

Review of Performance as a Native Title Service Provider: Central Desert Native Title Services

Summary Report

March 2021

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This Review covered the period from July 2014 to June 2017. Findings relate to this time period unless otherwise stated. Nous conducted the Review between June 2017 and March 2018. This summary document was prepared in 2020 and includes responses to recommendations by the NTRB-SP in 2020.

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1 About the Review

The Department of the Prime Minister and Cabinet¹ 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 Desert Native Title Services (CDNTS) was reviewed from June 2017 to March 2018 in relation to the previous three-year period (July 2014 to June 2017). This document contains a summary of the Review's overarching findings and recommendations for CDNTS. It also includes CDNTS's responses to the recommendations made by the Review.

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 for all Reviews to support a comparative and transparent assessment of CDNTS 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), the CDNTS Board of Directors and the Western Australian (WA) Government. A list of stakeholders consulted is included in Appendix C.

CDNTS was given the opportunity to review the full report in 2018 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 complete description of the methodology is included in Appendix D.

¹ Note in July 2019 the National Indigenous Australians Agency (NIAA) was established to lead Indigenous Affairs Policy for the Australian Government. NIAA has commissioned subsequent NTRB-SP Reviews.

2 Profile of CDNTS at a glance

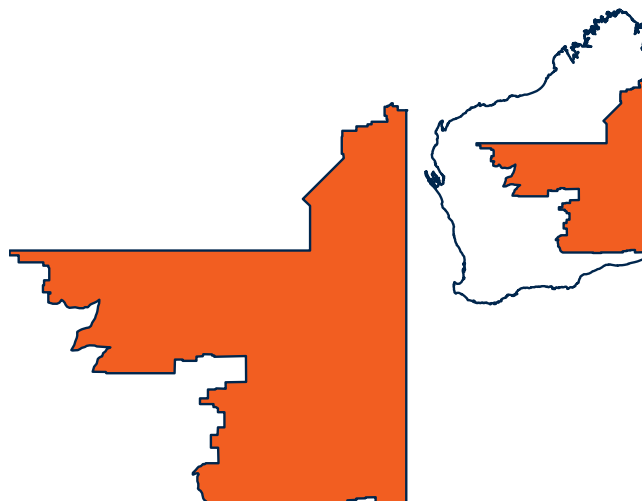
CDNTS is an organisation based in Perth that provides native title services to the native title claimants and Traditional Owners of the Central Desert region in WA.

Central Desert Native Title Services Limited (CDNTS), incorporated April 2007, is a Native Title Service Provider which services the Central Desert Representative Aboriginal/Torres Strait Islander Body (RATSIB) Area in WA. Ngaanyatjarra Council's (Aboriginal Corporation) Native Title Unit formerly serviced this area.

CDNTS' RATSIB area, pictured right, covers approximately 830,935 square kilometres, accounting for approximately one third of WA.

There were eight active claims in the Central Desert awaiting a determination at the start of 2018. CDNTS acts for one of these claims. The area of the remaining seven claims lie mostly in CDNTS and adjoining RATSIB areas but outside of the Western Desert Cultural Bloc (WDCB), except for the Nanatadjarra People claim which is wholly in CDNTS' region but is currently unrepresented.

At the time of the Review, there were 11 Prescribed Bodies Corporate (PBCs) within the RATSIB area, and CDNTS supported nine of these in 2016/17.



There had been 26 determinations of native title within the CDNTS RATSIB area since the passage of the *Native Title Act 1993* (Cth), eight of which occurred between 2014/15 and 2016/17. A further six occurred in the second half of 2017. CDNTS was the solicitor on record for claimant groups in five of the determinations from 2013/14 to 2016/17 and three in the second half of 2017.

CDNTS received \$6,496,834 in net grant revenue in the 2016/17 financial year, a slight increase from \$6,453,398 in 2015/16 financial year but down from \$7,306,332 in 2014/15. The NIAA provided the majority of grant funding, \$5,411,240 in 2016/17, for native title purposes. CDNTS supplemented grant revenue with \$2,250,335 of activity generated income in 2016/17, accounting for 24% of total revenue.

CDNTS is a company limited by guarantee and is registered with the Australian Charities and Not-for-profits Commission. CDNTS also wholly owns two subsidiary companies that provide accounting, bookkeeping employment services, secretariat, project development, management, money management and financial services to its clients: Desert Support Services Pty Ltd (DSS) created in 2011 and Rockhole Funds Management Pty Ltd (RFM) created in 2013.

At the time of the Review, CDNTS had a skills-based Board, with six Directors. The Board's role was to decide the strategic direction of Central Desert and to ensure that Central Desert acts in accordance with funding conditions. Within CDNTS, the management team comprised: the CEO, Deputy CEO, Principal Lawyer, CFO (DSS) and Company Secretary, Corporate Services Manager, General Manager DSS and Legal Services Manager. CDNTS had offices in Perth with 28 staff members (11% of whom identified as Aboriginal) and DSS had 22 staff members.²

² As at 30 June 2017, CDNTS has 22 full time staff and 6 part time staff. DSS has 16 full time staff, 5 part time staff, and 1 casual staff member. Figures do not include casual labour hire arrangements.

3 Findings and recommendations by Terms of Reference

The following sections of the report provide a summary of CDNTS' performance against the Terms of Reference 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 3 years (with the main focus on recent performance) including: native title claim outcomes achieved for clients.

CDNTS has an ongoing history of achieving positive native title outcomes for clients in the Central Desert region. The Review observed that CDNTS is deliberate and strategic in its approach to progressing claims and effectively manages its claims. The history of good results is also a product of strong relationships with clients.

This success is within the context of a challenging former state government position and a legacy of previous claims. There are, however, some favourable external factors for CDNTS e.g. there are relatively limited intra-Indigenous disputes in the region, and future acts and ILUAs are not common in the Central Desert region (particularly compared to the neighbouring Goldfields area).

Instead, CDNTS has proactively sought the designation of Indigenous Protected Areas (IPAs), ranger programs and other agreements to provide an alternative foundation for economic opportunity, though these are not funded through NTA funding. It has concluded 155 future act agreements (including for example s31 agreements and standard heritage agreements) over the Review period. CDNTS does not expect ILUA's to become a significant area of work in the future, and will more likely settle mining agreements under section 31 agreements.

Since 2014, CDNTS has represented six successful native title determinations and no unsuccessful determinations.

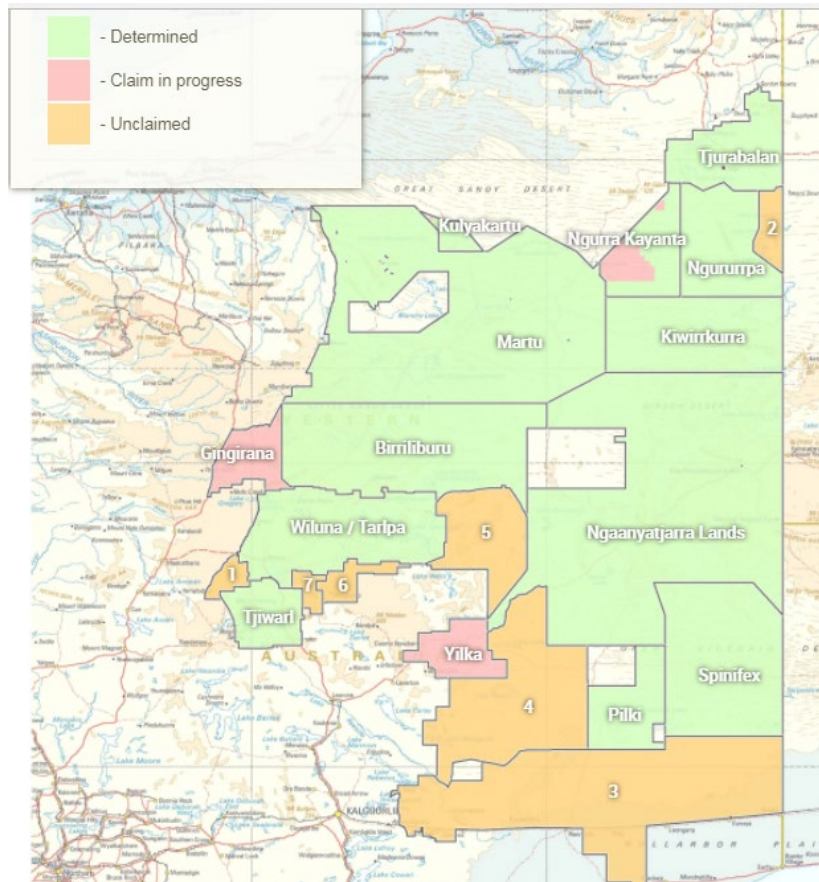
CDNTS has represented clients in 14 successful determinations since it was established in 2007. Several of these determinations included multiple claims. Determinations have occurred relatively consistently over this time, with six occurring since 2014. CDNTS has had no determinations that native title does not exist.

In 2017 CDNTS achieved the first ever successful application to vary a determination of native title to be handed down by the Federal Court. The variation recognised that the Wiluna/Tarlpa native title holders hold native title over areas of pastoral improvements. The original determination in 2013 found those were areas where native title does not exist, but allowed for a variation if the High Court's decision in the Brown matter found that to be incorrect, which was the case.³

CDNTS staff attribute the successful performance to a strategic focus on achieving native title outcomes for their clients and well-planned approach to progressing claims. They also believe the organisation has good governance in place, strong management and experienced and skilled staff to deliver on the strategic outcomes, and focus over the three years of the Review.

³ CDNTS, 2016/17 Annual Report (2017).

Figure 1 | Central Desert NTA determinations (with green representing where Native title exists (exclusive) and orange (non-exclusive))⁴



No recommendations were made for TOR 1.1.

⁴ NNTT data, available online from https://www.arcgis.com/home/webmap/viewer.html?url=https://services2.arcgis.com/rzk7fNEt0xoEp3cX/ArcGIS/rest/services/NNTT_Custodial_AGOL/FeatureServer/6&source=sd. Note that since the production of this map, the Gingirana, Yilka and Ngurra Kayanta claims have been determined, and area 5 has been registered as the Manta Rirtinya claim.

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 3 years (with the main focus on recent performance) including: whether the organisation’s assessment and prioritisation of applications are equitable, transparent and robust.

CDNTS’ assessment and prioritisation of applications is in most cases equitable, transparent and robust. CDNTS has documented procedures to assess and prioritise applications, and in most cases communicates the outcomes and reasoning of application outcomes to clients.

Recommendations for TOR 1.2

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

Recommendation 1

To further existing transparency, CDNTS could provide additional information on its website about how to make an application for assistance and policies related to its decision-making about applications for assistance.

CDNTS response.

Central Desert has information on our “About Us” page on our website giving specific information about our process in relation to the internal review function under section 203BI of the Native Title Act 1993 (C’t’h) (NTA). The information gives a succinct outline of the process for requesting an internal review, who to make the request to and outlines associated timeframes. The information also notes a right (if dissatisfied with the internal review) under s203FB of the NTA to seek an external review through the Commonwealth.

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 3 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.

CDNTS generally deals respectfully, equitably and in a culturally appropriate manner with clients.

CDNTS receives criticism from some members of the community for its Board make-up as it has no Indigenous membership. This has made it difficult for some Aboriginal people, who would otherwise be inclined to engage CDNTS for services, to entrust CDNTS with their business. However, many have also acknowledged that the skills-based Board has allowed the organisation to operate impartially to progress native title outcomes in its area.

Recommendations for TOR 1.3

The Review made one recommendation for TOR 1.3 on the organisation's approach to clients. This is outlined below, as well as CDNTS' response to this recommendation.

Recommendation 2

CDNTS' Board could undertake a review of the engagements and correspondence that have led to feedback alleging disrespect in a particular case, to ensure CDNTS maintains a reputation for respectful communication from stakeholders.

CDNTS response.

A chronology of events and a document summary of correspondence for this particular case were prepared for the Central Desert Board to review. The Board on close assessment of the information concluded that correspondence and information were appropriately dealt with and noted that Management were to continue to maintain a high standard of respectful communication with all stakeholders. In the south west corner of the Central Desert region CDNTS has engaged a strong and effective communications strategy including undertaking a series of public meetings for extensive on ground engagements to provide opportunities for as many people as possible to hear information.

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.

CDNTS manages its budget responsibly and has implemented a number of strategies to mitigate its main cost driver - travel. Recognising the remoteness and difficulty of reaching many of the locations in the region, strategies have been developed to mitigate costs without having an impact on service delivery where possible. Strategies are also in place to ensure efficient use of consultants - CDNTS prioritises recruiting and developing internal staff and has rigorous tender processes for external consultants when these services are required. It has administration practices in place to consistently monitor spending and identify cost savings. Overall the Review found that the way in which CDNTS carries out its functions and the results it achieves demonstrate good value for money.

No recommendations were made for TOR2.

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.

CDNTS employs a sophisticated approach to tracking its achievement against KPIs outlined in its funding agreement with the NIAA. CDNTS has developed a program to consider and compare its performance to these KPIs to provide clear information to the Executive and Board on how it is tracking. Reporting to the NIAA is also timely and appropriate.

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.

CDNTS' governance structure, policies and practices support efficiency and effectiveness. The Board has clear responsibility to set strategic directions and carries out its tasks responsibly. And there is a clear separation between the Board, Chairperson, CEO and senior staff.

Processes for risk management and financial management are strong. Conflict of interest protocols and the complaint policy are considered and appropriate. CDNTS is perceived by most stakeholders as a very well-run organisation.

Recommendations for TOR 4

The Review made one recommendation for TOR 4 on support provided by organisational governance structures, policies and practices. This is outlined below, as well as CDNTS' response to this recommendation.

Recommendation 3

There would be value in CDNTS revisiting the effectiveness of its performance management system and the Review supports CDNTS' intention to do so.

CDNTS response.

Central Desert management and staff were in negotiation over an Enterprise Bargaining Agreement (EBA) at the time of the Nous Review. The performance evaluation tools were reviewed and amended with substantial input from staff through the Joint Consultative Committee which was formed under the EBA. There is now broader satisfaction with the system from staff and Management.

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.

One of the key strategic priorities for CDNTS and its subsidiary companies is to build PBC capability, particularly in corporate governance and financial literacy skills. CDNTS and DSS have supported PBCs to map a clear strategic and operational path to self-sufficiency, although PBCs are not yet self-sufficient. Feedback from stakeholders indicated broad support for the services that they receive as PBCs, particularly the additional work undertaken by CDNTS and DSS to help them consider their initial set up and strategic planning.

No recommendations were made for TOR 5.

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

CDNTS is well progressed towards a post-determination environment, has a strong strategic approach to addressing potential changes in its post determination environment. As a result, it has put in place practical measures to prepare for a post determination environment, including restructuring its organisational operating model through the creation of DSS. The increasing importance of compensation matters will create challenges for CDNTS, given that much of the land in its RATSIB area currently has limited economic value but substantial cultural value. The DSS Board regularly discusses how to transition DSS to become an Aboriginal organisation (under the CATSI Act) in the future, to support CDNTS/ DSS' vision that is, informally, to "do itself out of a job".

No recommendations were made for TOR 6.

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 3 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 Prescribed Bodies Corporate (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 Native Title Representative Bodies and Service Providers (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	Scope of Review	Timing Review conducted
Central Desert Native Title Services			
Tranche 1 (2017)	First Nations Legal and Research Services	July 2014 – June 2017	June 2017 – March 2018
	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		
Tranche 3 (2020)	South Australia Native Title Services	July 2016 – June 2019	January 2020 – July 2020
	Yamatji Marlpa Aboriginal Corporation		
	Central Land Council		
	Northern Land Council	July 2016 – June 2019	October 2020 – March 2021
	Torres Strait Regional Authority		

Appendix C Stakeholders consulted

The Review consulted with over 40 stakeholders in relation to CDNTS' performance. This was directly through interviews, as well as a qualitative survey conducted as part of the Review.

Stakeholder groups included:

- clients who have been represented by CDNTS (including members of PBCs)
- potential clients in CDNTS' RATSIB area / people who have engaged private legal representation to register a claim in CDNTS' RATSIB area
- persons who have been refused assistance by CDNTS
- the Federal Court of Australia
- the National Native Title Tribunal
- representatives of WA State Government
- CDNTS contractors, including:
 - barristers
 - anthropologists
- CDNTS Board Directors, and
- CDNTS staff (including staff that no longer work for CDNTS).

Appendix D Methodology

Nous designed a detailed 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. Attribution factors refer to factors outside the control of the NTRB-SP (external factors) that have a significant impact on the efficiency or effectiveness of their native title operations. 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 Indigenous land use agreements 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

Throughout this document, the following terms have the meaning prescribed in 2.

Table 2 | Glossary

Term	Meaning
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 Desert Native Title Service (CDNTS)	CDNTS is a \$6.5 million a year organisation based in Perth that provides native title services to the native title claimants and Traditional Owners of the Central Desert region in WA. It is the subject of the Review in this document.
Client	Any individual or group being provided assistance by an NTRB-SP (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) (the CATSI Act)</i>	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.
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 ILUA 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 NTRB-SPs.
<i>Mining Act 1978 (WA)</i>	The <i>Mining Act 1978 (WA)</i> outlines WA's law as it relates to mining, and for incidental and other purposes.
National Native Title Tribunal (NNTT)	An independent statutory body established under s 107 of the NTA to assist people in resolving native title issues by: <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

Term	Meaning
	<ul style="list-style-type: none"> helping people to negotiate ILUAs <p>The NNTT maintains three registers relating to native title applications, determinations and ILUAs. It also maintains databases regarding future act matters and geospatial tools.</p>
Native title	The communal, group or individual rights and interests of Aboriginal peoples and Torres Strait Islanders 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 (s 223 NTA).
<i>Native Title Act 1993</i> (Cth) (NTA)	The <i>Native Title Act 1993</i> (Cth) 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</i> .
Native Title Service Provider (NTSP)	Organisations funded by the Australian Government to perform all or some of the same functions as NTRBs in areas where NTRBs have not been recognised.
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.
Post-determination	At a claim level, refers to the period following a determination that native title exists. At an NTRB-SP life cycle level, refers to the period following the resolution of all active claims within a RATSIB area.
Prescribed Body Corporate (PBC)	A body, established under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (Cth), 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.
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 NTA.
Representative Aboriginal/ Torres Strait Islander Body area (RATSIB area)	The area in which an NTRB-SP performs its functions.
Terms of Reference (TOR)	Refers to the Terms of Reference provided by the NIAA which govern the scope of the project. These can be found in Appendix A.
Traditional Owners (TOs)	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.
Western Desert Cultural Bloc (WDCB)	The Western Desert Cultural Bloc (WDCB) is a cultural region in central Australia covering about 600,000 square kilometres, including the Gibson Desert, the Great Victoria Desert, the Great Sandy and Little Sandy Deserts in the Northern Territory, South Australia and Western Australia. The Western Desert cultural bloc can be said to stretch from the Nullarbor in the

Term	Meaning
	south to the Kimberley in the north, and from the Percival Lakes in the west through to the Pintupi lands in the Northern Territory.

This document refers to the functions of NTRB-SPs outlined under the *Act*, and captured in Table 3.

Table 3 | NTRB functions under the Act

Reference	Function	Detail
s203BB	Facilitation and assistance	NTRB-SPs provide assistance to those that hold or may hold native title in relation to native title applications, future acts, agreements, rights of access and other matters.
s203BF	Certification	NTRB-SPs certify applications for native title determinations and certify the registration of ILUAs.
s203BF	Dispute resolution	NTRB-SPs promote agreement and mediate disputes between native title groups.
s203BG	Notification	NTRB-SPs ensure that people that may hold native title are informed of other claims and of future acts and the time limits for responding to these.
s203BH	Agreement making	NTRB-SPs can be a party to ILUAs or other agreements.
s203BI	Internal review	NTRB-SPs have a process by which native title claimants can seek a review of decisions and actions they have made, and promote access to this process for claimants.
s203BJ	Other functions conferred by the Act or by any other law	These are largely concerned with cooperation between NTRB-SPs, consulting with Aboriginal and Torres Strait Islander communities, and providing education to these communities on native title matters.