

Review of Performance as a Native Title Representative Body: Central Land Council

Summary Report

March 2021

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This review covered the period from July 2016 to June 2019. Findings relate to this time period unless otherwise stated. Nous conducted the review between January 2020 and October 2020.

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1 About the review

The National Indigenous Australians Agency (NIAA) commissioned this review as part of a series of reviews to assess the efficiency and effectiveness of 14 Native Title Representative Bodies and Service Providers (NTRB-SPs) in carrying out their functions under the *Native Title Act 1993 (Cth)* (herein NTA). The complete Terms of Reference (TOR) provided for the Review are included in Appendix A. The 14 organisations reviewed are listed in Appendix B.

Central Land Council (CLC) was reviewed in the third and final tranche of NTRB-SPs, between January 2020 to October 2020 in relation to a three-year review period from July 2016 to June 2019. Findings and recommendations represent an assessment of performance at the time of the Review and have not been subsequently amended or updated.

In addition to the individual reports, Nous Group (Nous) has developed a de-identified comparative report which considers the performance of all the organisations across the TORs. The report presents a discussion of systemic issues within each TOR that arose in all or most of the organisations across all tranches of the Review and that are pertinent to the broader native title system.

Nous has used a consistent methodology to support a comparative and transparent assessment of CLC and the other NTRB-SPs. The methodology used a mixed method approach including quantitative data on the progress of claims, future acts and Indigenous Land Use Agreements (ILUAs), performance against milestones, budgetary performance, staffing, and broader social and geographical factors that impact performance. The quantitative analytics was complemented by interviews with selected and available clients, potential clients, staff, the Federal Court, the National Native Title Tribunal (NNTT), CLC Full Council members and the Northern Territory (NT) Government. A list of stakeholders consulted is included in Appendix C.

CLC has been given the opportunity to review the report and provide responses on the recommendations made by the Review and has also provided written responses on actions they are taking in response to recommendations made by the Review, which are included in this summary document. A description of the methodology is included in Appendix D.

2 Profile of the CLC

The CLC, based in Alice Springs with seven regional offices, provides native title services to the southern part of the Northern Territory.

The CLC was established in 1975 after a meeting of Central Australian Aboriginal communities. As a land council with a broad range of functions, the CLC represents Aboriginal people in Central Australia and supports them to manage their land, make the most of the opportunities it offers and promote their rights.

The CLC is a statutory authority established under the *Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*. It is a Commonwealth Corporate Entity operating under the *Public Governance, Performance and Accountability Act 2013 (Cth)* (PGPA) and operates as a Native Title Representative Body (NTRB) under the NTA, providing services to the Southern Northern Territory region.

The CLC is the recognised NTRB for the Southern Northern Territory representative region under the NTA with recognition status until 30 June 2024. As an NTRB, the CLC has six primary functions that serve to support people with native title interests to achieve native title outcomes.¹ Like many other NTRBs, the CLC also plays an advocacy role in the native title conversation at the national level. This includes contributions from the CLC to the NTRB-SP strategic and policy direction, as provided through the National Native Title Council (NNTC), and the preparation of submissions to policy reform and legislative amendments.

The CLC carries out its native title functions across the southern half of the Northern Territory, covering almost 777,000 square kilometres with nine regions based on roughly 15 different language groups. Aboriginal people collectively have rights under the NTA for over 111,000 square kilometres in the CLC region.

There have been 32 determinations of native title within the CLC Representative Aboriginal/Torres Strait Islander Body (RATSIB) area since the passage of the NTA, 10 of which occurred during the formal Review period of 2016/17 – 2018/19. The CLC was the solicitor on record in all 10 of these determinations. There were four active claims and five revised determinations awaiting a determination as at 30 June 2019. The CLC acts for all these claims.

There are currently 30 Prescribed Body Corporates (PBC) within the RATSIB area with the CLC providing support to all these PBCs in 2018/19. This assistance was a mixture of native title services including legal services, capability development and administrative support.

The CLC has a 90-member Council representing the communities in the CLC RATSIB area. The 90 Council members elect the CLC's 11-member Executive Committee which carries out functions delegated by the

Figure 1 | The CLC's nine regions¹



¹ *Native Title Act 1993 (Cth)* Part 11: facilitation and assistance under s.203BB, certification under s.203BE, dispute resolution under s.203BF, notification under s.203BG, agreement making under s.203BH, and internal review under s.203BI.

Council and manages business between Council Meetings. The Executive Committee is comprised of the Chair, the Deputy Chair and one member from each of the CLC's nine regions.

Of the approximately 240 FTE in the CLC, including staff engaged in its Ranger Program, 24 FTE are funded by the NTA. In 2006, the Native Title Unit was integrated into the greater CLC. The structural reform enabled the integration of staff into identified professional disciplines (legal, anthropology and mining), which leveraged the experience and knowledge of staff across the organisation and enabled a supportive environment within which to achieve enhanced native title outcomes.

3 Findings and recommendations by TOR

The following sections of the report provide an assessment of the CLC's performance against the TORs for the Review.

3.1 TOR 1.1 | Review and assess each organisation's efficiency and effectiveness in performing the functions of a native title representative body over the past three years (with the main focus on recent performance) including: native title claim outcomes achieved for clients.

Summary

The CLC has facilitated 10 native title consent determinations within the Review period (July 2016 – June 2019) and has filed 12 native title applications (none of which have been withdrawn or discontinued). The average length of time to settlement is significantly shorter than most NTRB-SPs.

This outcome has been achieved by adopting a strategic approach to native title claims, which involves prioritising claim areas that CLC staff understand well and undertaking significant up-front research. The CLC invests strongly in its anthropological capability, with a rigorous peer review process and judicious use of consultant anthropologists.

The CLC progresses small, localised claims based on cadastral boundaries, resulting in claims that are generally smaller than in other RATSIB areas. This strategic and distinct approach has proven effective in achieving native title outcomes and is appropriate in the Northern Territory given native title is a limited set of rights compared to land rights under the ALRA. The CLC deals responsively with its other native title functions, including future acts and ILUAs.

Several external factors have influenced CLC's ability to achieve native title outcomes, including the cooperative attitude of the NT Government and the relative cohesion of Aboriginal groups.

The CLC has facilitated a high number of successful determinations during the Review period

At the time of the Review, the CLC had performed well in achieving native title outcomes for clients since it was recognised under the NTA. Historically, the CLC has gained a strong reputation for its influential role in land rights and activism in the Central Australia area under the ALRA. Given the significant role of the ALRA in granting inalienable freehold title (compared to other jurisdictions in Australia), the native title workload for the organisation was not as substantial until after the sunset clause for ALRA came into effect in 1997.

The first successful native title determination for the CLC was in May 2000. Since then, the CLC has achieved 32 successful native title determinations. Within the three-year period from 1 July 2016 to 30 June 2019, the CLC has:

- filed 12 native title applications, none of which have been withdrawn or discontinued
- achieved 10 successful native title consent determinations with a judgment that native title existed in parts of the determination area.

The Review notes that most native title determinations in the CLC region, especially those on land with a pastoral lease, will only recognise the claim group native title in parts of the area, with limited activity rights.

The CLC has several active claims and revised determinations

At the end of the Review period in June 2019, the CLC had four active claims and five revised determinations. As of September 2020, the CLC had four recently determined claims.

Recommendations for TOR 1.1

The Review made two recommendations for TOR 1.1 relating to monitoring client satisfaction and CLC's Internal Review process. These are outlined below, as well as CLC's response to these recommendations.

Recommendation 1

The CLC should conduct more regular monitoring of client satisfaction to continue to inform how it delivers its native title functions.

CLC response.

The Central Land Council commits to conduct more regular monitoring of client satisfaction to inform the delivery of our native title functions.

Recommendation 2

The CLC should make the Internal Review process available online to align with best practice in other NTRB-SPs.

CLC response.

The Central Land Council will commit to making the Internal Review process available on our website, ensuring it is accessible and aligned with best practice.

The CLC is currently re-developing its website. The Internal Review process will be included in the new design. In addition, other appropriate methods will be considered to inform constituents of the review process. This is to ensure accessibility across our constituents.

3.2 TOR 1.2 | Review and assess each organisation’s efficiency and effectiveness in performing the functions of a native title representative body over the past three years (with the main focus on recent performance) including: whether the organisation’s assessment and prioritisation of applications are equitable, transparent and robust.

Summary

The CLC has a clear and documented policy in place for assessing and prioritising native title claims. Similar to other NTRB-SPs, the CLC prioritises claims in areas where they have a strong knowledge-base and consultant anthropologists who know the area. External factors such as the need to lodge a claim in response to industry activity has also influenced which claim is prioritised in some instances.

Staff understand the approach well and use the principles within the ‘Stages of Native Title Determination’ policy to inform decision making. Stakeholders consulted for the Review, however, demonstrated varying understanding of the rationale behind CLC’s prioritisation decisions with many clients having very limited, or no understanding of the CLC’s prioritisation process.

Recommendations for TOR 1.2

The Review made one recommendation for TOR 1.2 on the organisation’s prioritisation process. This is outlined below, as well as CLC’s response to this recommendation.

Recommendation 3

The CLC needs to communicate more clearly its prioritisation process externally to ensure stakeholders have a clear understanding of how claims are assessed and prioritised. This should outline, at a high-level, the key decision-making factors.

CLC response.

The Central Land Council is committed to communicate our prioritisation process externally to ensure stakeholders have a clear understanding of how claims are assessed and prioritised.

As mentioned in our response to Recommendation 2, the CLC is currently re-developing its website. Communicating the prioritisation process will be included in the new design. In addition, we will prepare a Native Title Communications Plan that will outline other appropriate methods to further inform stakeholders of this process.

3.3 TOR 1.3 | Review and assess each organisations' efficiency and effectiveness in performing the functions of a native title representative body over the past three years (with the main focus on recent performance) including: whether the organisation deals respectfully, equitably, transparently and in a culturally appropriate manner with clients, persons seeking assistance and persons refused assistance.

Summary

The CLC has a strong focus on dealing respectfully, transparently and in a culturally appropriate manner with clients through its regional 'on the ground' model. The regional support staff have experience working or living in their relevant region and are often fluent in one or more Aboriginal languages. They also provide support to anthropologists to conduct field research in a safe and culturally appropriate manner.

The CLC has a consultation and engagement strategy that guides its approach. The strategy highlights important principles such as respect for Aboriginal ways of doing business and working inter-culturally. The CLC has a well-considered approach to cultural competency training, with employee development embedded through 'on the job' ways of working and support from experienced staff.

Despite this strongly developed approach, the Review received mixed feedback from the CLC's clients with some clients noting there were areas where the CLC could do better. These included improving how it supports clients to make NTA decisions over matters in their area, giving clients more time to process and understand NTA information and simplifying its NTA messaging.

No recommendations were made for TOR 1.3.

3.4 TOR 2 | Review and assess each organisation's cost effectiveness in performing the functions of a native title representative body, including the key cost drivers for each organisation.

Summary

The CLC has a focus on delivering native title services in a cost-efficient way. The main change during the Review period was the internal restructure in late 2017 during which the CLC enhanced its regional-based model. Some stakeholders noted this provided staff greater capacity to plan and act in a regionally coordinated manner resulting in improved service delivery, client engagement and communication across the organisation.

The CLC is also strategic in its field trips and leverages work from across its portfolios (particularly land rights) to reduce cost duplication. The CLC's approach to engaging consultant anthropologists is efficient, as their expertise is leveraged throughout the claims process to produce detailed reports that create efficiencies in post-determination. The main factors that drive costs for the CLC are its vast geography and the proportion of remote land in its RATSIB area.

No recommendations were made for TOR 2.

3.5 TOR 3 | Review and assess each organisation's strategies for driving and tracking its achievement against key performance indicators in its funding agreement with the NIAA.

Summary

The CLC has a sound approach to driving and tracking achievements of native title outcomes. The organisation integrates the tracking of native title achievements alongside broader CLC outcomes through **a comprehensive performance dashboard.**

No recommendations were made for TOR 3.

3.6 TOR 4 | Review and assess the extent to which each organisation’s governance structures and organisational policies and practices support efficient and effective project delivery including: the breakdown of responsibilities between the organisation’s Board, Chairperson, Chief Executive Officer and senior staff; its financial management; the standard to which it manages and resolves any conflicts of interest; the standard to which it manages and resolves any complaints.

Summary

The CLC is a corporate Commonwealth entity under the PGPA Act, and as a result the CLC’s Chair and the CEO are the accountable authority who must work together to manage the CLC’s obligations and duties, including performance of its native title functions.

The CLC’s native title responsibilities are managed effectively across the organisation. Its policies and procedures provide the Council, Executive Committee and staff with structure and clarity over their roles, responsibilities and decision-making authority. The management of native title finances is undertaken within a sound overall financial management approach.

The Review assesses that the CLC’s organisational structure is effective and efficient for its native title functions, supported by an enhancement of the regional based team model in 2017.

There is a strong culture of support within CLC, including for professional development and training. The CLC is a large organisation, making clear hierarchies and consistent implementation of procedures necessary to maintain effective oversight and coordination of its native title activities. This may contribute to some stakeholder feedback about silos and bureaucratic barriers.

The CLC has not received any formal complaints from its constituents in relation to native title. Informal feedback is tracked and used to improve performance on an office-by-office basis. The CLC should, however, create a consistent approach to tracking feedback and implement an easy to access online complaints mechanism.

Recommendations for TOR 4

The Review made one recommendation for TOR 4 on feedback and complaint opportunities. This is outlined below, as well as CLC’s response to this recommendation.

Recommendation 4

The CLC could make providing feedback and complaints more accessible online. It should also consistently record informal complaints or feedback made to regional offices to support continuous improvement.

CLC response.

While the Central Land Council has an existing feedback and complaints process on our website, it is committed to ensure that this is made more accessible. We will also ensure the provision of clear guidance to regional staff when informal feedback or complaints are received.

As outlined in our responses to Recommendations 2 & 3, the CLC is currently re-developing its website. A revised complaints and feedback process is being incorporated. This will include reference to seeking assistance from NIAA should the complainant be dissatisfied with the CLC’s response.

3.7 TOR 5 | Review and assess each organisation’s strategies for and progress in developing self-sufficient PBCs, so PBCs have appropriate capacity and capability to manage their own responsibilities and aspirations.

Summary

The CLC currently provides varying levels of support to all 30 PBCs in its RATSIB area through its PBC Support and Legal units. The CLC’s support includes a mixture of native title services, capability development such as the PBC Camp, legal and administrative support. The CLC has developed a capability assessment tool that it has used to assess each PBCs’ current state and identify services they need to support them to further develop.

Only two of the 30 PBCs are considered to be self-sufficient, with the goal of self-sufficiency impeded by limited opportunities for industry across much of the region, the absence of resources within PBCs (both financial and staffing) and the low socio-economic profile of the majority of PBC environments. These two PBCs still access occasional legal advice from the CLC.

The CLC’s PBC Unit is well established and could now prioritise some of its effort away from procedural tasks to more impactful activities. It should continue to leverage opportunities from the services and support the CLC provides to Aboriginal Land Trusts established under the ALRA and further invest time in tailoring this to suit the context and needs of PBCs.

Recommendations for TOR 5

The Review made one recommendation for TOR 5 on the PBC Support Unit’s strategic role. This is outlined below, as well as CLC’s response to this recommendation.

Recommendation 5

The CLC should consider the most appropriate role of the PBC Support Unit to ensure that it adds clear value beyond operational and procedural functions, based on the profile of PBCs in its area. It should continue to engage PBCs directly to inform the development of its PBC support approach.

CLC response.

The Central Land Council is committed to continue considering the most appropriate role of the PBC Support Unit. Through decades of work with a variety of land holding and land use income entities, we place high value on providing accountable and transparent administrative support to Aboriginal controlled organisations in a manner that supports their informed decision-making. We will continue to provide appropriate services in line with our service agreements, and accessible resources, to PBCs in our area. This includes the PBC Regional Forum Central Australia and educational materials. A capacity building approach is critical, and we will continue to seek adequate resourcing to provide services that add value beyond operational and procedural functions. The CLC will continue to engage PBCs directly to inform the development of our PBC support approach.

The CLC is currently reviewing its Corporate Plan, where PBC support is being incorporated.

3.8 TOR 6 | Review and assess the adequacy of each organisation's strategic planning for a post determination environment.

Summary

It is expected that there are many years ahead for native title claims in the region with approximately 65 per cent of the land claimable through native title yet to be determined at the end of the Review period. As a result, the CLC's strategic planning for post-determination is relatively under-developed at this stage and the organisation does not have a formal post-determination strategy for its native title functions. Senior staff note it is an emerging priority on the CLC's agenda. The CLC could better articulate the priority it places on post-determination activities, including claim revisions and the potential to grow its PBC Support Unit (see previous section).

Recommendations for TOR 6

The Review made one recommendation for TOR 6 on the organisation's strategic planning capacity. This is outlined below, as well as CLC's response to this recommendation.

Recommendation 6

The CLC should ensure that future strategic planning activities actively consider the role (or a set of potential roles) that the CLC will play in a post-determination native title environment.

CLC response.

The Central Land Council is committed to future strategic planning to determine its role and activities in the post-determination native title environment. The CLC is currently reviewing its Corporate Plan where this recommendation will be addressed.

Appendix A Terms of Reference

1. Review and assess each organisations' efficiency and effectiveness in performing the functions of a native title representative body over the past three years (with the main focus on recent performance) including:
 - native title claim outcomes achieved for clients
 - whether the organisation's assessment and prioritisation of applications are equitable, transparent and robust
 - whether the organisation deals respectfully, equitably, transparently and in a culturally appropriate manner with clients, persons seeking assistance and persons refused assistance.
2. Review and assess each organisation's cost effectiveness in performing the functions of a native title representative body, including the key cost drivers for each organisation.
3. Review and assess each organisation's strategies for driving and tracking its achievement against key performance indicators in its funding agreement with the NIAA.
4. Review and assess the extent to which each organisation's governance structures and organisational policies and practices support efficient and effective project delivery including:
 - the breakdown of responsibilities between the organisation's Board, Chairperson, Chief Executive Officer and senior staff
 - its financial management
 - the standard to which it manages and resolves any conflicts of interest
 - the standard to which it manages and resolves any complaints.
5. Review and assess each organisation's strategies for and progress in developing self-sufficient PBCs, so PBCs have appropriate capacity and capability to manage their own responsibilities and aspirations.
6. Review and assess the adequacy of each organisation's strategic planning for a post determination environment.
7. Examine and report on other relevant issues as identified by the NIAA or in the course of the review, which may be specific to particular organisations.
8. Develop a meaningful set of benchmarks to assess individual and comparative efficiency and effectiveness of organisations.
9. Provide written draft and final reports to the NIAA on the work undertaken for each review and the review findings, making recommendations on what changes, if any, each organisation could make to improve its efficiency and effectiveness. There will be an overarching comparative report and five individual reports.

Appendix B NTRB-SPs under review

A total of 14 NTRB-SPs were reviewed in three tranches using the same methodology and approach. For each Review tranche, a three-year period was in scope for the review – as presented in Table 1. The efficiency and effectiveness of each NTRB-SP was assessed and a performance report was prepared for each.

Table 1 | NTRB-SPs review tranches

Tranche	NTRB-SP under review	Scope of review	Timing review conducted
Tranche 1 (2017)	Central Desert Native Title Services	July 2014 – June 2017	June 2017 – March 2018
	First Nations Legal and Research Services		
	Goldfields Land and Sea Council		
	Native Title Services Corporation		
	Queensland South Native Title Services		
Tranche 2 (2018)	Cape York Land Council	July 2015 – June 2018	September 2018 – April 2019
	Carpentaria Land Council Aboriginal Corporation		
	Kimberly Land Council		
	North Queensland Land Council		
	South Australia Native Title Services		
Tranche 3 (2020)	Yamatji Marlpa Aboriginal Corporation	July 2016 – June 2019	January 2020 – July 2020
	Central Land Council		
	Northern Land Council		
	Torres Strait Regional Authority	July 2016 – June 2019	October 2020 – March 2021

Appendix C Stakeholders consulted

The Review consulted with over 40 stakeholders in relation to the CLC's performance.

Stakeholder groups included:

- clients who have been represented by the CLC (including members of PBCs)
- potential clients in the CLC's RATSIB area/people who have engaged private legal representation to register a claim in the CLC's RATSIB area
- persons who have been refused assistance by the CLC
- the Federal Court of Australia
- the NNTT
- representatives of QLD State Government
- the CLC consultant anthropologists
- members of the Executive Committee (and therefor Council)
- the CLC staff (including staff that no longer work for the CLC).

Appendix D Methodology

Nous designed the methodology to assess NTRB-SP performance against the TORs. The method combines qualitative and quantitative performance to account for the unique context within which each NTRB-SP operates. Given the complexity of measuring performance across different NTRB-SPs, the approach involved six steps to ensure that assessment provided a fair and complete picture of current performance for each NTRB-SP:

1. Develop performance and attribution indicators for each TOR.
2. Collect data through desktop research and consultations.
3. Assess efficiency and effectiveness against each TOR.
4. Develop individual NTRB-SP Performance Assessment Reports.
5. Review NTRB-SP feedback on Performance Assessment Report.
6. Create NTRB-SP Comparative Performance Report.

Qualitative and quantitative performance indicators and attribution factors were developed to assess each TOR. Quantitative indicators were integrated into the qualitative examination of performance to ensure the correct inferences were drawn from quantitative metrics. The quantitative performance indicators and attribution factors were selected from a draft list of more than 120 performance and attribution indicators on the basis that they provide good coverage of quantitative indicators for each TOR category. The qualitative performance indicators and attribution factors guided the qualitative data collection. While some qualitative indicators that were selected are capable of being quantified, they cannot be quantified in a meaningful way for comparative performance purposes. For example, while ILUAs can be an effective tool in delivering native title outcomes there are circumstances in which they may not be the best tool. Complaints received by the NIAA and/or each NTRB-SP formed one part of the material considered in the review where it concerned: NTRB-SP activity since 2014, the efficiency and effectiveness with which the NTRB-SP has conducted its business, or the transparency and respectfulness of the relationships the NTRB-SP maintained with its clients, potential clients or persons refused assistance. Both the relevant elements of the complaint, and the way in which the NTRB-SP responded, were considered.

The data and information underpinning the assessment of each NTRB-SPs' performance was sourced through five channels; desktop research, preliminary discussions with the NTRB-SPs, two rounds of stakeholder interviews and a qualitative survey. These provided an opportunity for stakeholders to contribute to the development process at different points; with the intention being to generate buy-in and encourage the development of indicators which were applicable and meaningful across the contexts of different NTRB-SPs.

The output from the process included individual NTRB-SP Performance Assessment Reports ('Assessment Reports') along with a separate NTRB-SP Comparative Performance Report ('Comparative Report'). The Assessment Reports provided a standardised framework to understand the context and performance of each NTRB-SP; the Comparative Report brings together the findings of each Assessment Report by TOR and discusses the key drivers of performance.

Appendix E Glossary

Table 2 | Glossary

Term	Meaning
<i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (ALRA)	This act legally recognises the Aboriginal system of land ownership and put into law the concept of inalienable freehold title. The <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> only has jurisdiction in the Northern Territory, and as such, co-exists with the <i>Native Title Act 1993 (Cth)</i> .
Any purpose rights	Any purpose rights provide native title holders with the right to take resources from the land for 'any purpose', including for example commercial purposes. This follows the precedent set in <i>Rumburriya Borroloola Claim Group v Northern Territory of Australia (No 2)</i> where the Federal Court has held that the exclusive native title rights and interests of the Rumburriya People over land and waters in the Northern Territory town of Borroloola include the right to take and use resources for any purpose.
Applicant	Any person or persons who have been authorised as the selected representative(s) of a native title claim group in native title or determination proceedings.
Central Land Council (CLC)	The CLC is a statutory authority established under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> . It is a Commonwealth Corporate Entity operating under the <i>Public Governance, Performance and Accountability Act 2013 (Cth)</i> and operates as a <i>Native Title Representative Body</i> under the <i>Native Title Act 1993 (Cth)</i> , providing services to the Southern Northern Territory region.
Client	Any individual or group being provided assistance by a Native Title Representative Body and Service Provider (including assistance with claims, research and/or PBC support).
Connection evidence	Evidence to establish connection of the native title group to the area over which they have lodged a claim. This evidence must demonstrate that the group have continued to observe and acknowledge, in a substantially uninterrupted way, the traditional laws and customs that give rise to their connection with the claim area, from the time of the proclamation of sovereignty to the present day.
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)</i> (the CATSI Act)	The <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)</i> is the law that establishes the role of the Registrar of Indigenous Corporations and enables Aboriginal and Torres Strait Islander groups to form Aboriginal and Torres Strait Islander corporations.
Determination	A decision by the Federal or High Court of Australia. A determination is made either when parties have reached an agreement after mediation (consent determination) or following a trial process (litigated determination).
Extinguishment	Occurs over a defined area when Australian law does not recognise the existence of native title rights and interests because of legislation or common law precedent. Extinguishment can be whole or partial.

Term	Meaning
Future act	A legislative or non-legislative act in relation to land or waters that may impact on the ability of native title holders to exercise native title rights; either through extinguishment or creating interests that are wholly or partly inconsistent with the continued existence of native title.
Indigenous Land Use Agreement (ILUA)	A voluntary, legally binding agreement governing the use and management of land or waters over which native title exists or might exist. The conditions of each Indigenous Land Use Agreement are determined by way of negotiations between native title holders and other interest holders (such as a state or mining company). These negotiations are often facilitated by Native Title Representative Bodies and Service Providers.
National Native Title Tribunal (NNTT)	<p>An independent statutory body established under s107 of the <i>Native Title Act 1993 (Cth)</i> to assist people in resolving native title issues by:</p> <ul style="list-style-type: none"> mediating between the parties to native title applications at the direction of the Federal Court acting as an arbitrator in situations where the people cannot reach agreement about certain future acts helping people to negotiate Indigenous Land Use Agreements. <p>The National Native Title Tribunal maintains three registers relating to native title applications, determinations and Indigenous Land Use Agreements. It also maintains databases regarding future act matters and geospatial tools.</p>
Native title	The communal, group or individual rights and interests of Aboriginal and Torres Strait Islander people in relation to land and waters, possessed under traditional law and custom, by which those people have a connection with an area which is recognised under Australian law (s223 <i>Native Title Act 1993 (Cth)</i>).
<i>Native Title Act 1993 (Cth)</i> (NTA)	The <i>Native Title Act 1993 (Cth)</i> established the procedure for making native title claims and is the primary piece of Commonwealth Government legislation allowing Indigenous Australians to seek rights over land and waters arising from their original ownership under traditional law and custom.
Native Title Representative Body (NTRB)	Recognised organisations which are funded by the Australian Government to perform functions to assist native title groups in a specific region, according to the provisions in Part 11 of the <i>Native Title Act 1993 (Cth)</i> .
Native Title Service Provider (NTSP)	Organisations funded by the Australian Government to perform all or some of the same functions as Native Title Representative Bodies in areas where Native Title Representative Bodies have not been recognised.
Native Title Representative Body and Service Provider (NTRB-SP)	<p>The Review references Native Title Representative Bodies and Service Providers as a collective where relevant within this report.</p> <p>See above for descriptions of Native Title Representative Bodies and Native Title Service Providers.</p>
National Indigenous Australian's Agency (NIAA)	National Indigenous Australian's Agency is a Commonwealth Government agency who is committed to improving the lives of all Aboriginal and Torres Strait Islander peoples.
Non-claimant application	An application made by a person, who does not claim to have native title but who seeks a determination that native title does or does not exist.

Term	Meaning
<i>Pastoral Land Act 1992 (Northern Territory)</i>	The <i>Pastoral Land Act 1992 (Northern Territory)</i> is an act to make provision for the conversion and granting of title to pastoral land and the administration, management and conservation of pastoral land, and for related purposes.
Pastoral leases	A pastoral lease is a title issued for the lease of an area of Crown land to use for the limited purpose of grazing of stock and associated activities. It is a limited property right and does not provide the leaseholder with all the rights that attach to freehold land. Native title rights often co-exist with pastoral lease rights.
Post-determination	At a claim level, refers to the period following a determination that native title exists. At an Native Title Representative Body and Service Provider life cycle level, refers to the period following the resolution of all active claims within a Representative Aboriginal/Torres Strait Islander Body area.
Prescribed Body Corporate (PBC)	A body, established under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)</i> , nominated by native title holders which will represent them and manage their native title rights and interests once a determination that native title exists has been made.
<i>Public Governance, Performance and Accountability Act 2013 (PGPA)</i>	The <i>Public Governance, Performance and Accountability Act 2013</i> is administered by the Department of Finance and applies to all officials of Commonwealth entities. It establishes rules not only for financial management but also for the broader governance, performance and accountability for the Commonwealth public sector.
Registration test	The registration test is a set of conditions applied to the claims made in native title determination applications. The Native Title Registrar, or the Registrar's delegate, applies the test. If a claim satisfies the conditions of the registration test, details of the application are entered on to the Register of Native Title Claims. This means that the application becomes a registered claim and is able to exercise the procedural rights stipulated in the future act provisions of the <i>Native Title Act 1993 (Cth)</i> .
Representative Aboriginal/Torres Strait Islander Body area (RATSIB area)	The area over which a Native Title Representative Body and Service Provider holds jurisdiction.
Terms of Reference (TOR)	Refers to the Terms of Reference provided by National Indigenous Australian's Agency which govern the scope of the project. These can be found in Appendix A.
Traditional Owners	Individuals of Aboriginal and/or Torres Strait Islander descent who identify as being a descendant of persons that occupied a particular area prior to European settlement.