Review of Performance as a Native Title Service Provider: Queensland South Native Title Services

Summary Report

March 2021

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Contents

1 About the Review

The Department of the Prime Minister and Cabinet[1] 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.

Queensland South Native Title Services (QSNTS) 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 QSNTS. It also includes QSNTS'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 the Reviews to support a comparative and transparent assessment of QSNTS 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 and persons refused assistance, staff, the Federal Court, the National Native Title Tribunal (NNTT), the QSNTS Board of Directors and the Queensland state government. A list of stakeholders consulted is included in Appendix C.

QSNTS 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.

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[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 QSNTS at a glance

QSNTS is based in Brisbane, Mt Isa and Rockhampton and provides services in south and north-west Queensland.

Queensland South Native Title Services (QSNTS), established in 2005, is a Native Title Service Provider servicing south Queensland and parts of north-west Queensland. In 2008 QSNTS expanded to take responsibility for areas previously within Gurang Land Council's responsibility and the Mt Isa region that was previously the responsibility of Carpentaria Land Council.

QSNTS' RATSIB area, pictured right, includes a land area of approximately 1,174,800 square kilometres. This accounted for approximately two thirds of Queensland's landmass. QSNTS also had responsibility for approximately 452, 000 square kilometres of sea.

At the time of the Review, there were 32 active claims within this RATSIB area, 25 of which QSNTS acts for.[2] There were 18 Prescribed Bodies Corporate (PBCs) in the RATSIB area.

There had been 28 claimant determinations of native title within the RATSIB area since the passage of the *Native Title Act 1993* (Cth). QSNTS had assisted Traditional Owner groups with 14 of these claims.[3] There had been 16 determinations of native title since 2014/15. Of those QSNTS was the solicitors on record for 9 of them.[4]

QSNTS received a total grant funding of $11,594,902 in 2016/17. This included $10,420,000 of base funding for native title activities, which excluded carry forwards and basic support funding. While QSNTS' total grant funding slightly increased from the previous year, base funding for native title decreased.

QSNTS is a company limited by guarantee and is registered with the Australian Charities and Not-for-profits Commission. At the time of the Review, QSNTS has a skills-based board of six members, with Directors appointed by the organisation. Within QSNTS the management team comprised the CEO, the Principal Legal Officer and the CFO. The organisation had offices in Mt Isa, Rockhampton and Brisbane and the organisation had 57 staff members, 52 of which were full-time and 5 of which were part time. Almost one-in-four staff members identified as Indigenous.[5] [6]

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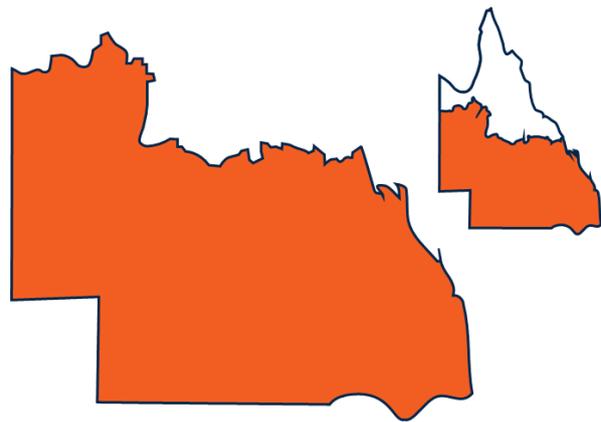
[2] National Native Title Tribunal Register. Accessed in December 2017.
[3] QSNTS (2017) "QSNTS Review Brief". Prepared for Nous by QSNTS for the purposes of this Review.
[4] National Native Title Tribunal Register. Accessed in December 2017.
[5] QNSTS (2017) "Queensland South Native Title Services Annual Report 2016-17"
[6] Funding figures are based on "grant funding" reported in financial statements lodged with ACNC

3 Findings and recommendations by Terms of Reference

The following sections of the report provide a summary of QSNTS' 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.

QSNTS has a history of achieving native title outcomes for clients. It can attribute this success to effective management of native title matters and a pro-active approach to anthropological (including genealogical) and historical research within their service region. Successful management of claims has occurred in a challenging environment and stands out in contrast to the inability of previous NTRBs in the region to deliver native title outcomes.

There is a high level of intra-Indigenous disputes across many claims. This is in part due to the history of previous unsuccessful claims. The level of disputation has a highly significant impact on the operating environment for QSNTS and the level of satisfaction across many claims.

There is mixed feedback from clients and other stakeholders about their satisfaction with native title outcomes. Many perceive QSNTS as highly professional and competent. QSNTS' communications with clients and some decisions in the context of intra-Indigenous disputes are sometimes contentious.

Feedback on future acts and ILUAs was mixed, with some concerns expressed about the previous management of future act matters and ILUAs by QSNTS.

QSNTS has been successful in delivering native title outcome for many clients

QSNTS has performed well in achieving native title outcomes for clients since its establishment in 2005. Since 2005 QSNTS has assisted 18 native title claim groups achieve positive determinations of native title.

Within the three-year period from 1 July 2014 to 31 December 2017, the focus of the Review, QSNTS has:

- filed a total of 13 native title applications
- supported achievement of seven determinations of native title for clients
- acted for four native title claims that resulted in settlement ILUAs, which provided for extinguishment of native title in exchange for non-native title benefits.

During this three-year period, QSNTS has not assisted with the authorisation and filing of any claims that failed the registration test. No QSNTS client has been the subject of a negative determination.

Based on the above figures this indicates good performance in regards to native title outcomes.

QSNTS is also meeting its targets with regards to the timeliness of achieving a determination following acceptance of connection materials. QSNTS has a target of an average of 18 months for the time period

from acceptance of connection report to determination of a claim. QSNTS has reported the average is 17 months over the period 2013 to 2016.[7]

Figure 1 | Queensland South native title determinations[8]
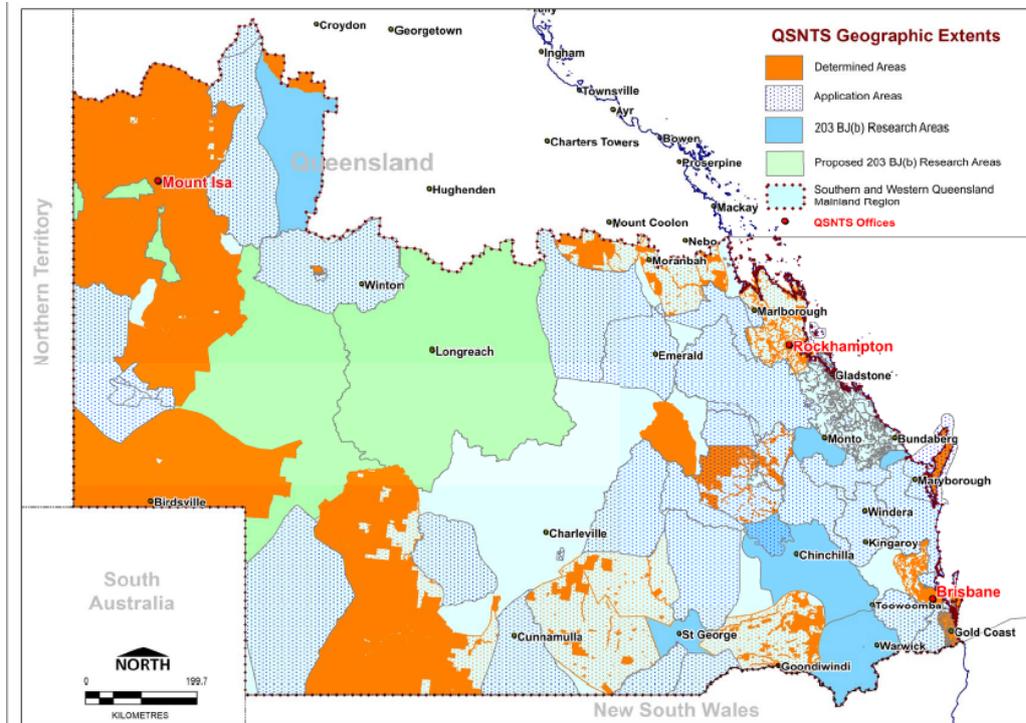
[7] Bendelta (2016) "Queensland South Native Title Service – Dashboard reporting"

[8] QSNTS (2016) "Nous review map", Prepared for Nous by QSNTS for the purposes of this Review.

Recommendations for TOR 1.1

The Review made three recommendations for TOR 1.1 on native title outcomes achieved by clients. These are outlined below, as well as QSNTS' response to these recommendations.

Recommendation 1

QSNTS should clarify and communicate QSNTS' policy on the use of peer review of research outputs, including the considerations taken into account when determining when peer review is to be activated.

QSNTS response.

QSNTS will spell out the policies that reflect the approach being followed by the organisation on the use of peer review of research outputs, and explain the considerations it will take into account when determining when peer review is to be activated and publish them on its website.

Recommendation 2

Continue to explore opportunities to provide greater access and transparency to research outputs in instances where there is not a significant legal and privacy concern in doing so.

QSNTS response.

QSNTS will spell out and publish on its website the policies that reflect the approach being following by the organisation to provide greater access and transparency to research material in circumstances where there is not a significant legal and privacy concern in doing so. Generally, materials filed in support of a native title determination application will be made available to the prescribed body corporate after the successful determination of the application. Provision of material may be delayed if there is a prospect of a further NTDA or compensation application being filed on behalf of the group.

Recommendation 3

Determine means to increase client and stakeholder knowledge and understanding of the internal review process and improve accessibility and transparency of this option to clients and stakeholders.

QSNTS response.

Appropriate policies have been developed and are published in accessible language on QSNTS website.

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.

QSNTS' assessment and prioritisation of applications follows a documented internal process for assessment and prioritisation of applications and associated resourcing. This process is not always communicated clearly to stakeholders. This can mean that stakeholders do not understand QSNTS' processes for decision-making which results in complaints. Similarly, while QSNTS has an internal process for pursuing claims, this is not well understood or communicated to clients. This can result in dissatisfaction and operational challenges. Communication of key information to clients and stakeholders could be improved.

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 QSNTS' response to this recommendation.

Recommendation 4

Develop clearer guidelines that outline the process QSNTS takes to assessing requests for assistance, prioritising projects and prioritising claims. Ensure these guidelines are easily understandable to clients and consistent with the practical application of prioritisation policies internally.

QSNTS response.

Appropriate policies have been developed and are published in accessible language on QSNTS website.

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.

Evidence collected indicates that in general QSNTS engages respectfully with most clients. There is opportunity to improve culturally appropriate engagement and ensure that decisions based primarily on legal considerations are implemented in a culturally sensitive manner. The nature of communication with clients and stakeholders was also identified as a significant area needing improvement. Written complaints and negative feedback through interviews were received from a minority of clients that did not support QSNTS' manner of engagement throughout the claims process.

Recommendations for TOR 1.3

The Review made two recommendations for TOR 1.3 on the organisation's approach to clients. These are outlined below, as well as QSNTS' response to these recommendations

Recommendation 5

Examine and review cultural sensitivity approaches within the organisation to ensure the delivery of difficult messages is consistently appropriate. Consider the appropriate role of Community Relations Officers including the need for additional resourcing and opportunities to be more inclusive to their view points in decision making.

QSNTS response.

QSNTS gives priority to ensuring due sensitivity and consistency in delivering difficult messages and how they are transmitted, with appropriate input and guidance from staff who engage regularly with clients. QSNTS is also active in responding to how such messages are received and feedback provided.

Recommendation 6

Review current QSNTS processes for managing conflict in the context of claim group meetings to maximise the likelihood that meetings are productive and respectful for all individuals attending, including plan English guidelines on when traditional decision making would be applied at meetings.

QSNTS response.

QSNTS endeavours to anticipate and manage conflict including by meeting with persons or families affected by advice or decisions ahead of larger meetings to explain the reasons why decisions have to be made. If a group has traditional decision making process or decision making processes based on traditional norms every effort is made to engage and honour those methods.

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.

Cost saving strategies are in place across several functions of the organisation and deliver broad cost-savings. QSNTS engages consultants in an effective manner to support native title outcomes for clients. Proactive management of consultants ensures this is done in an efficient manner. Costs associated with native title claim group meetings, another key cost driver for NTRBs, have declined over recent years due to operational policies.

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.

QSNTS adopts a clear and consistent approach to tracking performance. Recently QSNTS has developed a performance dashboard which considers and compares QSNTS performance and costs per matter against a range of measures and indicators. This provides clear information on QSNTS performance against a range of areas and supports QSNTS' operational planning and monitoring. Reporting to the NIAA is also appropriate.

Recommendations for TOR 3

The Review made one recommendation for TOR 3 on the organisation's achievement. This is outlined below, as well as QSNTS' response to this recommendation.

Recommendation 7

Review current strategic Organisational KPIs to confirm they are achievable and revise as required.

QSNTS response.

QSNTS is regularly reviewing its performance and revising its KPIs and other metrics accordingly.

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.

QSNTS has a clear separation of responsibilities between its Board, Chairperson, CEO and senior staff. The delineation of responsibilities between the Board and Executive is consistent with other organisations and supports effective operation. Role descriptions provide clarity of responsibilities and accountability for staff.

There is an opportunity for greater involvement of anthropological researchers in Executive decision-making to enable their perspective to inform significant strategic organisational decisions and mitigate against any siloing between the research and legal teams. The culture of the organisation is highly legalistic and this can inform how decisions are made in the organisation.

Processes for risk management, financial management and monitoring organisational performance are strong. The organisation could be more proactive and transparent in its complaints process. Conflict of interest protocols are considered and appropriate.

Recommendations for TOR 4

The Review made two recommendations for TOR 4 on support provided by organisational governance structures, policies and practices. These are outlined below, as well as QSNTS' response to these recommendations.

Recommendation 8

QSNTS should consider creating a new senior researcher and anthropologist role as part of the senior management team.

QSNTS response.

QSNTS has a well-credentialed and experienced research cohort. QSNTS researchers are integral to the development and prosecution of QSNTS's Operational and Client Management Plans as well as in developing strategies around communication with individuals, families and groups. It is part of QSNTS's contractual arrangements with external consultants that they work closely with and mentor QSNTS in-house researchers.

Recommendation 9

QSNTS, in collaboration with the NIAA and the State Government, could develop a policy response to provide a way forward on the issue of long-standing complaints.

QSNTS response.

QSNTS has productive working relationships with the NIAA, relevant Departments and the State Government. Where possible, approaches are pursued that seek to mitigate complaints but legitimate differences between the three parties limit the prospect of developing a single tripartite policy response to longstanding complaints.

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.

Feedback from QSNTS' stakeholders indicated broad support for the services that they receive as PBCs. While there may be opportunities to provide more tailored supports to some PBCs, on the whole PBCs were happy with the support and assistance they received. QSNTS has dedicated significant attention to developing self-sufficient PBCs and has recently begun increasing the focus on embedding PBC support during the claims process itself to develop self-sufficiency post determination.

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.

QSNTS strategic planning is comprehensive and considers the requirements and opportunities for the organisation in a post-determination environment. Strategy implementation is progressing with the development of the Catalogue of Services which will provide a fee for service model for PBCs in the RATSIB area. The Board's strategic planning capability is appropriate and external expertise is brought in to support strategic planning where required. Monitoring processes for strategic KPIs are clear and robust.

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
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		
	Yamatji Marlpa Aboriginal Corporation		
Tranche 3 (2020)	Central Land Council	July 2016 – June 2019	January 2020 – July 2020
	Northern Land Council		
	Torres Strait Regional Authority	July 2016 – June 2019	October 2020 – March 2021

Appendix C   Stakeholders consulted

The Review consulted with over 50 stakeholders in relation to QSNTS' performance. This was directly through interviews, as well as a qualitative survey conducted as part of the Review.

Stakeholder groups included:

- people with native title interests in the area:
    - who have been represented by QSNTS (including members of PBCs)
    - who have been refused assistance by QSNTS
    - who have engaged private legal representation to register a claim in QSNTS' RATSIB area
- the Federal Court of Australia
- the National Native Title Tribunal
- representatives of the Queensland State Government
- QSNTS contractors, including:
    - anthropologists
- QSNTS Board Directors
- QSNTS staff

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 with 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 Table 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.
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.
Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth) (the *CATSI Act*)	The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) 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 exists. 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.
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: • 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 ILUAs The NNTT maintains three registers relating to native title applications, determinations and ILUAs. It also maintains databases regarding future act matters and geospatial tools.

Term	Meaning
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).
Native Title Act 1993 (Cth) (*NTA*)	The *Native Title Act 1993* (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 *Native Title Act 1993*.
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 *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (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.

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.