



# TERMS OF REFERENCE

## ORAC's contribution to AIATSIS research program 'Building the capacity of native title communities.'

Published March 2007

### PROJECT SUMMARY

Research will be conducted by AIATSIS and its project partners into the challenges facing native title holders and their Prescribed Bodies Corporate (PBCs). In developing a better understanding of these challenges and engaging in a participatory planning processes it is anticipated that greater support mechanisms and capacity-building in effective governance will result.

### PROJECT TIMELINE

2006–2009.

ORAC anticipates completing a Guide to good governance for PBCs by end 2007.

### ORAC'S CONTRIBUTION

ORAC will contribute relevant information from ORAC's public register; other information as permitted and knowledge and expertise related to corporate governance and structures for PBCs.

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#### **Contribution to research**

ORAC will provide information and input regarding:

- incorporation processes and requirements of ACA/CATSI Acts
- data on compliance by PBCs with reporting requirements under the *Aboriginal Councils and Associations Act 1976*
- transitional arrangements and implementation processes regarding the replacement of the *Aboriginal Councils and Associations Act 1976* with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* on 1 July 2007

- information on director's duties and the relationship between these and obligations for PBCs under the *Native Title Act 1993*
- issues specific to internal governance requirements which may affect PBCs
- training programs and resources available for corporations registered with ORAC, including resources ORAC can offer to native title holders pre and post determination
- partnering with and supporting the work of NTRBs and relevant stakeholders including the resource sector
- expertise on options for capacity-building to support strengthened corporations in the native title sector.

\*Note: Any information provided by ORAC will be subject to the limitations prescribed by relevant laws such as the ACA and CATSI Acts and the *Privacy Act 1988*.

### **Involvement in planning**

ORAC staff and managers will attend relevant AIATSIS forums and planning sessions and make presentations on topics within the scope of ORAC's work.

This will include important information on how the new CATSI Act will affect PBCs in terms of internal governance standards and reporting requirements.

### **Project outputs**

Guide to good governance for PBCs; including a model constitution for use by PBCs and a good governance tool to support appropriate corporate design and decision making. An important component of this guide is the best way to establish and manage trusts and agreements that may be connected to PBCs.

### **Scope of ORAC's contribution**

The scope of ORAC's participation in this project does not extend to provision of discretionary funding to meet the costs of forums or publications. ORAC will, however, meet all costs relating to publication of the Guide to good governance for PBCs. ORAC will also cover the costs of all ORAC staff and agents attending forums and meetings connected with the project.

## **DESIRED OUTCOMES**

It is anticipated that the research findings and forums will help ORAC in its ongoing efforts to provide appropriate and targeted services to corporations and stakeholders, and to develop relevant training and information resources for PBCs.

## **RESEARCH PARTNERS**

Office of the Registrar of Aboriginal Corporation (ORAC)

Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS)

## **PROJECT SPONSORS**

Department of Families, Community Services and Indigenous Affairs (FaCSIA)

Minerals Council of Australia (MCA)