



Australian Government
Office of the Registrar of
Indigenous Corporations



National
Native Title
Tribunal



Australian Government



TSRA

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MEMORANDUM OF UNDERSTANDING

REGISTRAR OF INDIGENOUS CORPORATIONS

AND

NATIONAL NATIVE TITLE TRIBUNAL

AND

TORRES STRAIT REGIONAL AUTHORITY

MEMORANDUM OF UNDERSTANDING

Between

The Registrar of Indigenous Corporations

and

The National Native Title Tribunal

and

The Torres Strait Regional Authority

1. Purpose

This memorandum of understanding (**MOU**) sets out the broad aims and principles for cooperation between the Registrar of Indigenous Corporations (**the Registrar**) the National Native Title Tribunal (**NNTT**) and the Torres Strait Regional Authority (**TSRA**).

ORIC, NNTT and the TSRA (**the agencies**) acknowledge that disputes arise from time to time in the Torres Strait region which may involve a number of separate but interlinked issues including - registered native title body corporate (**RNTBC**) membership disputes and governance issues, land disputes and native title issues. While each agency may have jurisdiction or capacity to deal with individual elements of the dispute they do not have the jurisdiction to cover each aspect. It is important that the agencies work cooperatively to treat the dispute in a holistic manner.

The agencies have observed that parties to a dispute will often contact one or more of the agencies seeking assistance. At times each agency will receive information relating to its particular jurisdiction without receiving the full details of the dispute. This can, and often does, lead to confusion between the agencies as to the nature of the dispute and the appropriate way to provide assistance. An important part of dispute resolution is for each agency to be aware of all relevant facts and issues. The agencies agree that in order to achieve this there needs to be prompt and open communications and for the sharing of information, where possible, between them.

The agencies agree that greater cooperation between the agencies through training and staff exchanges may also assist the agencies deal with disputes in a better and more coordinated manner.

This MOU facilitates liaison, cooperation, assistance, sharing of information and assistance in order to improve outcomes for RNTBCs in the Torres Strait.

The agencies do not intend this MOU to create legally binding obligations between them.

2. ORIC

The Registrar is an independent statutory office holder appointed by the Minister responsible for Indigenous Affairs under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)* to administer and enforce the CATSI Act.

The Office of the Registrar of Indigenous Corporations (**ORIC**) supports the Registrar to regulate and deliver services to corporations registered under the CATSI Act. It does this in a variety of ways:

- by advising them on how to incorporate
- corporate governance training for directors, members and key staff
- providing dispute assistance

3. NNTT

The NNTT is an independent agency established by the *Native Title Act 1993 (NTA)*. The Tribunal comprises statutory officeholders including a president and members, who are appointed by the Governor-General under the NTA to make decisions, conduct inquiries, reviews and mediations, and assist various parties with native title applications, and Indigenous land use agreements (**ILUAs**).

The NNTT is supported by the Native Title Registrar, also appointed by the Governor-General. Together, the various statutory office-holders each have separate and specific functions and responsibilities to perform under the NTA.

4. TSRA

The Torres Strait Regional Authority (**TSRA**) is an Australian Government statutory authority established on 1 July 1994 under the *Aboriginal and Torres Strait Islander Commission Act 1989*, which is today known as the *Aboriginal and Torres Strait Islander (ATSI) Act 2005 (the ATSI Act)*.

The Native Title Office of the TSRA also performs the Native Title Representative Body function for the Torres Strait region.

The Native Title Office of the TSRA facilitates the securing of legal recognition of native title to land and waters in the Torres Strait, providing assistance for protection of native title rights in relation to all matters affecting Torres Strait land and waters and to assist prescribed bodies corporate (**PBCs**) and traditional owners with support and capacity initiatives

5. Dealing with disputes

Where an agency receives notice of a dispute and/or a request for assistance it will, as soon as possible contact the party which provided the notice or sought assistance:

- to gather as much information about the circumstances of the matter
- advise the party that the agency may be seeking assistance from the other agencies
- seek the party's consent to share information with the other agencies.

The agency which received the notice of dispute will notify the contact officers of the other agencies to advise of the dispute and to arrange a teleconference with all agencies at the earliest possible opportunity.

The teleconference is to allow the agencies to work together to develop a plan for dealing with the dispute and to share all relevant information.

6. Principled cooperation

All agencies understand the importance placed upon trust within Aboriginal and/or Torres Strait Islander communities and RNTBCs. Therefore, all agencies will endeavour to take appropriate measures to ensure that all activities are conducted to the highest possible ethical standards. This is particularly the case where there is an existing Aboriginal and/or Torres Strait Islander ethical body related to the type of activity to be undertaken.

7. Liaison

The agencies agree that, where appropriate, they will consult with each other on matters of mutual interest. This includes the exchange of information, referral of matters, statutory activities of each agency, training, information and other services to clients, policy development and implementation, legislative amendments, research and analysis.

Each agency will appoint a contact officer to undertake these activities as needed. The contact officer responsible for liaison may be changed by the relevant agency as required by informing the other agency appropriately.

8. Visits to Torres Strait

Subject to available funding, ORIC and NNTT will attempt to visit the Torres Strait at least six (6) times per financial year. The NNTT and ORIC will, where possible, cover the cost of travel to and from the mainland to Horn Island. TSRA will cover all travel and accommodation costs of ORIC and NNTT while they are conducting TSRA business in the Torres Strait. The TSRA may be able to assist with additional travel and accommodation costs if NNTT and ORIC have insufficient funding to cover their own costs or are required to visit the Torres Strait more than 6 times in a financial year.

9. Training

ORIC and NNTT will, where possible and appropriate, provide training to the TSRA and its constituent RNTBCs. ORIC and NNTT will not charge fees for providing the training but TSRA will reimburse those agencies for reasonable out of pocket expenses.

The agencies will explore the possibility of training local Torres Strait Islanders in mediation and use best endeavours to ensure that all training meets the requirements for registration under the National Mediation Accreditation System.

10. Exchange of staff

The agencies agree that, where appropriate, they will facilitate the exchange of staff to participate in, assist with and collaborate on each other's operations to more effectively serve traditional owners and provide staff development opportunities, such as the rotation of staff performing similar roles.

11. Exchange of information

The agencies agree to keep each other informed, in a timely manner, of matters relevant to each other's jurisdiction subject to legislative restrictions.

12. Confidentiality

When an agency receives information from, or through participation with, the other agencies it will take all reasonable steps to ensure the confidentiality and privacy of the information received.

13. Review of this MOU

Each agency will keep the operation of this MOU under review and will consult with the other agencies to improve or resolve any matter which may arise.

14. Revocation of this MOU

Any agency may terminate this MOU by providing written notice to the other agencies. The MOU will terminate the day immediately after the date the notice was received.

15. Publication of this MOU

A party may make the contents of this MOU public.

16. Contact officers

ORIC:

Director, Registration
Reporting Complaints
and Disputes
1800 622 431
info@oric.gov.au

NNTT:

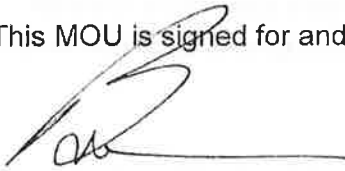
Lisa Eaton
Principal Advisor,
Practice and Legislation
(08) 9425 1087
1800 640 501
[LegalSupportTeam@fed
court.gov.au](mailto:LegalSupportTeam@fedcourt.gov.au)

TSRA:

Principal Legal Officer
(07) 4069 0853
legal@tsra.gov.au

Execution of this MOU

This MOU is signed for and on behalf of the parties on the ^{3rd} day of August 2017.



signed by:

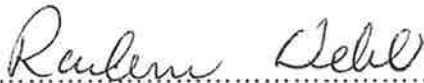
Anthony Beven
Registrar of Indigenous Corporations



Signature of witness

LEA McLEACHERN

Name of witness



signed by:

Raelene Webb QC
President of the National Native Title Tribunal



Signature of witness

MARY MCINTOSH

Name of witness



signed by:

Napau Pedro Stephen AM
Chairperson
Torres Strait Regional Authority



Signature of witness

WAYNE STE ICEE

Name of witness