

THE NATIVE TITLE ACT

The CLC is a Native Title Representative Body (NTRB) under the *Native Title Act 1993*.

As a NTRB, the CLC has specific functions under part 11, division 3 of the NTA.

These functions are stated in section 203B:

- (a) facilitation and assistance functions (referred to in section 203BB);
- (b) certification functions (referred to in section 203BE);
- (c) disputes resolution functions (referred to in section 203BF);
- (d) notification functions (referred to in section 203BG);
- (e) agreement making functions (referred to in section 203BH);
- (f) internal review functions (referred to in section 203BI);
- (g) other functions (referred to in section 203BJ);

Section 203B (2) provides that the functions conferred on a representative body by the NTA are in addition to, and not instead of, any function conferred on a representative body (whether in its capacity as a representative body or otherwise) by or under:

- (a) any law of the Commonwealth; or
- (b) a law of the State or Territory in which it operates.

Section 203B (3) provides that except as mentioned in sections 203BB, 203BD and 203BK, a representative body must not enter into arrangements with

another person under which that person is to perform the functions of the representative body.

Section 203B (4) provides that a representative body must, from time to time, determine the priorities it will give in performing its functions and may allocate its resources in the way it thinks fit so as to be able to perform its functions efficiently, giving priority to the protection of the interests of native title holders.

Section 203BA provides that a representative body must use its best efforts to perform its functions in a timely manner with respect to the time limits under the NTA and other Commonwealth, State or Territory legislation that are relevant to the performance of its functions.

Section 203BA (2) provides that a representative body needs to:

- (a) maintain an organisational and administrative process that promotes the satisfactory representation by the body of native title holders or person who may hold native title interests in the region;
- (b) promote effective consultation with Aboriginal people living in the area; and
- (c) ensure that structures and processes operate in a fair manner.