



Fact Sheet #2 – Land Councils and Prescribed Body Corporates

Land Councils

What is a Land Council?

A land council is a community organisation that represents those with native title claim over a piece of land. Land councils represent the often many holders of native title in a state or larger area. They are often bodies which represent many different native title allotments. Their aim is to protect the interests of native title holders and the broader Aboriginal community. Land councils not only assist in the management of native title land. They also assist Aboriginal Australians seeking to make a claim over land, consult with landowners on proposals to use their land for development and other uses, help resolve disputes, as well as enhancing Aboriginal identity and culture.

What is a native title holder?

Native title holders are those that have shown a continuous cultural connection to a piece of land and have therefore been granted native title. Native title allows for a degree of ownership over this land, often previously crown owned land, that was typically never developed for a specific purpose or ever held in private ownership.

What are the day to day responsibilities of a land council?

Aboriginal Land Councils have a degree of legal power to help Aboriginal people in their negotiations with private companies and government seeking to use their land.

Further, they are administrators of relevant entry, fishing, film and activity permits on land.

How are members of a land council decided upon?

Land Councils operate as statewide bodies. Members of the land council (councillors) are elected in by Aboriginal people statewide, and councillors come from geographic regions of their relevant states. You do not need be a native title holder to vote in elections for a land council, you merely need to be of Aboriginal decent and be a registered member of the land council you wish to vote for. You may not vote in more than one land council elections.

Useful links

<https://nntc.com.au/>

The national native title council is the national peak body representing land councils around the country. They work to advocate for the furthering of Aboriginal rights and as a representative body for Aboriginal people nationally at the federal government level.

<https://www.nntt.gov.au/assistance/Geospatial/Pages/Maps.aspx>

The native title tribunal provides maps that list any claims for native title country wide. You can access maps for you region on their website, which detail the location of native title claims going through an ongoing process, as well as already processed native title claims.

<https://www.creativespirits.info/Aboriginiculture/selfdetermination/Aboriginal-land-councils>

Creative spirits provide further information on land councils, their operation and provides a list of land councils country wide.

Prescribed Body Corporates

What are they?

A prescribed body corporate (PBC) is set up to manage and protect the native title rights and interests of a piece of land. A PBC is set up once the federal court says that native title exists over a piece of land. It is a legal body, put in place to represent the traditional owners of a parcel of land held under native title.

PBCs are, in many ways, organisations that are held to the same responsibility as any sparsely owned entity. They must hold an AGM where all members are invited and they must send an annual general report to ORIC, which oversees their function.

If a PBC does not follow the rules, it is subject to the law and may face penalties.

How is the directorship of a PBC decided upon?

Membership is eligible to all traditional owners of a piece of land. Directors are elected by the members to sit on the board which oversees the management of the land.

All people who hold a cultural and prescribed native title over the relevant piece of land can apply to be a member of the PBC. Members can talk at meetings of the PBC and vote. Any traditional owners must be given membership of the PBC if they apply. Directors are responsible for issuing membership on application, and a

denial of membership must provide a reason in writing.

Any disputes or disagreements that occur can be resolved by vote. A member may call for a vote at a meeting of the PBC if they are unhappy with the decision made. Elections are held every 2 years to decide upon the directorship.

Does the PBC deal with the money earned from this land? How does it make decisions surrounding money?

PBCs perform the role of corporation that oversees the management and day to day use of a land that is owned under native title. This means that PBCs hold money earned by the land in a trust, and use this money as directed by the “shareholders” of the land, being those with native title. Money earned from the land, through entry fees, rent, development or any other revenue raising activities, is held in this trust. It is members who then decide where this money is allocated. Whilst not always the case, it is common for PBCs to reinvest earned money into the land rather than distributing it to native title holders. The case for most PBCs is that their revenue streams are not substantial, and therefore they rely on government grants to complete projects to look after their land.

An example of a PBC is the Yamatji Marlpa Aboriginal Corporation, which oversees Yamatji and Marlpa lands around Uluru.

Useful Links

<https://nativetitle.org.au/>

Nativetitle.org provides clear detailing of PBCs country wide, and provides essential resources for PBCs.