How the NNTT can help to resolve a native title dispute

NNTT
National Native Title Tribunal

The National Native Title Tribunal (NNTT) is committed to the principle of self-determination and to supporting prescribed bodies corporate (PBCs) and native title holders find solutions they can live with.

If everyone agrees that they want to find a solution, the NNTT will work with you to co-design a culturally responsive dispute resolution process. A staged approach is often useful. Below are some suggested steps to get you started.

1 Finding solutions yourself

Have the steps in the PBC's Rule Book about resolving disputes been followed?

Check the PBC's Rule Book for guidance. For example, what does it say about:

- Who is eligible to be a member of the PBC?
- How the PBC board manages membership applications?
- Decision-making processes?
- How the PBC will deal with disputes?

The representative body for your area may have mechanisms to deal with your concerns. Are you willing to speak with your representative body about the dispute?

2 Contacting the NNTT

If a native title holder or a PBC is stuck, give us a call, email or come into the office.

Our experienced team, which includes native title holders and PBC office bearers, can talk with you and help you find a way to sort things out. Sometimes talking to the right people who can give you good information might be all you need.

3 Working together to obtain the right information

Let's talk about what information or people might be able to help you.

It's important for you to give us as much background information as you can to help us understand why you are seeking assistance. You can talk to us about:

- the nuts and bolts of the dispute and the people involved
- what objectives or outcomes you are looking for
- what the Court said when it made your native title determination
- whether your PBC's Rule Book clarifies anything about your concerns
- what your PBC's Rule Book says about resolving disputes
- your group's decision-making processes
- the cultural protocols relevant to your group, and
- what steps have been taken to manage or resolve the dispute.

4 Step 4 is overleaf

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Fitting all the pieces together

The right information might be enough for you to sort things out.

Facilitation means helping you to access information and people to empower you to find solutions. Facilitation can help you:

- understand what the Court said in your native title determination
- understand the PBC's obligations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the PBC Regulations under the *Native Title Act 1993* (Cth)
- talk to the Office of the Registrar of Indigenous Corporations (ORIC) or your representative body, and
- access the NNTT's mapping services.

5

Have you thought about mediation?

The NNTT can provide mediation assistance so that everyone can be heard.

Finding ways to resolve a dispute or conflict can take time and energy and it can be frustrating. Disputes often distract the PBC and native title holders from managing native title rights properly and fulfilling community objectives. Everything works better when disputes are sorted out. Mediation is a great way for people in disagreement to talk to each other. Having a person who does not take sides can help the people involved see things more clearly.

The NNTT has mediators who understand that Indigenous decision-making processes are unique and that no one size fits all. We know that agreement-making and dispute management processes must represent the values, laws and customs of the native title holders.

Before the NNTT agrees to mediate, all the people involved in the dispute will have to agree that they want to try mediation to manage or resolve the issues.

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Dispute resolution

The NNTT has mediators who are experienced in native title to help you resolve your dispute.

Every conversation that the parties have with the NNTT about the dispute is really important. NNTT mediators can assist the parties to work together to agree on things like:

- choosing a culturally appropriate location to hold mediation meetings
- making sure the right people are at the table
- making time for consultation with decision-makers who are not at the table
- ensuring that any decisions or agreements are only made when the parties are clear about the process they are following and understand what they are agreeing to
- recognising the leadership, authority and direction that might be provided by Elders – especially if they are not involved in the actual mediation
- that men's and women's business may need to be managed differently and separately, and
- the time it might take for people to meet and discuss issues and make decisions.

The NNTT understands that the parties have the right to manage their own decisions and disputes. The right mediation process can get people talking to each other to identify and explore the causes of the dispute and to decide on potential solutions.

For further information and assistance

Call: (07) 3052 4040
Email: PBCassist@nntt.gov.au
Or Visit: The NNTT Resolving Disputes Webpage

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A Reconciled Future

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