



# PBCs charging fees for services:

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# Covering costs of RNTBC operations

- Settlement amounts for running costs
- Compensation or interest on funds
- Periodic payments under an agreement
- Costs agreed under negotiation protocol
- FaHCSIA funding agreement
- **Charging fees for services**



# What is the 'business' of an RNTBC?

- The rule book and the NTA
- Distinguishing 'commercial' operations
- Non-statutory functions

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- act as agent of the native title holders;
  - co-ordinate and obtain a determination of the native title rights and interests of the native title holders;
  - be a PBC for the purpose of being the subject of a determination under Sections 56 & 57 of the NTA;
  - perform the function of a RNTBC as agent for the native title holders in respect of matters relating to native title pursuant to the NTA and the PBC Regulations;
  - own land and/or hold a leasehold interest in land;
  - advance the welfare and affairs of the [native title group] in any manner consistent with law and consistent with their traditional laws and custom; and
  - in any case, hold money (including money received by way of compensation or other consideration received in relation to the native title rights and interests) on trust and to invest or otherwise apply the money as directed by the native title holders.



# The proposed PBC Regulations

- RNTBCs may charge for costs incurred in performing functions under the NTA:
  - Negotiating an agreement
  - Negotiating an ILUA
  - Commenting on future acts
  - Consultation on future acts
  - Exercising procedural rights
- Cannot charge native title holders, claimants RNTBCs or NTRBs
- Cannot charge for determination/court proceedings



# What 'services' do RNTBCs provide?

- Being consulted and consulting
- Consulting with native title holders
  - by phone;
  - In person;
- arranging community meetings
- Participating in meetings requested
- Not guaranteed agreement!



# Providing a professional service

- Who will use the services?
- How will the RNTBC meet the needs of their 'customers'?
- What is their customer service commitment?
- What information will they provide?
- What protocols do they need to put in place?
- How will people contact them?



# How will RNTBCs charge?

- Hourly/daily consultation rate?
- Phone consultation rate?
- Processing fee?
- Meeting attendance?
- Arranging meetings?
- Administration charges?

# Charging fees

- What are the direct costs of providing RNTBC services?

- Phone calls
- Travel
- Meeting costs
- Staff/directors time
- Professional advice
- advertising

- What are the overheads/indirect costs to recover

- Office rent
- Computers, phones etc
- Administrative staff
- Book keeping/  
accounting/ audit fees
- insurance
- Stationary



# Advertising a Fee Schedule

- Hourly Rate \$45.00 per hour
- Phone Hourly Rate \$30.00 per hour
- Daily Facilitation Rate \$350.00 per day
- Community Consultation \$350.00 per day
- Community Catering (variable expense) eg \$400.00 per event
- Local Travel \$60.00 per day
- Travel Allowance (meals and incidental expenses) \$130.00 per night
- Travel Costs (airfares, ferry, motel expenses) At cost



# implications

- Taxation
  - ABN and GST
  - PAYG
- Protocols and terms of trade
- Advertising/information
- Establishment costs
- Invoicing and receipting
- Record keeping
- Business planning and reporting



# Subject to review

- Person charged may request a review by the Registrar of Indigenous Corporations
- Registrar may request, in writing, information about:
  - Function performed/service provided
  - The amount of the fee
  - How the amount, including profit, was fixed
- Registrar decides if it is a fee that can be charged



- Cannot amount to a tax:

- Identifiable service

- Fee paid by person who received the service

- Fee is proportionate to the cost of the service

*Matthews v Chicory Market Board*



# Risk of review

Funding may be withheld for extended periods:

- No interest on money withheld
- 21 days for lodgment
- 28 days for opinions
- 28 days to review request
- 28 days for review of decision
- 28 days for payment

= 5 months

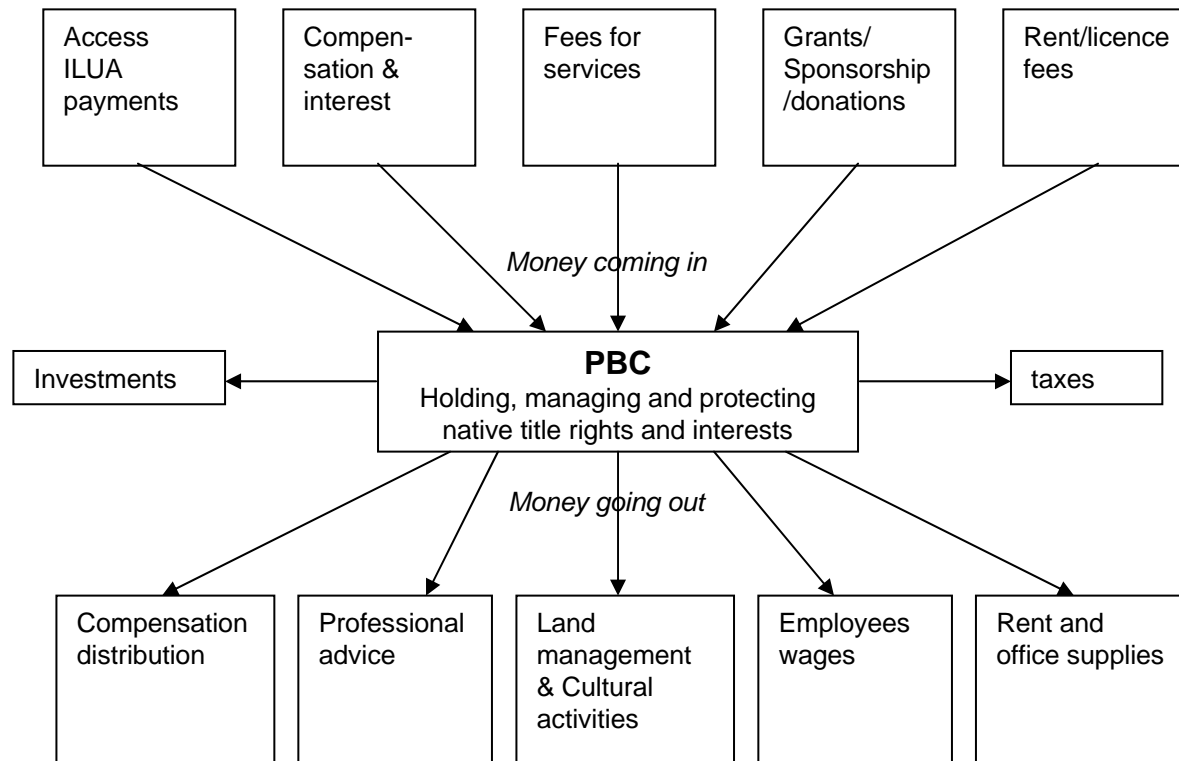
Advisory opinion available



# How will stakeholders react?

- Objection
- Going around RNTBCs

# Revenue and expenditure



<b>Rule Book (fixed)</b>	<b>Strategic Plan (3-5 years)</b>	<b>Operation Plan (12 months)</b>	<b>Reporting</b>
Aims Native title act PBC regulations  ←	Where are we now? Where do we want to be in 4 years time? How are we going to get there	What do we need to do this year to get where we want to be? Identify Tasks to action each strategy: What How Who When Develop a budget	Monthly Quarterly 6 months 12 months
Example To hold land To manage native title rights To improve welfare of NTH through traditional law and custom  To resolve disputes	Example Establish an functioning office Establish land management programs Promote traditional law and custom Invest compensation funds	Example Traineeship for part time admin officer Establish written policies for staffing, travel, meetings, etc Funding submission for weed and pest management Develop investment and distribution policy	Example Appointed staff member Staff attended training Organised Mabo day celebration Members contributions: 500 hours Appointed investment consultant

# Annual business planning cycle

