



Design of and learnings from a cross-sectional study of native title corporations

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# Overview

- About the project
- Context
- Challenges and solutions
- Lessons
- Wrap up

# The PBC Survey Project

- Survey of native title prescribed bodies corporate (PBCs)
- Collect data on PBCs' capacity, capabilities, needs and aspirations to better inform policies that affect PBCs
- Started data collection May 2019, to finish in 3<sup>rd</sup> quarter 2019



# AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL  
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# National Native Title Council



**Australian Government**

**Department of the Prime Minister and Cabinet**

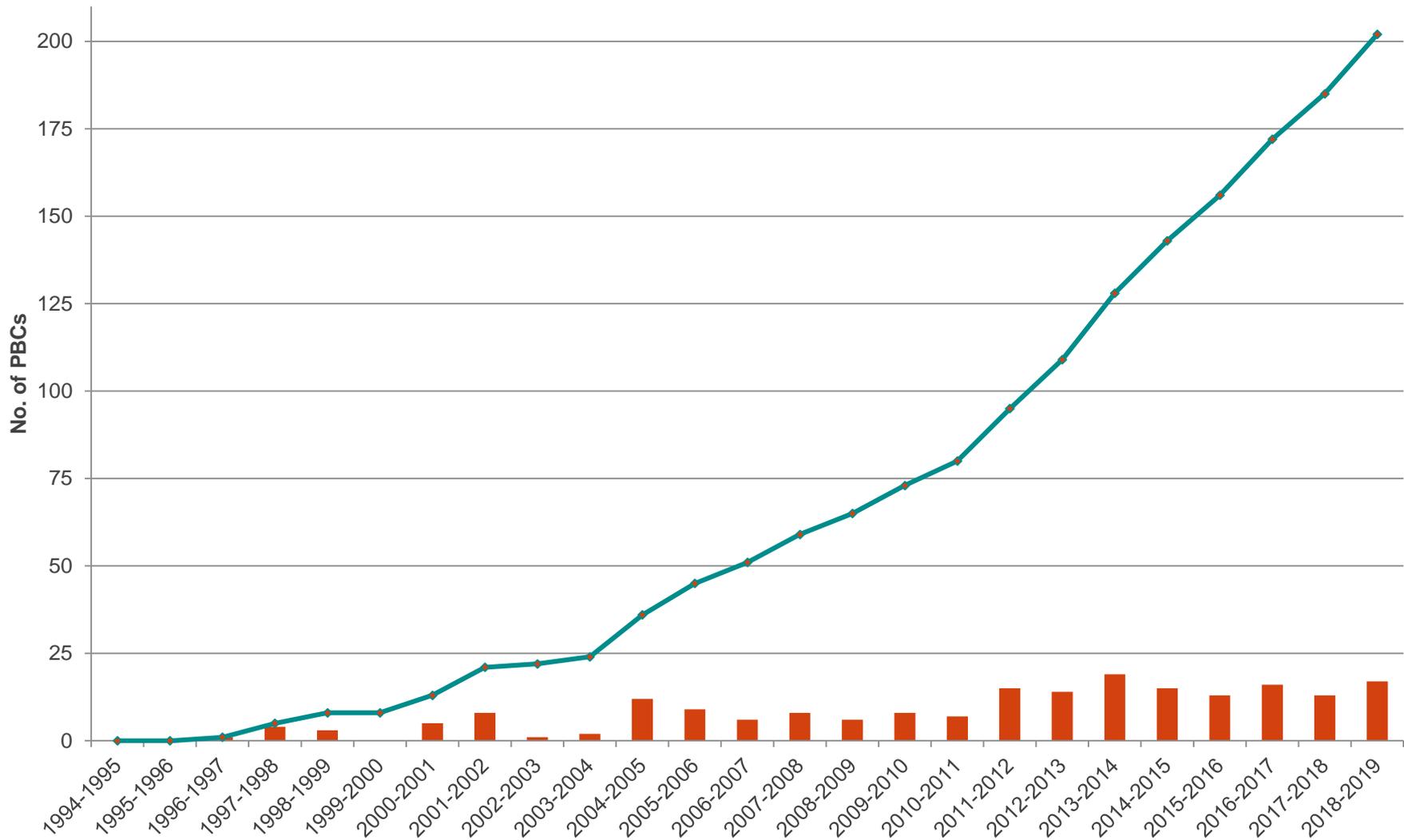
- Research partnership between:
  - The Native Title Research Unit at AIATSIS
  - The National Native Title Council
  - Land and Water at CSIRO
- Funded by the Department of Prime Minister and Cabinet
- First stage in the development of an ongoing longitudinal survey

# Native title

- Recognition of Indigenous peoples' rights and interests in land and waters
- Determination of native title outlines the rights and interests of the particular group
- Prescribed Bodies Corporate (PBCs) are set up to hold and manage the rights and interests on behalf of the native title holders

# Prescribed Bodies Corporate

- Required under the *Native Title Act 1993* (Cth) (NTA) and *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth)
- PBCs must be registered corporations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2001* (Cth)
- Often characterised as interface between Aboriginal and Torres Strait Islander systems of law and the Australian legal system



Total no. of PBCs registered and new PBC registrations, by financial year

# Why are PBCs important?

- PBCs represent the rights and interests of traditional owners in native title negotiations
- PBCs are a vehicle for native title holders to leverage their rights for additional benefit
- The ability of PBCs to fulfil both of these roles is a measure of the success of the NTA as a land rights and social justice mechanism

# Previous PBC research

- PBCs have extensive responsibilities to their members, native title holders, their communities and governments
- Much of the native title work that PBC directors and members do is about addressing external non-Indigenous priorities
- PBC directors and members are in general inadequately compensated for native title work

# Previous PBC research

- About half of PBCs that reported their income to ORIC for 2015-16 reported a total income of zero
- Many PBCs struggle to meet their basic legislative and regulatory obligations without assistance
- These challenges, however, do not tell the whole story of PBCs

# What is the PBC Survey?

- 20 questions about:
  - Director demographics
  - The PBC's 'purpose'
  - The work the PBC and controlled entities do
  - Organisational relationships
  - Challenges and needs
  - Achievements and successes
  - Long term goals and plans

# What is the PBC Survey?

- Multi-mode survey:
  - Face-to-face with interviewer
  - Computer-assisted telephone interviews
  - Self-administered online
- Intended for PBC directors to complete on behalf of their PBC, whether individually or collectively

# Why survey PBCs?

- This is government funded and government-initiated research to collect data to address government priorities
- PBCs have a clear interest in policymakers better understanding their needs and aspirations
- PBCs and others in or interested in the native title sector may have their own uses for such data

# Previous PBC Surveys

- 2013 and 2017 surveys were detail-oriented and focused on discrete material factors:
  - Financial indicators (e.g. income, assets, employees)
  - Indirect indicators of organisational capacity and capabilities (e.g. computer, office)
- Useful data, but continuing this approach posed some challenges

# The PBC population

- Comparatively small yet diverse
  - As of 30 June 2019 there are 202 PBCs, across 5 states and the NT (16 RATSIB regions)
  - ORIC categorises Indigenous corporations as small, medium, or large, using income, assets and staffing thresholds

## PBC Strata Sizes

	NSW	NT	Qld	SA	Vic	WA	
<b>Small</b>	6	28	65	8	0	30	<b>137</b>
<b>Medium</b>	2	2	18	10	3	17	<b>52</b>
<b>Large</b>	0	0	1	1	1	5	<b>8</b>
	<b>8</b>	<b>30</b>	<b>84</b>	<b>19</b>	<b>4</b>	<b>52</b>	<b>197</b>

## PBC Strata Proportions

	NSW	NT	Qld	SA	Vic	WA	
<b>Small</b>	3.05%	14.21%	32.99%	4.06%	0.00%	15.23%	<b>69.54%</b>
<b>Medium</b>	1.02%	1.02%	9.14%	5.08%	1.52%	8.63%	<b>26.40%</b>
<b>Large</b>	0.00%	0.00%	0.51%	0.51%	0.51%	2.54%	<b>4.06%</b>
	<b>4.06%</b>	<b>15.23%</b>	<b>42.64%</b>	<b>9.64%</b>	<b>2.03%</b>	<b>26.40%</b>	<b>100%</b>

# Sampling challenges

- A representative sample needs to be representative in regards to both attributes (region and size)
- Stratum size varies greatly
- Combined with the small total population, this means we would need a response rate that is much higher than most surveys

# Self-selection bias

- Assume there is a correlation between
  - a PBC's overall organisational capacity and capabilities,
  - and the likelihood of it completing and returning an optional survey
- We would expect medium and large PBCs to be overrepresented
- The more effort that is required to complete the survey, the greater this bias will be

# PBC context challenges

- PBCs are forced on native title groups by government
- PBC directors have numerous responsibilities and competing priorities
- Risk that the survey would be interpreted as another form of government reporting foisted on PBCs

# Solutions

- Minimise barriers to and opportunity costs of completion in order to maximise response rate:
  - Multi-mode, but especially taking advantage of face-to-face opportunities at native title events like Regional PBC Forums
  - Balance level of detail required and imposition on PBC time and immediate utility of collected data
    - Dramatically reduced question inventory
    - Small number of broader, more general questions

# Solutions

- Identified existing data sources that can be drawn on to supplement survey data
- Reviewed individual data fields in these sources and decided whether to accept these instead of including questions on the survey
- ORIC general reports 2016-17 & 2017-18
  - Financial data – yes, onerous to re-provide
  - Directors' ages and genders – no, unreliable
  - Kinds of work the PBC engages in – no, often not comprehensive

	<b>2016-17</b>	<b>2017-18</b>
<b>Total income</b>		
Mean	\$740,688.93	\$763,362.56
Median	\$50,000.00	\$62,606.00
<b>Total expenditure</b>		
Mean	\$743,765.93	\$696,661.63
Median	\$23,410.00	\$44,632.31
<b>Total assets</b>		
Mean	\$1,816,950.15	\$1,935,613.08
Median	\$17,530.00	\$38,037.64
<b>Total equity</b>		
Mean	\$1,557,639.37	\$1,636,185.53
Median	\$3,000.00	\$14,667.00

Financial indicators for PBCs reporting to ORIC in both 2016-17 and 2017-18 (n = 139)

# Government perspective challenges

- PMC under previous minister had strong 'economic development' focus in regards to PBC policy
  - Underlying assumption of single neoliberal trajectory of development for PBCs, with financial 'sustainability' and wealth and job creation as the end goals
- Need for survey results to contextualise PBC decisions and priorities:
  - To challenge perception that PBCs which had not so far generated significant income or employment opportunities were necessarily 'failing'
  - To highlight the incredible work many PBCs are doing for their members despite limited resources

# Solutions

- Question about PBCs' 'purpose'
  - Recognising that PBCs are a requirement
  - They are not 'the only game in town'
  - Members' priorities and aspirations for their PBC may not strictly follow the economic development model that underlies much existing PBC policy
- Question about PBCs' successes and achievements

# Data Governance Committee

- Recognised potential interest in external access to data from current, past and future PBC Surveys
- Responsibility to ensure that the way project data is managed and used complies with the principles of Indigenous Data Governance and Indigenous Data Sovereignty
- Engaged external Indigenous expert consultant to coordinate establishment of Data Governance Committee, which will include representatives from PBCs
- DGC will review applications to access and use survey data, to ensure they comply with IDS and IDG principles and genuinely serve the interests of PBCs and native title holders

# Learnings

- Proposed cash incentive to PBCs for participating
  - Strong argument for doing so from research ethics perspective
  - Hoped it would increase response rate, particularly from smaller PBCs
- AIATSIS as a Commonwealth agency can't pay another organisation without an invoice
- What is a corporation that has no income, no assets and no staff going to do with \$300?

# Learnings

- Had hoped option of face-to-face interviews at Regional PBC Forums and other native title events would dramatically increase responses
  - Some PBC directors have not been comfortable completing the survey without consulting their board beforehand
  - Events were excellent places to form connections to facilitate later completion by another method

# Have your say

- Complete the survey online:

[www.nativetitle.org.au/form/pbc-survey-2019](http://www.nativetitle.org.au/form/pbc-survey-2019)

- Contact us:

[pbcsurvey@aiatsis.gov.au](mailto:pbcsurvey@aiatsis.gov.au)

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Thanks to everyone on the project team,  
particularly

- NNTC: Tahn Donovan and Carolyn Betts
- CSIRO: Marcus Barber and Taryn Kong
- AIATSIS: Belinda Burbidge

Thanks to all the PBCs that have kindly  
provided their time and knowledge

And to you for listening!

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