contacts database and focusing on strengthening relationships with PBCs.

- 1 Tran, T., Stacey, C. and McGrath, P. April 2013. Background report on Prescribed Body Corporate aspirations: Report to Deloitte Access Economics for the FAHCSIA Review of Native Title Organisations. p 11
- 2 *ibid*; AIATSIS. 2015. 'Getting PBCs off the ground.' <http://aiatsis.gov.au/research/research-themes/native-title-and-traditional-ownership/getting-pbcs-ground>; and McGrath, P., Stacey, C., and Wiseman, L. 2013. Chapter 2. An overview of the Registered Native Title Bodies Corporate Regime. In *Living with native title: the experiences of registered native title corporations*, T. Bauman, L. Strelein, and J. Weir, eds. pp. 27-64. Canberra: AIATSIS Research Publications. <http://aiatsis.gov.au/publications/products/living-native-title-experiences-registered-native-title-corporations>
- 3 Attorney-General's Department Steering Committee. 2006. Structures and processes of Prescribed Bodies Corporate, p 6
- 4 *Ibid* McGrath et al 2013, p 47
- 5 *Ibid* Tran et al 2013, p 12
- 6 *Ibid* McGrath et al 2013, p 48

Above: National PBC Meeting, Monday June 15, Port Douglas, QLD.  
Credit: Lisa Strelein (Director of Research, AIATSIS)

# PM&C Funding Proposal

**Greg Roche**  
Department of Prime Minister  
and Cabinet (PM&C)

There are currently 145 registered Prescribed Body Corporates (PBCs) around Australia. Around 80 per cent of PBCs are small with limited income and capacity to utilise their native title rights and interests. The lack of PBC capacity to engage in economic activity and community development was raised as part of the Northern Australia White Paper process, and, in June 2015 the Minister for Indigenous Affairs announced that the Australian Government will provide an additional \$20.4 million in funding over four years to increase PBC capacity and assist PBCs to take advantage of economic opportunities that arise from their native title rights.

It is proposed that the funding will be available for one-off projects paid directly to a PBC or group of PBCs.

The Department of Prime Minister and Cabinet (PM&C) released a discussion paper in November on how the funding could be provided to PBCs and staff from PM&C visited Perth, Adelaide, Melbourne, Sydney, Brisbane and Cairns to discuss the funding proposal and engage with PBC members. PM&C also provided an opportunity for PBCs and others to make written submissions on the funding proposal.

PM&C will advise on its website when it will be accepting applications for funding.

For further information, please contact:  
Georgia McLean (PM&C) on 02 6152 3871 or [Native.Title@pmc.gov.au](mailto:Native.Title@pmc.gov.au)