



*Keriba Gesep; Ngalpun Mabaygal; Yumi Time  
Our Homeland; Our People; Our Time*

# Policies and Procedures Relating to the Performance of representative body functions under the Native Title Act 1993

VERSION 1  
September 2022



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## 1. Purpose

Gur A Baradharaw Kod Torres Strait Sea and Land Council (GBK) is a Native Title Service Provider (NTSP), funded by the National Indigenous Australians Agency (NIAA) under s 203FE of the Native Title Act 1993 (Cth) (NTA) to perform the same functions as a Native Title Representative Body (NTRB).

This document provides information to stakeholders about how GBK carries out those functions.

## 2. Acronyms

ACHA	Aboriginal Cultural Heritage Act 2003 (Qld)
CATSI Act	Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)
EO	GBK Executive Officer Legal, GBK Executive Officer Native Title/ Prescribed Bodies Corporate Support
FCA	Federal Court of Australia
GBK	Gur A Baradharaw Kod Torres Strait Sea and Land Council
ILUA	Indigenous Land Use Agreement
NIAA	National Indigenous Australians Agency
NNTT	National Native Title Tribunal
NTA	Native Title Act 1993 (Cth) <u>Note</u> : unless stated otherwise, references to sections in this policy are references to sections in the NTA.
NTDA	Native Title Determination Application
NTRB	Native Title Representative Body
NTSP	Native Title Service Provider
PBC	Prescribed Body Corporate
PLO	Principal Legal Officer
RNTBC	Registered Native Title Body Corporate

## 3. Definitions

Determination	A decision by the Federal Court of Australia that native title does or does not exist in a particular area of land or waters.
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Future Act	<p>A legislative or non-legislative act in relation to land and/or waters that may affect native title by extinguishing it, or by creating interests that affect the continued existence, enjoyment or exercise of native title. Examples include:</p> <ul style="list-style-type: none"> <li>- The grant of pastoral leases;</li> <li>- The creation of national parks;</li> <li>- The establishment of public works (including roads and pipelines);</li> <li>- The grant of mining or exploration rights; and</li> <li>- The compulsory acquisition of native title.</li> </ul>
Future Act Agreement	Generally refers to an agreement made under the right to negotiate provisions of the NTA, but may also refer to an Indigenous Land Use Agreement (ILUA) that consents to a future act.
Indigenous Land Use Agreement (ILUA)	<p>A voluntary agreement about the use and management of an area of land or waters where native title exists or may exist. An ILUA is made between one or more native title groups and others and can be either certified or non-certified. An</p> <p>NTRB/NTSP may certify that all reasonable efforts have been made to ensure that all persons who hold or may hold native title in relation to the area covered by the ILUA have been identified, and that all of the persons so identified have authorised the making of the agreement. Once registered by the National Native Title Tribunal (NNTT), an ILUA is legally binding not only on the people who are parties to the agreement but also on all native title holders for the ILUA area.</p>
National Indigenous Australians Agency (NIAA)	The Australian Government agency (along with the Department of the Attorney General) responsible for the administration of the NTA and, in particular, the funding and oversight of NTRB/NTSPs.
Native Title Claimant	The group of people identified on a native title claim application as claiming native title through the Federal Court process under the NTA.
Native Title Group	Either a native title claimant group or a native title holding group.
Native Title Holder	<p>The group of people who hold native title. In a post-determination context, where a Registered Native Title Body Corporate (RNTBC) holds the native title on trust, the native title holder is the RNTBC. Where an RNTBC is an agent for the native group, then the native title group itself will be the native title holder.</p>



Native Title Representative Body	NTRBs are organisations recognised by the Minister and/or funded by the Australian Government to perform functions to assist native title groups in a specific region pursuant to Part 11 the NTA.
Native Title Service Provider	NTSPs are organisations funded by the Australian Government under s 203FE of the NTA to perform the functions of an NTRB. GBK is an NTSP.
Prescribed Bodies Corporate	Prescribed Bodies Corporate (PBCs) are the legal corporations that hold (in the case of Trustee PBC) or manage (in the case of an Agent PBC) native title on behalf of the native title group recognised through the Federal Court as common law native title holders. See also 'Registered Native Title Bodies Corporate'.
Registered Native Title Bodies Corporate	When a determination recognising native title is made by the Federal Court, the NTA requires traditional owners to establish a corporation to represent them and their interests. Once the details of the corporation has been entered on the NNTT maintained National Native Title Register, they become Registered Native Title Bodies Corporate, or RNTBCs. Prior to registration they are Prescribed Bodies Corporate or PBCs. RNTBCs are most commonly referred to as PBCs.
Representative Body	Collective reference for NTRBs and NTSPs.
Service Region	The area for which GBK is the Native Title Service Provider. The area is depicted on the map at Attachment A.

## 4. Introduction to Functions of Representative Bodies (ss 203B and 203BA)

### 4.1 The types of Functions

A Representative Body has the following functions under the NTA:

- facilitation and assistance functions (s 203BB)
- certification functions (s 203BE)
- dispute resolution functions (s 203BF)
- notification functions (s 203BG)
- agreement making function (s 203BH)
- internal review function (s 203BI)
- other functions (s 203BJ).



## **4.2 Performance of Functions**

Performing the functions of a representative body, GBK must comply with the NTA as well as the terms of its agreement with the NIAA. According to GBK's agreement with the NIAA, the grant provided to GBK is to be used for the activities identified in GBK's Operational Plan and budget.

GBK will also be guided by a developing body of case law and Government policies.

### **4.2.1 Timely Performance of Functions (s203BA(1))**

GBK must use its best efforts to perform its functions in a timely manner, which includes any legislative time limits relevant to the performance of its functions.

### **4.2.2 Maintenance of Organisational Structures and Processes (s 203BA(2))**

GBK must perform its functions with regard to organisational structures and processes that promote:

- a) satisfactory representation of persons who hold or may hold native title within its service region; and
- b) effective consultation with Indigenous people within its service region.

GBK must also ensure that its structures and processes operate fairly, having regard to:

- a) the opportunities for the Aboriginal peoples and Torres Strait Islanders for whom it might act to participate in its processes;
- b) the extent to which its processes involve consultations with those Aboriginal peoples and Torres Strait Islanders;
- c) GBK's procedures for making decisions and for reviewing its decisions;
- d) GBK's rules or requirements relating to the conduct of executive officers;
- e) the nature of GBK's management structures and management processes; and
- f) GBK's procedures for reporting back to persons who hold or may hold native title in the service region and to Aboriginal peoples and Torres Strait Islanders living in the service area.

### **4.2.3 Priorities of Representative Bodies (s 203B(4))**

GBK must, from time to time, determine the priorities it will give to performing its functions.

GBK may also allocate resources as it sees fit so as to be able to perform its functions efficiently. This means GBK has flexibility to reorder priorities within its Operational Plan to accommodate changing circumstances. However, in doing so it must give priority to the protection of the interests of native title holders.

### **4.2.4 Third Party Performance of Functions (s 203B(3))**

GBK must not enter into an arrangement with another person under which the person is to perform the functions of the representative body, except:

- a) in relation to s 203BB facilitation and assistance functions;



- b) when a matter overlaps partly with an adjoining representative body's service area and GBK has entered into a written agreement with the other representative body as required by s 203BD; and
- c) when GBK has entered into arrangements and contracts to obtain services to assist in the performance of its representative body functions under s 203BK(2), including GBK entering into an agreement with the NNTT to provide assistance in performing its dispute resolution functions under s 203BK(3).

## 5. Facilitation and Assistance Functions (s 203BB)

### 5.1 Introduction

GBK's obligations in relation to the performance of its Facilitation and Assistance functions are subject to the following:

- a) GBK must not perform its Facilitation and Assistance functions unless it is requested to do so (s 203BB(2));
- b) GBK can only exercise its Facilitation and Assistance functions in relation to a matter that is within GBK's Service Region (s 203BB(3));
- c) GBK must be satisfied that any party it represents understands and consents to the general course of action that the representative body takes on their behalf (s 203BC(1)(b));
- d) GBK must use its best efforts to perform its Facilitation and Assistance functions in a timely manner, particularly in respect of matters affected by statutory time limits (s 203BA(1)(a));
- e) GBK can only provide Facilitation and Assistance with the consent of the persons or body it represents, if a further request for Facilitation and Assistance is received from another person or body that relates to the same land or waters (s 203BB(4)). GBK, however, is able to brief out matters that relate to the same land or waters (s 203BB(5)); and
- f) GBK must act in a way that promotes an orderly, efficient and cost-effective process for making applications under s 61 (that is native title determination applications, revised native title determination applications and compensation applications). Where there are overlapping determination applications, the representative body must make all reasonable efforts to minimise the number of overlapping applications (s 203BD(3)).

### 5.2 Resource Issues

GBK receives funding from the National Indigenous Australians Agency (NIAA) under section 203FE(1) to enable it to perform its functions. GBK is bound by the terms of the funding agreement with NIAA and the provisions of the NTA.

The funding provided by NIAA to GBK may not be sufficient to provide to Facilitation and Assistance to all persons or bodies requesting it.

GBK is committed to ensuring that its structures and processes operate in a fair manner and will endeavor to ensure that decisions in Facilitation and Assistance are made in an independent and



unbiased way, including by delegating responsibility for assessment and review of assistance to officers of GBK who have no conflict of interest in relation to the relevant assistance.

- a) For the Facilitation and Assistance Request Decision process, the Decision-Maker shall be GBK's Principal Legal Officer.
- b) In the event the Principal Legal Officer has a conflict of interest, the Decision-Maker is the Executive Officer Native Title/PBC Support.

### 5.3 Scope of Facilitation and Assistance Functions (s 203BB(1))

The facilitation and assistance functions of a representative body are:

- a) to research and prepare native title applications, and to facilitate research into, preparation of and making of native title applications (as defined in s 201A); and
- b) to assist RNTBCs, native title holders and persons who may hold native title (including by representing them or facilitating their representation) in consultations, mediations, negotiations and proceedings relating to the following:
  - i. native title applications;
  - ii. future acts;
  - iii. ILUAs or other agreements in relation to native title;
  - iv. rights of access conferred under the NTA or otherwise; and
  - v. any other matters relating to native title or to the operation of the NTA.

Unless there are any special circumstances, it is unlikely that assistance will be granted to undertake research with a view to prosecuting an application:

- a) if the application would be a 'polygon' claim responsive to a future act notice or a non-claimant application; or
- b) if the request was intended to be exclusive to the potential native title interests of a particular family or descent group and did not extend to all of those who may hold native title in relation to the area of the potential application.

### 5.4 Types of Assistance

#### 5.4.1 Native Title Applications

Assistance in relation to native title applications may include:

- a) preparation of native title determination applications;
- b) responding to non-claimant applications;
- c) preparation of compensation applications;
- d) mediation; and
- e) litigation.

#### 5.4.2 ILUAs and other Agreements

Assistance in ILUAs and other agreements may include negotiation and authorisation of ILUAs and other agreements that relate to native title or the operation of the NTA.



Agreements may cover:

- a) future acts, if the right to negotiate or if the right to be consulted apply;
- b) the relationship between native title rights and interests in the area; and
- c) the manner in which native title rights and interests and other interests are exercised.

### 5.4.3 Cultural Heritage

Although the NTA does not specifically identify cultural heritage as being subject to its Facilitation and Assistance functions, s 203BB(1)(b)(v) provides that the functions extend to ‘any other matters relating to native title or to the operation of this Act’. This includes cultural heritage matters, as in Queensland, the Aboriginal Cultural Heritage Act 2003 (Qld) (ACHA) refers to native title holders or previously registered native title claimants or registered native title claimants (being the applicant for a native title determination application) as a benchmark for identifying the “native title party” or “Aboriginal party” or “Torres Strait Islander party” for an area affected by proposed activity.

## 5.5 How to make a request to GBK for Facilitation and Assistance

A request must be made in writing, either sent by e-mail or by post to GBK or delivered in-person at a GBK office.

- a) GBK recommends using the Facilitation and Assistance Request Form at Attachment B.
- b) The request should identify the precise nature, extent and purpose of the assistance being sought. This will ensure an assessment can be made of the resources likely to be required.
- c) If the request is seeking funding for payment to third party legal practitioners, there should be an explanation as to why it is not appropriate for GBK to represent the requestor, details of the litigation and or the status of the matter (and, if appropriate, the stage it is at) and an advice (if available) on prospects (for example from an experienced counsel) and a proposed budget.

## 5.6 Facilitation and Assistance Request Decision process

A flowchart of the GBK Facilitation and Assistance Request Decision process is in Attachment C.

### 5.6.1 Initial assessment of a Request for Assistance

Upon receipt of a request, an initial assessment will be made by the Decision-Maker as to:

- whether or not it relates to activities within GBK’s current Operational Plan; and
- whether the request is of a type provided for under ss 203BB(1)(a) and (b).

### 5.6.2 Acknowledgment of Receipt of Request

Within 7 days of making the request, the requestor will receive a written response from GBK which:

- a) acknowledges receipt of the request;
- b) advises who the decision-maker will be in regards to the request;
- c) advises the requestor that in considering the request, regard will be had to relevant material;
- d) advises the requestor that it may be necessary to request further information from the requestor; and

- e) advises the requestor of the timeframe for making the decision.

### 5.6.3 Consideration of Material Relevant to the Request

For the purpose of assessing a request for assistance, any material that is in GBK's possession is also deemed to be in the Decision-Maker's possession and can be considered when assessing the request.

### 5.6.4 Prioritisation of Requests for Assistance

The Decision-Maker will take into account a range of factors when considering whether or not to provide the assistance sought, the first of which will be whether the activity is captured by the current Operational Plan.

Priority is given to matters according to the following hierarchy of priorities (starting with the highest priority):

- a) Matters which are in the GBK Operational Plan and subject to the internal assessment of priority within that plan;
- b) Claims which are the subject of Court Orders requiring compliance within strict timeframes;
- c) Claims in which the State has accepted connection and the parties are in substantive negotiations for the purposes of reaching agreement on the terms of a consent determination;
- d) ILUAs or other Agreements that deal with essential communities and infrastructure including works for the establishment, refurbishment or building of health centres, education facilities and marine infrastructure;
- e) ILUAs or other Agreements that deal with matters that facilitate or address urgent community needs including restoration of community harmony and peace;
- f) Claims or matters where a number of ILUAs, particularly comprehensive settlement agreements, are being negotiated to agreement;
- g) Claims that have reasonable prospects of success based on a senior barrister's advice; and
- h) Claims that have been on the Federal Court list the longest.

### 5.6.5 Other factors in Assessing Requests for Assistance for matters not captured in the Operational Plan

- a) Unforeseen litigation: Generally, all funding received by GBK under its agreement with the NIAA is committed to undertaking the actions in GBK's Operational Plan. GBK does not have any contingency fund for new or unforeseen matters.

Generally, funding for requests that relate to matters or issues that are not part of GBK's Operational Plan will be the subject of a separate, needs-based application to the NIAA. Considering such requests, GBK will consider the following factors:

- the matters listed at 5.6.4 above;

- the importance of the question or issue in the context of the NTA and the need for the protection of a right or interest; and
  - prospects of success.
- b) Filing an application under s 61: Considering such requests, GBK will consider the following factors:
- Whether the proposed claim would overlap claims that are already in the system (s 203BC(3)(b));
  - Whether there is a body of credible evidence (including anthropological research) that supports the application;
- c) Opposing an existing or contemplated application under s 61: Considering such requests, GBK must be satisfied that the applicant has demonstrated to GBK that:
- application satisfies a threshold test of legal merit; and
  - there is a prima facie basis or grounds upon which the applicant might be joined as a respondent, including a credible explanation should the request be made outside the notification period of the application.

#### 5.6.6 Communication of Decision to Requestor

The requestor will be informed in writing of the Facilitation and Assistance Request Decision.

Requests may be:

- a) declined outright, in which case clear and concise reasons will be provided in writing;
- b) deferred pending further information and advice being obtained;
- c) accepted (conditionally, partially or otherwise) in which case the requestor will be informed in writing as to the terms and conditions (if any) of the assistance to be provided by GBK; or
- d) prescriptive of the manner in which the assistance is delivered.

The requestor will be advised of their right to internal review pursuant to s 203BI should they not be satisfied with the decision.

#### 5.7 Conditions on provision of Assistance

Assistance provided by GBK is subject to the following general conditions:

- a) Assistance that includes the provision of a legal officer employed by GBK, or GBK briefing out a matter or task to an external lawyer, will always be on the basis that the recipient of the assistance (whether an individual or family or group of people or families) consents to that lawyer communicating with GBK's Principal Legal Officer Executive about the conduct of the matter, including details of evidence generated and advice given or received in relation to the matter.
- b) If the assistance recipient refuses to accept the advice of a legal practitioner assigned or briefed to assist them, and that advice is based on credible evidence or an established

legal principle, GBK may cease to provide assistance. In those circumstances, the former assistance recipient will not be able to access the GBK Operational Budget further.

## 6. Certification Functions (s 203BE)

### 6.1 Introduction

Certifying native title claimant applications and native title compensation applications and applications for the registration of ILUAs are important matters. The effect of certification is that GBK is stating that the facts in the certificate pertaining to the identification of native title holders and their giving of authority are true. GBK could be the subject of legal action if it certifies negligently or without proper information that justifies certification.

Accordingly, GBK carries out its certification function only in circumstances where it has full knowledge of the relevant facts and where GBK knows that the correct and proper procedures have been followed.

### 6.2 Certification of native title claimant and compensation applications

Generally, GBK will only certify an application when either

- a) An in-house legal officer employed by GBK is the solicitor on record, or it is intended that an in-house solicitor be the solicitor on record, for the application; or
- b) The application has been briefed out to an external solicitor by GBK.

Further, the certificate must only be given if:

- c) Officers of GBK have been involved in the calling and conduct of the authorisation meeting; and
- d) A legal officer of GBK provides a report confirming that in the opinion of that officer, it is proper for GBK to certify the application.

When the above applies, the GBK Board (or such persons to whom the Board may delegate the performance of the function) may issue a certificate for the application.

### 6.3 Certification of ILUAs

Generally, GBK will only certify an application for the registration of an ILUA where:

- a) Officers of GBK have assisted the native title party to the ILUA with the development of the ILUA
- b) Officers of GBK have organised and/or attended the ILUA authorisation meeting; and
- c) The GBK Board (or such persons to whom the Board may delegate the performance of the function) is presented with a report by the GBK officer that in their opinion the authorisation was proper and that it is appropriate to issue a certificate.

GBK will generally not certify ILUAs where GBK:

- a) has not been involved in the development of the ILUA;



- b) has not been involved in the authorisation process; or
- c) does not hold sufficient research to identify the persons who may hold native title in the proposed ILUA area.

## 7. Dispute Resolution Functions (s 203BF)

The purpose of the dispute resolution function is to promote the resolution of disputes and mediate between GBK's constituents in relation to:

- a) Making native title applications;
- b) The conduct of consultations, mediations, negotiations or proceedings about native title applications, future acts, ILUAs, rights of access conferred under the NTA or otherwise (including funding the costs for these activities); or
- c) Any other matter relating to native title or the operation of the NTA.

Note: GBK has a specific Dispute Resolution Policy for Post-Determination Intramural Disputes. Post-Determination Intramural Disputes are disputes about traditional ownership in land that is subject to a determination of native title which recognises communal native title rights and interests.

The Dispute Resolution Function is not a request-based function and therefore does not need to be an existing dispute before GBK can exercise this function. The function may also be exercised prior to any dispute actually arising. Factors that GBK will take into consideration when exercising this function include:

- a) importance of the dispute resolution to GBK's constituents
- b) urgency of the dispute resolution given its impact on its constituents; or
- c) resource requirements for the dispute resolution process.

Where a dispute arises as a result of overlapping claims, GBK must make all reasonable efforts to promote agreement between the competing claim groups and to minimise the number of applications.

The courts have indicated that the following activities constitute dispute resolution processes for the purposes of s 203BF:

- a) Engaging an anthropologist to assess competing or potentially competing native title interests over an area;
- b) Facilitating a meeting or mediation between constituents even where GBK does not represent the application claim (but had received various complaints about the application's conduct);
- c) Engaging senior counsel to provide advice; or
- d) Employing the dispute resolution functions of the NNTT.



## 8. Notification Functions (s 203BG)

Notification functions relate mainly to future act and other notices which governments and corporations are required to issue for proposed acts which may impact native title.

GBK must ensure, as far as reasonably practicable, that notices given to it in relation to land or waters wholly or partly within its Service Region, are brought to the attention of any person that GBK is aware of who holds, or may hold, native title.

GBK must use its best endeavours to perform its functions in a timely manner and give notice of the relevant time limits under the NTA or another law of the Commonwealth, a state or a territory.

## 9. Agreement-Making Function (s 203BH)

GBK, exercising its agreement making function, may become a party to an ILUA.

GBK must, as far as practicable, having regard to the matters proposed to be covered by the agreement, consult with, and have regard to the interests of, persons who hold or may hold native title in relation to land or waters in that area.

As a general policy, GBK will not exercise the s 203BH function unless special circumstances exist.

When making a recommendation to the Board on whether to exercise the function:

- a) GBK's Principal Legal Officer will provide a rationale to the Executive explaining the background to the ILUA and the necessity for GBK to become a party to it;
- b) GBK's Principal Legal Officer will make a recommendation to GBK's Board of Directors; and
- c) GBK's Board of Directors will consider the rationale and the recommendation and resolve to either enter into the ILUA or not enter into the ILUA.

Before reaching a decision, GBK's Board of Directors may request further information from GBK's Principal Legal Officer.

## 10. Internal Review Functions (s 203BI)

A representative body has to provide and publicise a process for RNTBCs, native title holders and persons who may hold native title, to seek internal review of decisions made, and actions taken by, that representative body in the performance of its functions and exercise of its powers.

GBK's Complaints and Internal Review process can be located on GBK's website: <https://www.gbk.org.au/wp-content/uploads/2022/10/GBK-Complaints-and-Review-Process-NTRB.pdf>.

GBK aims to uphold the principles of procedural fairness while conducting an internal review under s 203BI.

GBK maintains a public register of requests made under s 203BI and the outcomes of those requests.

## 11. Other Functions (s 203BJ)

A Representative Body has a number of diverse other functions which generally support the performance of the other mandated functions in the NTA and may be exercised without a request for assistance. In addition to the functions referred to in sections 203BB to 203BI, a representative body must:

- a) as far as is reasonably practicable, enter into written arrangements with other representative bodies so that the representative body can exercise its facilitation and assistance functions in relation to a matter of a kind referred to in paragraph 203BD(a) or (b); and
- b) as far as is reasonably practicable, identify persons who may hold native title in the area for which the body is the representative body; and
- c) as far as is reasonably practicable, take such action as the body considers appropriate to promote understanding, among Aboriginal people and Torres Strait Islanders living in the area, about matters relevant to the operation of this Act; and
- d) as far as is reasonably practicable, inform such of the following as the representative body knows are, in relation to the area:
  - i. registered native title bodies corporate;
  - ii. native title holders;
  - iii. persons who may hold native title;of any matter that the representative body considers may relate to, or may have an impact upon, native title in the area; and
- e) whenever the body considers it necessary in the performance of its functions, consult with Aboriginal or Torres Strait Islander communities that might be affected by the matters with which the body is dealing; and
- f) as far as is reasonably practicable, co-operate with other representative bodies for the purpose of promoting the effective and efficient exercise of the functions and powers of representative bodies.

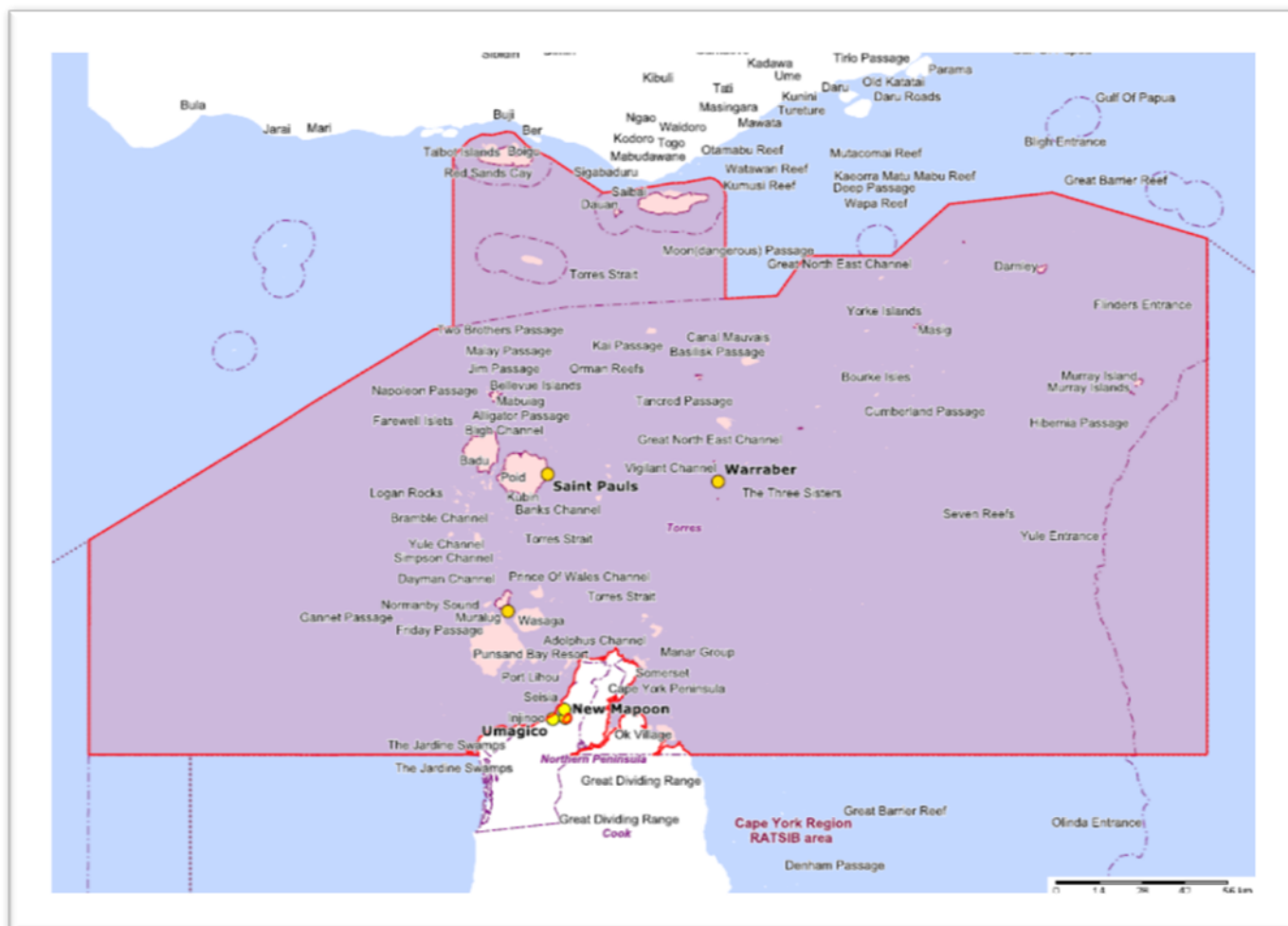
These functions are invoked on an 'as needed' basis.

## 12. Variations

GBK reserves the right to vary, replace or terminate this policy from time to time and in accordance with regulatory requirements, changes in legislation or at the organisation's discretion.

## Attachment A: Map of GBK Service Region

Note that the GBK Service Region excludes Barn Island and Crab Island, and includes the towns of Seisia and Bamaga.







## Attachment B: Facilitation and Assistance Request Form

This form requires the Applicant(s) to specify the facilitation and assistance sought and the reasons for that assistance.

The Native Title Act 1993 sets out the type of facilitation and assistance GBK can provide when performing its native title service provider functions under section 203BB.

Please read the GBK's Policies and Procedures Relating to Performance of representative body functions under the Native Title Act 1993 (Policy) before completing this form.

Please give as much information as possible to assist GBK in making a decision about your request.

Information provided to GBK will not be disclosed to third parties unless expressed permitted by you.

### Person(s)/Group/Prescribed Bodies Corporate applying for assistance

Name	
Address	
Telephone number	
Email address	
Contact details for legal representative or group or PBC representative (if applicable)	

### Have received assistance before? (including by the Torres Strait Regional Authority in its capacity as former Native Title Representative Body)

Details of assistance	
Assistance provider	
Time assistance was received	

### Nature of facilitation and assistance requested

If the assistance request relates to a current native title proceeding, provide the name of the native title proceeding	
If there are no current proceeding, please describe the area of land for which assistance is sought	



<p>Under what subsection of the Native Title Act 1993 (Cth) are you applying for facilitation or assistance?</p>	<div> <input type="checkbox"/> Subsection 203BB(1)(a) (research and prepare native title applications)         </div> <div> <input type="checkbox"/> Subsection 203BB(1)(b)(i) (native title applications)         </div> <div> <input type="checkbox"/> Subsection 203BB(1)(b)(ii) (future acts)         </div> <div> <input type="checkbox"/> Subsection 203B8(1)(b)(iii) (indigenous land use agreements or other agreements in relation to native title)         </div> <div> <input type="checkbox"/> Subsection 203BB(1)(b)(iv) (rights to access conferred under the Native Title Act 1993)         </div> <div> <input type="checkbox"/> Any other matter relating to native title or the operation of the Native Title Act 1993).         </div>
<p>Please provide details about the type of assistance you seek and why.</p>	
<p>Please address the relevant criteria set out in sub-sections 5.6.4 (Prioritisation of Requests for Assistance) or 5.6.5 (Other factors in Assessing Requests for Assistance for matters not captured in the Operational Plan) of the Policy.</p>	
<p>If the request is seeking funding for payment to third party legal practitioners, please explain why it is not appropriate for GBK to represent the Applicant, details of the litigation (if applicable, including the status of the matter and the stage it is at) and an advice (if available) on prospects (for example from an experienced counsel) and a proposed budget.</p>	



### CERTIFICATE OF PERSON/S APPLYING FOR ASSISTANCE

I/We certify the information in this application is, to the best of my/our knowledge, complete true and correct.

I/We understand that any omission or false statement made in this application may result in GBK rejecting the application, refusing or withdrawing any assistance as the case may be.

I/We agree to GBK making further enquiries about any statement, for the purposes of assessing this application.

I/We understand that by accepting and assessing this application, GBK does not necessarily agree to provide assistance.

#### **Applicant 1**

Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

#### **Applicant 2 (if applicable)**

Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

#### **Applicant 3 (if applicable)**

Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

## Attachment C: Facilitation and Assistance Request

### Decision process

