

cultural information from them, but we forgot to give something back, and they need respite, they need somewhere to lie down, be looked after. And that's my journey now.

Native Title

Native title to me is not getting back, but giving back, giving back land that we can't survive without. Because we can't teach our children, we can't teach our kids anything. It's giving back land that can give us back our culture, give us back our customs and traditions, so that we can teach that to our kids. And at the same time, we can break free from government dependency, if we do it right, if we do it right. Sometimes we've got to think outside that square that we're put in. We have to think of our culture, passing on, do it on the land. At the same time, that same land, somehow it has either got to feed us or earn us money. We've got no other way to look at it. And until we all think that way, that that is how we retain our own independence and break away from welfare handout. I know a lot mightn't agree with me, but that's what we have to do. I never thought it would have an ending, I'll be honest. It's been going a long while. To me we may say it's taking too long to be awarded

native title to our property or country or whatever areas. But again we've got to look at the fact that there's a lot to be done in the process. We've been sort of disconnected for lots of years, and we've got to pull all the information back before we can go forward, and that sometimes frustrates a lot of people. But to us it's a step in the right direction.

Hosting the National Native Title Conference 2014

Look, to us, it called recognition. That's the greatest thing for us. Sometimes it might be thought that Aboriginal people living on the coast, we don't have any culture and tradition no more. But that's not right. And by holding the conference on our land here, in the Gumbaynggirr land, it gives recognition all over this country, and even to government, that we still have Aboriginal people who can speak their language and retain their tradition and culture living on the coast in amongst big tourist areas. We're still here. I think to me we know that again we all dream of what we want. But unless we attend these types of conferences, and we hear, we hear from those that we don't really see all the time who's working for us, they could be the solicitors, they could be all sorts of people, on what you really have

to have together to go anywhere in what you're doing, that is what we gain from here. And there is a lot of information that came from this conference that we didn't really know about, on how does it work, are there changes, because a lot of the time we have to read the changes in the newspaper or wherever it is. By presenting those changes and how things are done, and going to be done, by presenting them face to face, that's a black fella's way of doing it, that's what we understand. And that's the beauty of these conferences, is face to face you ask a question. New technology, great for some things, but when we go into important, very important things to Aboriginal people, like we're talking about return of land, we need to get it spot on. And these are the conferences that we need to bring us up to date, speak to us face to face, so we ask the questions, so we are very clear on what we have to do, and I appreciate these types of conferences being held to give us that information.

Tony's book *Singing the Coast* is available through Aboriginal Studies Press www.aiatsis.gov.au/asp/aspbooks/singingthecoast.html

ROLE OF THE ACNC IN THE NATIVE TITLE SPACE

By Annie Keely, Victor Lovett & Caitlin Patterson

The Australian Charities and Not-for-profits Commission (ACNC) opened its doors on **3 December 2012**.

All organisations that had been granted charity tax concessions by the ATO before then were automatically registered with the ACNC as a charity.

Since then any organisation wanting to become registered as a charity or get charity tax concessions has needed to make an application to the ACNC.

To be a charity, an organisation must have a charitable purpose and be for the public benefit.

From 1/1/2014, the new *Charities Act 2013* sets out definition of 'charity' and lists 12 charitable purposes which

ACNC started on 3/12/12

All new charities must apply to the ACNC to become registered if they want Commonwealth tax concessions. Apply online

ACNC currently has 6 Aboriginal and Torres Strait Islander staff, 3 of whom answer advice phone calls, so ring **132262** and ask to talk to one of them

From 1/1/2014 the new *Charities Act 2013* defines 'charity' and lists 12 charitable purposes

ACNC Commissioner's Interpretation Statement on Indigenous Charities makes it easier for Indigenous charities to be registered.

are relevant for all Commonwealth legislation.

Indigenous charities

The ACNC has 3 Aboriginal & Torres Strait Islander advice officers who can answer your phone calls and help with your questions.

Previously some Indigenous charities had trouble meeting the public benefit test because the members or beneficiaries were related to each other or were descendants of apical ancestors. This issue has now been fixed for native title groups and traditional owner groups.

State/ Territory	Small with no assets / income	Small with some assets / income / staff	Medium	Large	Totals
NSW	2	0	1	0	3
NT	12 incl 1 not ORIC reg'd	2	0	0	14
Qld	17	10	2	0	29
Qld: TSI	16	2	1	0	19
SA	3	3	4	0	10
Vic	0	1	1	0	2
WA	9	6	2	1	18
Totals	59	24	11	1	95

In December 2013 the ACNC introduced the Commissioner's Interpretation Statement on Indigenous Charities. Under it, the ACNC

- Recognises the unique position of Indigenous people and the continuing disadvantage suffered, and
- Accepts that an Indigenous charity that describes its members or beneficiaries by family relationships or by descent meets the public benefit test, as they are a sufficient section of the public.

You can read it here www.acnc.gov.au/ACNC/Publications/Interp_IndigenousCharities.aspx

The *Charities Act* has some similar provisions for organisations that receive, hold or manage native title or traditional owner land related benefits (s.9).

PBCs – to be or not to be a charity

The ACNC has carried out some initial research on native title PBCs to see how many are registered as a charity and how many are not. Of the 118 PBCs established by December 2013 only 23 are charities and 95 are not charities.

As you can see from the table above, there are 59 small ones with no assets or income that may not find it useful to have tax concessions at this stage – so there may be no benefit in registering with the ACNC. But there are 36 others, particularly the 11 medium and 1 large PBC that could possibly benefit from the tax concessions that flow from being registered charities.

We know that PBCs often have access to good advice through NTRBs or NTSPs or their own lawyer and some will have decided not to become charities as it doesn't suit their needs. But there may be other PBCs who aren't aware of the potential benefits of being a charity.

How we can help

If you have a PBC and you aren't sure if it is a charity, you can check by searching the ACNC Register: www.acnc.gov.au/ACNC/FindCharity/ACNC/OnlineProcessors/Online_register/Search_the_Register.aspx?noleft=1&hkey=4687b2e5-a38e-4488-b02c-3134249a6e37

If you have a PBC that is not a charity and you want to know more about the advantages for your organisation, you can look at our website on www.acnc.gov.au or contact us on 132262 weekdays 8.00 a m to 7.00 pm AEST. There are a range of publications available to help.

For more information on possible charity tax benefits you can go to the ATO website Non-profit section at www.ato.gov.au/Non-profit/Gifts-and-fundraising/In-detail/Endorsement/Charities/Endorsement-to-access-charity-tax-concessions/

The ACNC is hoping to work with AIATSIS on developing some targeted guidance materials to help PBCs and other Indigenous organisations to become registered charities if they want.

The ACNC has staff that can come to training workshops or meetings to help groups or PBCs to understand better

what is involved in becoming a charity and the reporting and governance obligations of charities. You can contact us by phone or email to ask.

We attended an AIATSIS workshop for West Australian PBCs by videoconference to fill them in on what the ACNC does. We hope we will be able to expand on that work to assist PBCs in different regions in the future.

We have enjoyed participating in the NTRB conference the last two years and getting to know more PBC members and communities as well as NTRB/NTSP staff.

We look forward to continuing to work with Aboriginal & Torres Strait Islander native title groups and communities to provide what assistance we can.



The 3 ACNC Aboriginal Liaison Officers: Victor Lovett, Caitlin Patterson and Brooke Smith.

You can call them on 132262 on weekdays from 8.00 am to 7.00 pm AEST