



National  
Native Title  
Council

13 September 2013

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Change*

ABN 32 122 833  
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638 Queensberry  
Street  
North Melbourne  
3051

PO Box 431  
North Melbourne

AIATSIS Review  
ACIL Allen Consulting  
Level 9  
60 Collins Street  
MELBOURNE VIC 3000

**Via Email: [aiatsisreview@acilallen.com.au](mailto:aiatsisreview@acilallen.com.au)**

Dear Sir or Madam

### **Review of the Australian Institute of Aboriginal and Torres Strait Islander Studies**

The National Native Title Council (NNTC) is pleased to have the opportunity to provide comment on the Discussion Paper to the Review of the Australian Institute of Aboriginal and Torres Strait Islander Studies ('AIATSIS') by ACIL Allen Consulting on behalf of the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education.

The NNTC welcomes the Review and understands its overall purpose is to provide advice on AIATSIS' performance against its legislated functions, ways that its role as a national research institution can be strengthened, as well as its contribution to broader government policy objectives.

The NNTC believes the Review presents an opportunity not only to better integrate the functions of AIATSIS into the broader Indigenous Affairs agenda, but to rationalise those areas where the functions of AIATSIS overlap or duplicate those of other service providers.

The NNTC wishes to provide the following comments for the purposes of the review. These comments correspond, generally speaking, to the key theme of "Indigenous country and governance", which focuses on the three research areas of native title and traditional ownership, land and water, and governance, public policy and development.

*Native Title Research Advisory Committee*

The Chief Executive Officer of the NNTC is currently a member on the AIATSIS Native Title Research Advisory Committee (NTRAC). At a recent Board meeting of

the NNTC it was recommended that the NNTC seek further representation on NTRAC to accommodate experts from Native Title Representative Bodies and Native Title Service Providers (NTRBs/NTSPs).

The NNTC believes that there is a significant number of staff working in NTRBs/NTSPs that have extensive expertise and experience in the native title sector and we would therefore consider that additional representatives from NTRBs/NTSPs on NTRAC would be of significant benefit to the development of AIATSIS' research agenda and business plan.

#### *Research vs Policy Development*

According to the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* (the Act), set out in Box 1 of the Discussion Paper, the functions of AIATSIS can broadly be described as:

- Undertaking and promoting Aboriginal and Torres Strait Islander studies and publishing results;
- Conducting research in fields relevant to Aboriginal and Torres Strait Islander studies;
- Assisting in training, particularly Aboriginal and Torres Strait Islanders, as research workers;
- Establishing and maintaining cultural resource collection and encouraging a better understanding of Aboriginal and Torres Strait Islander societies.

It is the view of the NNTC that over time AIATSIS has increasingly expanded the scope of its functions to play a more hands on role in the development of policy and legislative reform. Whilst the expertise of AIATSIS in developing an evidence-based body of research is fully acknowledged and appreciated by NTRBs and NTSPs, it is our view that the research work of AIATSIS should rather be used to support and complement the work of the native title sector, including the NNTC and its member organisations across the country who are best placed to provide commentary on policy development and legislative reform of the native title sector.

This is particularly important given that there is a significant amount of funds in the Native Title Program, provided by the Department of Families and Housing, Community Services and Indigenous Affairs (FaHCSIA) that is not under the direction of NTRBs/NTSPs. This has unfortunately meant that these funds are not being utilised in a manner that we believe best advances the aspirations of NTRBs/NTSPs.

The NNTC would therefore recommend that AIATSIS focus on the core functions set out under their Act which has been established to support the statutory roles of NTRBs and NTSPs.

#### *Duplication of Function*

One of the major concerns of the NNTC in relation to the native title sector is the increasing prevalence of duplication and overlap of functions between service providers such as AIATSIS, FaHCSIA and the Aurora Project, each playing a key role in one way or another to support the operations of NTRBs, NTSPs and PBCs across the country.

However, the NNTC believes that there does need to be some rationalisation of the roles and functions of these organisations not only to ensure value for money but also to provide the best value in terms of service provision.

By way of example, one area of overlap seems to be training and support for Prescribed Bodies Corporate. The Aurora Project offers programs to assist PBCs to better manage and protect their native title; AIATSIS offers a PBC Support Project which supports the needs and interests of PBCs and building the capacity of PBCs to promote their interests; and the Office of the Registrar of Indigenous Corporations also offers a program to assist PBCs in governance and compliance with the CATSI Act. All of these programs are funded through the native title program of FaHCSIA.

The NNTC strongly believes that there needs to be an investigation into these and other key organisations operating within the native title sector to identify where overlaps and duplications exist and develop a strategy that will better coordinate the programs that have been developed to assist and support the work of NTRBs, NTSPs and PBCs.

I trust you find these comments useful for your purposes, however if you have any queries or require any further information in relation to the content of this submission please do not hesitate to contact me on (03) 9326 7822 at your convenience.

Yours sincerely



Brian Wyatt  
Chief Executive Officer