

Corporate Governance for Prescribed Bodies Corporates (RNTBC)

About this course

With the increasing number of successful determinations across Australia, Prescribed Bodies Corporate (PBCs) are an emerging sector and play an important and significant part of today's native title system. PBCs need to operate effectively so that common law native title holders can utilise and maximise their native title rights.

PBCs also need to ensure that their members and stakeholders have confidence in their corporation. Today, PBCs have the challenging role of balancing cultural and community expectations with mainstream concepts of corporate governance.

PBCs are currently governed by a complex legislative framework, which includes a series of functions and powers prescribed by the *Native Title Act 1993* (and later amendments), the *Native Title (Prescribed Bodies Corporate) Regulations 1999*, as well as a number of corporate governance compliance requirements imposed under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

Under this regulatory framework, corporate governance is at the core of any PBC for individual directors and any employed staff. Good management, transparency and accountability are vital to the success of your PBC.

The module will also provide relevant up to date information and training materials on the Indigenous Advancement Strategy (IAS) program and how PBCs can apply for future funding through NIAA.



2023

What the module is about:

- The aim of this module is for you to increase your understanding of the corporate governance requirements that currently apply to the framework of PBCs.
- To allow you to develop strategies to better equip you and your PBC to meet these obligations.

The module will provide you with useful guidance and practical information to assist you in implementing effective corporate governance within your PBC. It will also help you understand why strong governance is important for your PBC in achieving its goals.

NIAA covers costs of delivering the training and materials. Applications are welcome from all directors, future directors and/or staff of PBCs.

Are you familiar with these obligations?

Did you know that as a PBC board director and/or officer you are protected from a range of criminal and civil penalties under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* for breach of duties as long as you have acted in good faith in complying with obligations under native title legislation (and making sure that your PBC is not insolvent)?

Learning outcomes

At the end of this session, you should have:

- A clear understanding of the Australian Government native title legislative framework and obligations that regulates your PBC.
- An awareness of corporate governance concepts and principles within the native title PBC framework.
- An understanding of what a native title decision is and your duties and requirements in working with your members and common law native title holders of your PBC.
- An appreciation of compliance obligations in the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.
- Developed your capacity to examine the role and fairness of your decision making in making native title decisions.

Handout materials containing useful information such as excerpts from the legislation, case studies, and other resources will be used throughout the session and will provide you with practical tools to consult after the completion of the session.

Course presenter - Shane Carroll

Shane is an admitted Barrister and Solicitor of the Supreme Court of Victoria.

He has extensive experience as a legal consultant for a wide cross section of private and public sector organisations and currently conducts training modules and provides advice for Indigenous organisations including Native Title Representatives Bodies {NTRBs}, Native Title Service Providers {NTSPs} and Prescribed Bodies Corporate (PBCs).