Building Aboriginal and Torres Strait Islander Governance: Report of a Survey and Forum to Map Current and Future Research and Practical Resource Needs

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Project hosts

In 2014, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) celebrated 50 years of leadership and excellence in Indigenous research. First established under legislation in 1964, AIATSIS is governed by a Council with a majority Aboriginal and Torres Strait Islander membership, chaired by Professor Mick Dodson. It is Australia's national institution for research and collecting/curating archival materials of importance to Aboriginal and Torres Strait Islander peoples. AIATSIS research is grounded in relationships, action-based partnerships, and workshop and ethnographic methodologies involving local, regional and national Indigenous and other polities. Over the last 20 years, AIATSIS has supported governance research and initiatives, including the Australian Indigenous Leadership Centre, established in 2001, and the first dedicated Indigenous governance fellowship, which established this key research priority. AIATSIS has focused on issues of governance in agreement-making and native title corporations, Indigenous decision-making and dispute management processes, institutional arrangements for service delivery in Indigenous communities, policy design, natural resource and other environmental governance, human rights, and legal and constitutional engagement between Indigenous peoples and governments. As part of a broader review of AIATSIS research, it has joined with the Australian Indigenous Governance Institute (AIGI) to map the gaps in Indigenous governance research and practical resources to provide the basis for future governance research.

AIGI, established in 2012, is a national centre of governance excellence, connecting Indigenous Australians to world-class governance practice, informing effective policy, providing accessible research, disseminating stories that celebrate success and solutions, and delivering professional development opportunities for Indigenous peoples. Its majority Indigenous Board is chaired by Jason Glanville, CEO of the National Centre for Indigenous Excellence. The need for AIGI was identified through the Indigenous Community Governance Project (2001–08) undertaken by Reconciliation Australia (RA) and the Centre for Aboriginal Economic Policy Research at the Australian National University, in partnership with 12 communities in remote, rural and urban locations. The Project identified an urgent need for high-quality governance information, relevant practical tools and training, and recommended the establishment of an Indigenous-specific governance institute. Subsequent stakeholder consultation indicated strong support for this. AIGI is negotiating with RA to host and manage the Indigenous Governance Toolkit. AIGI also works with RA on the Indigenous Governance Awards. It is developing a curriculum of master classes based on the Toolkit and collaborates on research with a commitment to reinvigorating the national discourse about Indigenous governance, highlighting success, innovation and excellence.

Contents

Figures

Abbreviations and acronyms

ABS   Australian Bureau of Statistics

AGMP   Aboriginal Governance and Management Program

AIATSIS   Australian Institute of Aboriginal and Torres Strait Islander Studies

AIGI   Australian Indigenous Governance Institute

AILC   Australian Indigenous Leadership Centre

ANU   Australian National University

APO NT   Aboriginal Peak Organisations Northern Territory

APS   Australian Public Service

APY   Anangu Pitjantjatjara Yankunytjatjara

ARC   Australian Research Council

ASX   Australian Securities Exchange

ATSIC   Aboriginal and Torres Strait Islander Commission

CAEPR   Centre for Aboriginal Economic Policy Research

CATSI Act   *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth)

CDU   Charles Darwin University

CEO   Chief Executive Officer

COAG   Council of Australian Governments

FaHCSIA   Department of Families, Housing, Community, Services and Indigenous Affairs

GERAIS   *Guidelines for Ethical Research in Australian Indigenous Studies*

GIS   geographic information systems

GST   Goods and Services Tax

HIBRC   The Hindmarsh Island Bridge Royal Commission

IAS   Indigenous Advancement Strategy

ICG   Indigenous Community Governance (Project)

IGAs	Indigenous Governance Awards
ILUA	Indigenous Land Use Agreement
IOG	Institute On Governance
IT	information technology
KNYA	Kungun Ngarrindjeri Yunnun Agreement
LGANT	Local Government Association of the Northern Territory
NCIS	National Centre for Indigenous Studies (ANU)
NEPL	Ngarrindjeri Enterprises Pty. Ltd
NGO	non-government organisation
NPY	Ngaanyatjatjarra Pitjantjatjara Yankunytjatjara
NRA	Ngarrindjeri Regional Authority
NTA	*Native Title Act 1993* (Cth)
NTRB	Native Title Representative Body
NTRU	Native Title Research Unit
NTSP	Native Title Service Provider
OECD	Organisation for Economic Cooperation and Development
ORIC	Office of the Registrar of Indigenous Corporations
PBC	Prescribed Bodies Corporate
PM&C	Department of the Prime Minister and Cabinet
RA	Reconciliation Australia
RNTBC	Registered Native Title Body Corporate
RPfC	Right People for Country Program
TSRA	Torres Strait Regional Authority
UNDP	United Nations Development Program

Acknowledgments

Overview of the Report

Over the last 15 years Indigenous governance has become a familiar feature of political, policy and organisational landscape internationally. In Australia it is now part of the local, regional and national policy agendas of Indigenous peoples, governments and the private sector. It is a central concern when addressing service delivery, funding frameworks and agreement-making in rural, remote and urban locations across a wide variety of sectors. Indigenous peoples widely recognise the significance of governance as a critical factor in promoting sustainable economic activity, self-determination and cultural resilience and as a fundamental base for generating revenues and resources.

A small but growing number of research projects and governance-building initiatives are contributing to a baseline of robust evidence and analyses of what works, what doesn't work and why. In some cases this work is being translated into practical tools. However, the opportunities to learn about the scope of contemporary research and Indigenous governance-building resources, consider strategic priorities, build collaborations and evaluate the usefulness of initiatives are often limited.

In the process of planning their own Indigenous governance work, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the Australian Indigenous Governance Institute (AIGI) identified the need to understand the scope and limitations of current Indigenous governance initiatives, research, practical resources and policy, not only for the benefit of their own organisations but also the broader sector.

Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs

On 29–30 July 2014, AIATSIS and AIGI co-convened the 'Indigenous Governance Development Forum: Mapping Current and Future Research and Resources' ('the Forum') in Canberra. In preparation for the Forum, a survey of Indigenous governance research and practical resources ('the Survey') scanning current initiatives, issues and future needs was widely circulated. Survey responses were incorporated into the Forum program and a Background Paper was prepared and circulated to Forum participants. The Forum brought together a diverse group including Indigenous governance practitioners, researchers, trainers, leaders, regulators, facilitators and bureaucrats to hold a conversation about Indigenous governance issues, network and identify future research topics and practical resources needs.

The Survey and Forum indicate a wealth of knowledge about Indigenous governance and a major commitment to developing Indigenous governance expertise including building the skills of young Indigenous people, who represent the fastest-growing demographic of the Indigenous Australian population.

This Report provides a synthesis of ideas, comments, issues and possibilities identified through the Survey and the Forum. It also includes some commentary by the authors to provide context, in some instances drawing conclusions or suggesting implications arising out of the Forum and the Survey. The voices and views of the Survey respondents and Forum participants are included, often as direct quotes. While there were many similar views among participants, they were not always consistent and we have not attempted to reconcile differing views. As agreed at the Forum, the report does not attribute quotations to individuals unless they gave formal presentations to the Forum and, to avoid repetition, we have not indicated in every instance whether comments originated in Survey responses or at the Forum.

Three sets of presentations were made at the Forum. The first provided practical examples of and identified issues in Indigenous nation-building concerning:

- Ngarrindjeri Regional Authority (NRA) in South Australia
- Empowered Communities initiative in Cape York
- Right People for Country (RPfC) program in Victoria
- research collaboration between the University of Melbourne School of Government and College of Law, Jumbunna Indigenous House of Learning at the University of Technology, Sydney, and the Native Nations Institute at the University of Arizona
- common corporate governance issues identified by the Chief Executive Officer (CEO) of the National Congress of Australia's First Peoples.

The second set of presentations provided examples of Indigenous governance research and ethical issues with presentations from the:

- AIATSIS Research Section
- Jumbunna Indigenous House of Learning, at the University of Technology Sydney
- Tangentyere Council Research Hub in association with Charles Darwin University (CDU)
- AIATSIS Research Ethics Committee.

The third set of presentations concerning current projects, practical resources and training opportunities were made by representatives from the following organisations:

- Office of the Registrar of Indigenous Corporations (ORIC)
- Australian Indigenous Leadership Centre (AILC)
- AIGI
- Reconciliation Australia (RA)
- The Aurora Project
- Aboriginal Peak Organisations Northern Territory (APO NT).

The meaning of Indigenous governance

The majority of respondents to the Survey and participants at the Forum agreed that, although financial management and legal compliance are key components of governance, there is a need to understand the concept of governance in broader terms. Governance is better understood as incorporating a number of components and processes which, when working well, form a unifying framework. This framework includes a wide range of formal and informal Indigenous and non-Indigenous mechanisms, structures and engagement processes, such as traditional laws and customs, legislation and enforcement, jurisdictional functions, leadership and representation, members' participation and voice, decision-making, dispute resolution, institutional frameworks and constitutions, rights, and relationships with others including with governments and the private sector.

There has also been a deepening understanding that Indigenous governance and the governance of governments are intertwined and that the latter, while it has received less scrutiny, has a critical impact on Indigenous outcomes.

Although some Survey respondents considered Indigenous governance to have the same requirements as 'western' governance, many identified Indigenous governance as a distinct modality with unique requirements in a challenging intercultural environment. This requires Indigenous people to respond to western legislative and policy demands as well as to Indigenous cultural and social priorities. Respondents and Forum participants noted that these were not always inconsistent but that they do pose challenges for Indigenous leaders in governing complex networks of kin collectively while also realising the individual autonomies of all involved.

A distinguishing feature of Indigenous governance identified by respondents and Forum participants is that many Indigenous groups see governance in terms of nation-building and self-determination.

Untangling Indigenous governance

The work of Indigenous governance takes place in a complex intercultural, socioeconomic and bureaucratic environment in which Indigenous organisations are embedded at a range of scales. Survey

respondents and Forum participants noted that the authorising environments for Indigenous governance are amalgams of compliance, financial management, regulatory, legislative and policy requirements, and Indigenous cultural traditions, priorities and practices.

In the interactions which take place, Indigenous agency draws on its own cultural priorities and often constructs new governance solutions.

The perceived proliferation of Indigenous incorporated organisations including the burgeoning number of Registered Native Title Bodies Corporate (RNTBCs) under the *Native Title Act 1993* (Cth) (NTA) was attributed, at least in part, to the multitude of intersecting authorising environments and scales of governance. Forum participants noted the significance of incorporated organisations as vehicles for affirming the collective identities and aspirations of First Nations peoples and that, while some organisations are inactive, they remain of value to Indigenous people and can be kept 'on hold' for future projects.

The Survey and Forum also distinguished between 'organisational', 'corporate' and 'community' governance. 'Organisational' and 'corporate' governance were often described in similar terms as: 'the activities, systems, relationships and processes which enable an Aboriginal controlled organisation to operate effectively and deliver the desired results: ethically, legally, transparently, effectively and efficiently' as 'applied and managed through rules and legislation'. However, while the terms are often used interchangeably, not all Indigenous organisations are incorporated.

'Community governance' was seen to describe 'the complex set of relationships, cultural protocols, practices, responsibilities and understandings which inform decision-making' at particular and unbounded scales of societies; for example, a residential community and a dispersed regional community through to national and global communities. At each of these levels, 'community governance' was seen to take place across a range of organisations, corporations, nations and governments.

Indigenous governance design

Issues such as the diversity, purpose, size and number of Indigenous organisations, and the extent and potential cost of compliance requirements, led Forum participants to consider practical design responses that included rationalising the number of organisations and linking models of service delivery to economies of scale. Discussion focused on the diverse range of existing models attempting to realise such economies, including peak bodies, regional bodies, umbrella organisations and federations, and regional hubs.

A shared set of Indigenous design elements based on networks of extended family relationships and associations with places and traditional countries was identified. Indigenous governance design has to account for these relationships, as well as for government-imposed jurisdictional boundaries, policy and legislative requirements (including in relation to corporation membership rules and decision-making). These can cut across the cultural priorities reflected in the shared Indigenous design elements, sometimes giving rise to conflict amongst Indigenous people and the fragmentation of groups.

Indigenous governance ethical research approaches

Survey and Forum responses to questions concerning the kinds of collaborative research which should occur stressed the importance of 'Indigenous-led' ethical and collaborative research methodologies rather than suggesting specific research topics. Considerations to do with maintaining the independence of research findings in 'Indigenous-led' research partnerships were discussed and the need for both 'academic' and 'applied' research was recognised.

The Forum noted that recommended ethical approaches set high standards for researchers but recognised that these are necessary if research is to be valued as beneficial and engaged in by Indigenous peoples. The challenge for researchers was seen to be making their findings more accessible and ensuring research translates into practically useful tools and training. The need for research methodologies to respond to the contemporary demographics of Indigenous societies, including commonalities and differences in urban, regional and remote locations and the high proportion of youth, was also identified.

Building Indigenous governance capability

The Survey and Forum confirmed that there is no single template for designing and implementing Indigenous governance and that 'no one size fits all'. At the same time, it was emphasised that Indigenous Australians share certain values and relational network preferences that commonly inform their customised solutions.

To enable self-determined customisation of governance there was seen to be a need for a governance-building approach that:

- is place- and strength-based, self-organising and adaptive
- is directly linked to the capacities, contexts, expertise, circumstances and experience of those involved
- reflects a set of Indigenous governance principles in the development of practices, tools, training and evaluation
- maps and matches governance processes to local cultural priorities and incorporates Indigenous values and aspirations and priorities

- adopts a developmental strategy in its implementation (that is, participatory, sustained, incremental and empowering)
- identifies and negotiates streamlined funding arrangements
- identifies strategies and implementation requirements to address:
  - impacts, barriers, symptoms and causality through the mapping of community governance histories and authorising environments
  - ways of rationalising and coordinating partnerships, leadership, representation, decision-making processes and governance networks at community and regional levels and the range of community and organisational governance activities
  - the development of intergenerational planning approaches to take particular account of gender and the youthful demographic, including the transfer of knowledge and youth involvement in governance
  - conflict management approaches which are led locally and regionally.

One way to build Indigenous governance capability, including identifying and producing relevant research, is the development of more coordinated and collaborative approaches that can be tiered through local, regional, state/territory and national levels. This could assist in reducing duplication, potentially making better use of resources and ensuring more efficient representation and implementation. The downside is that to be effective such approaches require agreed measures of outcomes, joint funding arrangements and cooperation between and reliance on the capacities of multiple organisations, departments and stakeholders that have often proved difficult to secure and sustain.

This does not preclude a commitment to a more coherent strategy which implements the kinds of suggestions identified through the Survey and Forum, some of which are set out in the conclusion to this overview. These include, for example, a nationally accredited competency-based Indigenous governance curriculum which is informed by a set of Indigenous governance principles and delivered widely, including in schools. Such a curriculum should go beyond compliance competencies to address innovative solutions and sustainable practices and include aspects such as decision-making, negotiation, consensus-building, risk identification and conflict management. It could be extended into undergraduate and postgraduate degrees, either as a stand-alone or as specialist courses in a number of disciplines, in Australian universities.

A coordinated strategic approach would also commit to the production of practical resources which are informed by collaborative and ethical research methodologies and reflect the governance principles mentioned above.

Tailoring Indigenous governance tools and training

The Forum and Survey identified the need for practical resources and training to account for cultural diversity, levels and kinds of competencies, and sectoral or subject-specific requirements. They also need to be tailored to existing assets, capabilities, local Indigenous priorities and the broader governance environment of legislative and policy requirements, all of which need to be mapped prior to their design and development.

While customisation requires accounting for Indigenous cultures, some Forum participants noted that this should not mean 'ossification' of cultural practices and institutions. Neither should culture be seen as a list of authentic attributes or 'things' which can be transported into governance processes with ease. Rather, culture was suggested to be a matter of negotiation, transformation and adaptation. Integrating culture into tools and other resources can also involve reconciling differences in perspectives about priorities, processes and practices within and across Indigenous groups.

In considering the expertise and knowledge required to create useful practical resources and training and to deliver them effectively, the Survey and Forum identified skills sets including experience, understanding of the diverse range of Indigenous governance contexts, learning styles, communication preferences, and cultural institutions and specialised intercultural communication skills. The relatively small number of trainers, researchers and facilitators with these skills was noted as a challenge, and the need to increase the numbers of Indigenous practitioners was recognised.

The national policy environment and governance of governments

In keeping with the understanding of the impacts of the governance of governments on Indigenous governance and outcomes, a Forum panel of officers from the Department of the Prime Minister and Cabinet (PM&C) discussed current changes in the Indigenous governance policy environment, including the Indigenous Advancement Strategy (IAS). The IAS brings the Indigenous programs and staff of nine agencies into one department (PM&C) and consolidates 150 programs into five program streams. The panel explained the policy shift, citing evidence of fractured Indigenous communities, family conflicts, capacity issues and unresolved traumas, which suggested that previous approaches to the delivery of programs and services have not been working to their full potential.

Forum participants noted that the IAS had caused substantial ongoing difficulties for the Indigenous service delivery sector and Indigenous communities. While the IAS was regarded as a particularly problematic policy shift, the Survey and Forum noted the general disruptive impact of

policy changes and approaches which are related to electoral cycles rather than being based on the comprehensive ongoing considerations required for effective policy development. The resulting changes to policies, departmental structures, programs, guidelines and staff make it difficult to sustain Indigenous planning and engagement with government. There was general agreement about the need to refocus on Indigenous people determining their own futures and governance solutions and to build the intercultural competency of Australian Public Service (APS) staff to effectively engage with Indigenous people.

The Survey and Forum identified that the development of government policies and decision-making, that is the governance of governments, requires evidence-based research. It was noted that this will require governments to be transparent and to allow research into their own governance practices, applying the same standards of ethical research recommended for Indigenous research initiatives.

Funding research and Indigenous governance-building initiatives

A number of funding issues were identified as being critical to building and sustaining Indigenous governance, including the need for funding of research to identify more effective government funding approaches.

The Survey and Forum identified that disaggregated, short-term funding approaches by government departments and the private sector is standard practice and severely undermines effective governance. Current models for funding which focus almost exclusively on compliance-based governance are insufficient to support innovative, sustained Indigenous governance.

An ongoing investment by governments is needed to maximise opportunities particularly for Indigenous peoples to share knowledge and experience and to integrate social, economic and cultural development opportunities and research priorities into the design of governance systems.

Evaluating governance

The need for more rigorous evaluation approaches to Indigenous governance and the governance of governments was raised as an important public policy issue. A central question was: 'How do you develop an evaluation framework that shows the benefits of effective governance?' Suggestions included evaluation approaches which combine different perspectives and measure 'collective impact'. Another suggestion involved integrating the range of sectoral and industry evaluation methodologies with market-based and social measures.

The Australian Government's Remote Service Delivery Evaluation shows that outcomes can be place-based rather than jurisdictional and that they

build on the capacities and goals of the individuals involved. It was suggested that research is required to understand what 'effective governance looks like' across a range of sectors, contexts and scales and from a number of perspectives. It was also noted that evaluation approaches to Indigenous governance that are directed toward economic participation, corporate responsibility and compliance can undermine other Indigenous values, including accountability to the Indigenous communities and members being represented.

Changing the deficit discourse

The need to change the deficit-based language in the public narrative around Indigenous peoples and Indigenous governance, including the common misunderstanding that self-determination has been tried and failed, was raised repeatedly at the Forum. This deficit discourse was also seen to be reflected in the IAS.

It was suggested that an enabling 'asset' narrative would recognise the interconnections between self-determination, the political objectives of nationhood, Indigenous governance, and socioeconomic and cultural development outcomes. It would emphasise the strengths of Indigenous culture, traditions and experiences as foundations for improving governance outcomes. Economic development pathways were identified as essential to changing narratives from deficit- to asset-based.

Conclusion: Identified research and practical resource needs

Over the last decade there has been a growth in the number of agencies, service providers, organisations, non-government organisations, researchers, facilitators and trainers who are working in the field of Indigenous governance. This growth is indicative of the central role that governance plays in Indigenous initiatives as the cornerstone upon which the success or failure of many organisations, corporations and projects rests.

It is clear, however, that while there is a range of existing Indigenous governance initiatives, the demand for governance support amongst the estimated 8000 to 9000 Indigenous organisations and the many Indigenous communities across Australia far outweighs the current ability of levels of funding and research to address them. There is also an urgent need to assess the practical effectiveness of existing initiatives in supporting innovative and sustained place-based approaches to Indigenous governance. Useful resources should be disseminated widely to Indigenous people, who can customise them as necessary.

The Survey and Forum have provided an informative snapshot of governance initiatives, insights and analyses and highlighted the need for robust research partnerships to address the gaps in research and practical

resources identified throughout this Report. They reinforce the fact that single solutions and frameworks are simplistic if not counterproductive. They underline the need for cooperation, coordination and collaboration between and amongst Indigenous communities and organisations and governments at all levels (and private industry where implicated) in whole-of-community and whole-of-system approaches in which governments are willing to review their practices and to rationalise and streamline initiatives for efficiency.

In order to support Indigenous governance, ongoing investment will be required in some or all of the practical initiatives proposed through the Forum and Survey as deserving of funding. These include:

- the development of a set of national Indigenous governance principles in collaboration with Indigenous organisations and communities which can be tailored to local interest and cultural priorities
- the development of an implementation, coordination and dissemination strategy to ensure the adoption and reflection of the national Indigenous governance principles in:
  - o Indigenous governance-building approaches including the governance of governments at local, regional, state or territory and national levels
  - o an accredited, competency-based national Indigenous governance curriculum, including in schools, which addresses not only compliance but also issues such as decision-making, conflict resolution and negotiation and is extended into universities
  - o an Indigenous governance capabilities framework for Indigenous people and governments
  - o participatory evaluation models that show the links between governance and outcomes
  - o approaches to developing training and practical resources
- support for clearing house activities and their coordination (through a dedicated portal for example) in sharing Indigenous governance materials, including training resources, tools, articles, research and stories
- support for a range of communication strategies, practice networks and regular local, regional, state or territory and national forums (such as an annual Indigenous governance conference) to provide opportunities for Indigenous people, including young people, to share governance experiences and solutions and to address the deficit Indigenous discourse
- governance diagnostic, planning and implementation tools developed in collaborations between Indigenous organisations and communities, governments, researchers and practitioners

- pooled funding approaches with the inclusion of governance-building as an integral part of any program initiative or negotiated native title agreements.

There were many other suggestions in the Survey and Forum as to how Indigenous governance might be better supported which are identified throughout this Report. Forum participants also expressed enthusiasm for follow-up forums to address the intersection between organisations, community and cultural governance, and the kinds of coordination, partnerships and research initiatives which are needed.

1. Introduction

Over the last 15 years, 'governance' has become a buzzword in Indigenous issues across Australia and internationally. The United Nations Development Program (UNDP) has argued that the capacity for governance is at the heart of sustainable human development and a prerequisite for effective responses to the kind of poverty, unemployment, early mortality, reliance on welfare transfers and environmental and gender concerns which Indigenous peoples in Australia face.[1] In Australia, the Aboriginal and Torres Strait Islander Social Justice Commissioner has also drawn attention to the importance of Indigenous governance, including the need for a framework to support it and the nation-building work that has become so integral to it.[2]

As Indigenous peoples move towards increased economic participation, build relationships with other businesses and operate in a range of sectors and jurisdictions, their aspirations extend to ambitious self-determination, self-government, nation-building and community development agendas. In these contexts, they have recognised the need to generate revenues and resources of their own and affirmed the significance of governance as a critical factor in promoting self-determination, cultural resilience and development outcomes, and in attracting investment.

Governance has become a fixture of the political, policy and organisational landscape of Indigenous communities, governments at local, regional and national levels, and the private sector. It is increasingly seen to be a foundation for more effective service delivery, funding frameworks, agreement-making and partnerships in rural, remote and urban locations across a wide variety of sectors. These sectors include Indigenous health and wellbeing, housing, education and training, cultural heritage, law and justice, economic development and business, land ownership and management, and the environment.

Today there are various estimates of the number of Indigenous organisations across Australia – generally around 8000–9000 organisations. These are incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSI Act), the mainstream *Corporations Act 2001* (Cth) and a range of state and territory

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[1] United Nations Development Program, *Capacity development: A UNDP primer*, United Nations Development Program, New York, 2009, viewed 21 July 2014, <http://www.undp.org/content/undp/en/home/librarypage/capacity-building/capacity-development-a-undp-primer/>.

[2] Australian Human Rights Commission, *Social justice and native title report 2014*, Australian Human Rights Commission, Sydney, 2015, viewed 21 July 2014, <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/social-justice-and-native>, p. 11.

legislation.[3] They have been progressively established since the 1970s partly in response to government requirements for Indigenous groups to incorporate in order to receive funding, services and infrastructure and to hold forms of land title. Another equally important driver of incorporation can be as a mechanism for the affirmation of the collective identities of Indigenous people.

Incorporated organisations operate alongside a multitude of informal consultative collectives such as committees, working groups, reference groups and taskforces. These are often created by governments pursuing their community service delivery agenda and have resulted in a heavy governance workload for Indigenous people, many working on a voluntary basis.[4]

While some groups are more involved in such endeavours than others, there is a significant and diverse trialling of Indigenous governance initiatives across the country. As governance awareness has increased, the ways in which governments operate and engage (the governance of governments) has attracted increasing scrutiny and is now commonly understood to have its own significant impact – both negative and positive – on Indigenous governance and outcomes for Indigenous people.[5]

1.1. Challenges for governance research

Over the last 25 years research has played an important role in the 'turn towards governance' discussed in the Background Paper circulated before the Forum.[6] The

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[3] The only definitive data on the sector comes from the Office of the Register of Aboriginal Corporations (ORIC), with 2700 corporations registered under the CATSI Act. The Australian Securities and Investment Commission data does not distinguish between Indigenous and non-Indigenous corporations.

[4] Governance mapping carried out by the Central Land Council in a Central Australian community of 650 people (of whom 240 are adults over 24 years of age) documented over 20 locally-based committees, boards, councils, working groups and reference groups and 11 regionally-based committees operating in the community. Over 106 Aboriginal adults were doing work of governing on those consultative mechanisms; in other words, approximately 45% of the adult population. Over a single year, this community recorded 282 visits from public- and private-sector agencies, with the total number of official 'visitor days' for the year (days stayed in the community) being 1959. This is a heavy governance workload for such a small community, but of a mostly consultative kind, with little genuine decision-making powers or direct control over resources; R Chapman, 'Yakarra-pardija-pina: Insights from a developmental approach to rebuilding governance in Aboriginal communities', Lajamanu Community and Central Land Council, 2014.

[5] MC Dillon & N Westbury, *Beyond humbug: transforming government engagement with indigenous Australia*, Seaview Press, West Lakes, South Australia, 2007; J Hunt, DE Smith, S Garling & W Sanders (eds), *Contested governance: culture, power and institutions in Indigenous Australia*, CAEPR Research Monograph, no. 29 Australian National University E Press, Canberra, 2008, p. 38, viewed 31 March 2014, <http://caepr.anu.edu.au/Publications/mono/2008RM29.php>.

[6] T Bauman & D Smith, *Background paper to Indigenous governance development: a forum to map current and future research and resource needs*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 2014, viewed 10 February 2015, http://aiatsis.gov.au/sites/default/files/products/research_outputs_other/smith-bauman-2014-

Harvard Project on American Indian Economic Development and its partner organisation, the Native Nations Institute at the University of Arizona,[7] have shown that the form and effectiveness of Indigenous governance (assuming substantial self-determined Indigenous jurisdiction) are powerful predictors of success in economic and community development. Research in Canada, Aotearoa and Australia, including by the Centre for Aboriginal Economic Policy Research (CAEPR) Indigenous Community Governance (ICG) Project (2004–08),[8] suggests similar conclusions, including the importance of practically effective and internally legitimate governance in realising outcomes and attracting support.

However, while a growing number of projects and initiatives are contributing to a baseline of robust evidence and analyses about what works, what doesn't work and why, at a range of societal levels and scales, governance research and Indigenous governance-building face a number of challenges. Many of these arise out of a lack of communication, collaboration and coordination amongst those working in the research, organisational and public sectors.

All too often, diverse research endeavours have been carried out in isolation, resulting in a loss of opportunity to collaborate and share knowledge. Potentially significant evidence and insights may be inaccessible to those outside projects, with little knowledge exchange occurring beyond the immediate research partners or commissioning agencies. Many scholarly research analyses are to be found in academic books and journals that have limited circulation. Research increasingly

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background-paper-indigenous-governance-development-forum.pdf. The Background Paper considers the current state of research and practical resources, provides an overview of some relevant governance concepts, and considers the conditions that have shaped the turn towards governance within Indigenous Australia. Issues to do with 'making the research count' by translating evidence into practical tools, capacity and resources for Indigenous governance development are canvassed. An initial scan is presented of the gaps in both research and resources.

[7] Harvard Project, *Harvard Project on American Indian Economic Development*, n.d., viewed 21 July 2014, <http://hpaied.org/>.

[8] CAEPR & Reconciliation Australia, *Indigenous community governance*, n.d., viewed 18 July 2014, <http://caepr.anu.edu.au/governance/index.php>. In 2001 the ICG Project (2001–08) utilised the concept of 'governance' in Australian Indigenous research as a valuable organising perspective or framework for its fieldwork and analyses, along with other concepts such as the 'governance environment' and the 'governance of government'. This conceptual framework enabled a cohesive approach to researching community-level and regional governance and was specifically designed with a comparative and longitudinal methodology. See DE Smith, *Researching Australian Indigenous governance: a methodological and conceptual framework*, vol. 29, CAEPR Working Papers, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra, 2005, viewed 15 May 2014, <http://nla.gov.au/nla.arc-10572> (for a detailed discussion of the project methodology). Also in 2001, AIATSIS approved its first dedicated Indigenous governance fellowship.

commissioned by Indigenous groups themselves[9] may be kept 'under the radar' and 'in-house' as part of internal Indigenous strategies to maximise self-determination.[10] Research funded by governments and the private sector, undertaken to create an evidence base for policy, inform evaluations, implement program and service delivery initiatives and support Indigenous agreement-making is rarely made publicly available. The lack of an effective communication network also means that many governance practitioners are unaware of the tools that researchers have been designing and producing in applied settings to support Indigenous governance-building initiatives. The risk of duplication and the waste of precious resources is clear.

The applicability of research findings to diverse Indigenous governance contexts across Australia creates another challenge. While research can be rich in thick description and insight into cultural particularities, it often focuses on case studies of specific communities, groups or organisations in a single location and point in time and so does not readily lend itself to comparative analysis and broader application. Research is needed that provides multi-disciplinary and cross-sectoral longitudinal analyses, with methodologies that address diversity. Yet research often takes place within a single disciplinary perspective and methodological framework (for example, from an anthropological, demographic, historical, political or policy point of view). It is often focused on a single industry sector (such as health, native title, resource management, business enterprises and housing), or on a particular aspect of governance (such as leadership, decision-making within groups or organisations, governing roles and responsibilities, dispute resolution and organisational effectiveness).

Researchers are challenged to respond to and apply 'no one size fits all' approaches and take into account complex demographic trends. On the one hand, there is increasing urbanisation reflected in the high concentrations of Indigenous populations in urban locations, but who retain connections to the communities and countries of their families. On the other hand, there is considerable continuity of non-urban residence: remote Aboriginal towns have grown and there has been an increased dispersal of Aboriginal populations to outstations on Aboriginal lands.[11]

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[9] For example, to support nation-building and decision-making, land rights and native title initiatives, resource and agreement negotiations, land management, intra-Indigenous negotiations and community development projects.

[10] Some Indigenous organisations are attempting to rectify this with web publications, though the general point of lack of accessibility remains.

[11] J Taylor, *Social indicators for Aboriginal governance: insights from the Thamarrurr Region, Northern Territory*, CAEPR Research Monograph, 24, ANU E Press, Canberra, 2004, viewed 12 February 2015, <http://books.google.com.au/books?id=iX73AQAAQBAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false>.

The impact of changing government policies in relation to land, services and support for Indigenous communities creates further impacts upon demographic trends.

The Indigenous population has a relatively young age structure compared to the rest of the Australian population; Indigenous regional populations are growing rapidly, and younger families are forming faster. These demographics contrast significantly to the population decline and ageing that constitutes the 'regional problem' for many parts of agricultural Australia. It signals the need for more targeted research approaches to understand how Indigenous youth think about and engage with governance, and how governance can address transgenerational issues.

The complexity and practical demands of life and work in organisations and communities often means there is little time and energy for sharing information and insights – in spite of people's best intentions. This is a challenge also for researchers and signals the urgent need to collaborate in innovative research initiatives and methodologies, share information, and create more effective ways of communicating findings.

1.2. This Report

On 29–30 July 2014, AIATSIS and AIGI convened the Forum in Canberra. In preparation for the Forum, a Survey that scanned current initiatives in Indigenous governance research and practical tools, issues and future needs was circulated widely. A Background Paper providing a context for thinking about Indigenous governance research, initiatives and practical resources was distributed to Forum participants.[12]

This report provides a synthesis of ideas, comments, issues, and possibilities identified via the Survey and at the Forum. It also includes some commentary by the authors to provide context, in some instances drawing conclusions or suggesting implications arising out of the Forum and the Survey. The voices and views of the Survey respondents and Forum participants are included, often as direct quotes. While there were many similar views among participants, they were not always consistent and we have not attempted to reconcile differing views. Although some of the issues discussed in Forum breakout and plenary groups were not discussed in detail, they were often reinforced by Survey responses.

As agreed at the Forum, the report does not attribute quotations to individuals unless they gave formal presentations to the Forum and, to avoid repetition, we have not indicated in every instance whether comments originated in Survey responses or at the Forum. The report was also distributed to participants for comment.

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[12] Bauman & Smith, *Background paper to Indigenous governance development: a forum to map current and future research and resource needs.*

The Survey and Forum represent a preliminary scoping exercise to map the current research, practical tools and resources, and to gather people's own experience about the most effective ways to assist Indigenous communities to determine and meet their governance requirements and aspirations (see Appendix A). We are aware there are many more initiatives within research institutions, Indigenous organisations, governments and private industry than we have identified. If you wish your initiatives to be added to the list, please contact Toni Bauman at AIATSIS and/or Robynne Quiggin at AIGI (toni.bauman@aiatsis.gov.au or admin@aigi.com.au).

2. The Survey

The Survey commenced a process of identifying innovative governance projects and approaches that might provide robust evidence and insights, lead to the development of practical resources and tools and reveal gaps, challenges and future priorities for governance research. The Survey findings are preliminary, limited by its small sample base, and are available online.[13] It should be remembered that initiatives and tools are constantly being developed, many by local organisations in response to their own needs.

The Survey was distributed by emails (over 1550) to a wide range of individuals and groups with an active engagement with Indigenous governance from local to national. They included researchers, Indigenous governance-builders and organisations, bureaucrats, non-government organisations (NGOs), trainers and consultants, and selected international individuals and organisations. The Survey was available online at AIATSIS and AIGI and distributed via various online professional networks.[14]

By the time of the Forum, 38 responses had been received, including 21 from Forum participants, and several were received after the Forum. Although this rate was low, responses to the Survey provided many insights and detailed information and represent a diverse range of opinions and approaches from experienced people with a committed engagement to the work and the issues.

The Survey was deliberately qualitative in an effort to capture the nuances in thinking about governance. Future surveys might take a more quantitative approach,

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[13] T Bauman, DE Smith & C Keller, *AIATSIS and AIGI Indigenous governance survey into gaps in Indigenous governance research and practical tools: draft summary of responses*, AIATSIS, Canberra, 2014, p. 30, viewed 5 October 2014, <http://aiatsis.gov.au/sites/default/files/products/research_outputs_statistics_and_summaries/2014-bauman-smith-keller-survey-summary-indigenous-governance-research-tools.pdf>.

[14] Email networks included those held by the Centre for Native Title Anthropology at ANU and RA networks for the IGAs. The Survey was also distributed through AIATSIS networks for RNTBCs, often referred to as Prescribed Bodies Corporate (PBCs), and through AIATSIS co-management and NTRB networks.

employing a statistical sample to capture a cross-section of variables of age, gender, location, social scale and organisational, jurisdictional and industry sector.

3. The Forum

The Forum was attended by over 40 participants and provided a rare opportunity to bring together governance researchers, capacity development trainers and educators, government policy makers, private sector agencies, and Indigenous peoples actively engaged in governance (see Appendix B Forum flyer; Appendix C Forum agenda; Appendix D List of participants).

Survey responses were summarised, incorporated into the Forum program and provided to participants. A number of questions taken up in the Forum were also identified in the conclusion to the Background Paper.

The Forum was facilitated by Ms Toni Bauman, Dr Diane Smith and Ms Robynne Quiggin, and designed to be participatory and interactive, with breakout groups and presentations by delegates about current initiatives in Indigenous governance research, practical tools, training opportunities and government policy. PowerPoints associated with these presentations are available online.[15]

The principal aims of the Forum were to:

- inform participants about the breadth of work taking place
- identify gaps in governance research and practical resources
- provide an opportunity to identify and discuss specific issues
- encourage a collaborative and collective-impact approach.[16]

Participants described their governance interests in an interactive exercise at the commencement of the Forum. It was clear that participants regarded governance as more than just compliance with regulations, service delivery, financial accountability and management. Governance-building issues referred to by participants reflected a perceived need to:

- create spaces for Indigenous governance to flourish
- encourage robust debate
- support Indigenous cultural priorities

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[15] AIATSIS, *AIATSIS Research: Governance and Public Policy*, n.d., viewed 19 January 2015, <http://aiatsis.gov.au/research/research-themes/governance>. Most of the Forum presentations were captured in PowerPoints on the AIATSIS website. See also the news article from the Forum and watch the videos.

[16] J Kania & M Kramer, *Collective impact (SSIR)*, Stanford Social Innovation Review, 2011, viewed 17 July 2014, <http://www.ssireview.org/articles/entry/collective_impact>.

- realise realistic aspirations, rights and innovations for sustained outcomes on the ground
- move away from enforcement towards education, exchanging information and involving younger people
- respect the resilience of Indigenous governance
- understand the relationships between leadership and sustainable governance
- minimise the compliance and accountability demands of ORIC and enable more governance support
- identify the relationships between governance and social and economic development, including rates of, and reasons for, business and organisational failure
- learn from governance mistakes.

At the closing session, participants rated the Forum (on a scale of 1 to 5 from 'not useful' to 'very useful') at an average of 4.6. Many welcomed the networking opportunity to build future collaborations and exchange knowledge, information, experience and stories. Participants appreciated the opportunity to meet with representatives from a number of Australian Government departments and peak Indigenous organisations (see Appendix D).

Together with information collated from the Survey, the Forum provided valuable data and identified potential future research projects and collaborations to address governance knowledge and resource gaps. These are discussed throughout this report and presented under the headings 'Identified research topics', 'Identified training needs' and 'Identified practical resource needs' at the end of relevant sections.

Concluding sessions grouped a number of identified governance priorities into the following categories, each of which are addressed in the report:

- changing the deficit discourse in the public narrative about Indigenous people
- collaboration, networking and coordination
- sharing success stories
- capacity-building, training and tools
- improved government coordination
- youth, succession planning and leadership
- evaluating governance
- research, audits and research topics to support.

4. The Meaning of Governance

Survey respondents and Forum participants identified a range of views about the meaning of the term 'governance' and, more specifically, 'Indigenous governance'. Some suggested that 'governance' is 'a problematic term since it means different things to different people'. One participant noted that, in looking for a 'governance landscape', they found complexity with a range of scales and scopes and multiple partnerships. Others commented that definitions of governance have become overly complicated and that governance needs to be 'demystified'.

> *Fundamentally, it is about power, relationships and accountability: who has influence, who decides, and how decision-makers are held accountable.*
>
> Survey respondent

The Survey and Forum demonstrated a need to foster a broader understanding of 'governance' beyond the parlance of past decades in the world of international aid and banking, global politics and the developing world. In those contexts it has become synonymous with western democratic, neo-liberal ideas of what is supposed to constitute 'good' governance. This routinely concerns issues of management and administration, compliance with regulations, the enforcement of rules, financial accountability, control and technical standards of measurement.

Such approaches to governance were evident in the Survey and at the Forum. A number of responses also conflated the meaning of governance with assessments of its performance. In doing so, people produced a list of qualities and principles that governance should have, such as 'ethical', 'skilled', 'effective', 'efficient', 'respectful', 'resilient', 'transparent', 'diverse', 'efficient', 'trustworthy', 'accountable' and 'legitimate'. These references to qualities and principles highlight that, while financial accountability and compliance are important, there is also an understanding of governance as 'process' – that is, as 'how business is done' – involving a 'field of interrelated players, processes, structures, institutions and practices' which can either enable or inhibit.

Some Survey respondents employed expressions such as 'how people organise themselves and work together to achieve a common vision and goal', 'how to know if aspirations have been achieved', 'how to communicate and celebrate results' and 'the ways and means of getting things done', including the rules and institutions 'that societies put in place to organise themselves and get done what they need to get done'.

Both the Survey and Forum emphasised that governance is about people and the relationships between them: as groups, as organisations, as communities and as nations. This was seen to include frameworks for people's collective decision-making

processes, including who makes the important decisions, how such people are held to account and how a group 'manages differences of opinion and disputes'.

Overall, governance was seen as being about the distribution and management of relative power, authority, control, choice and agendas. As one Survey respondent noted, 'Governance involves the interactions among actors, structures and traditions that determine how power is exercised, how decisions are made locally and how beneficiaries participate.'

The purpose of exercising power must be, as a number of respondents noted, the 'intentional shaping of the flow of events so as to realise desired public good' and 'outcomes for the whole group'. This requires strong collective action (team work) with 'all the components of a harness…that can get everyone pulling together in the same direction'.

'Cultures' of governance are thus produced, determining how things are done in particular ways in different governance environments. Individual subjectivities, intentions and personalities were seen as central to upholding and acting upon the 'agreed values and behaviours' which are needed 'to moderate the power of individuals'.

In various ways, Forum participants and Survey respondents noted that governance is at the heart of 'how to make a difference to people's lives'. Governance and sustainable development were seen to be irrevocably linked, with development being 'change or transformation that makes life better in ways that people want'.[17] In contrast, Indigenous governance is often, as one participant commented, seen as a 'requirement of organisations' rather than as 'a characteristic of groups of people working well together' and 'people centric'.

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[17] M Dodson, 'Opening remarks: Common Roots: Common Futures: Indigenous Pathways to Self-determination', paper presented at Common Roots: Common Futures: Indigenous Pathways to Self-determination, University of Arizona, Tucson, USA, NCIS, 20 February 2012, p. 5, viewed 11 May 2014, <https://www.google.com.au/search?q=Mick+dodson+opening+remarks+arizona&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a&channel=np&source=hp&gfe_rd=cr&ei=HgBwU6XBNaSN8QevsoDgAg>; DAM Lea & JS Wolfe, *Community development planning and Aboriginal community control*, North Australian Research Unit Issues Paper Series, North Australia Research Unit, Australian National University, Casuarina, NT, 1993; From this viewpoint, development can take a variety of forms, from growth in traditional subsistence activities to increased participation in market economies, from Indigenous entrepreneurship to joint ventures with non-Indigenous corporations. The World Commission on Environment and Development's Brutland Report proposed that development is sustainable when it 'meets the needs of the present without compromising the ability of future generations to meet their own needs': World Commission on Environment and Development, *Report of the World Commission on environment and development: our common future*, United Nations, 1987, p. 43.

4.1. Is Indigenous governance different?

Many respondents and participants saw Indigenous governance as having unique requirements, pressures and complexities which made it 'a distinct modality' in a contested intercultural space. Others were not so sure.

One Forum participant commented that: 'There is nothing particularly different in incorporated [Indigenous] organisations. You can say they are black fella organisations but [they are] not really different.' Those holding this view often saw 'Indigenous governance' as a 'subset' of 'governance', with the term 'Indigenous' being a qualifying adjective of 'governance that applies to groups of Indigenous people'.

Others questioned whether the term 'Indigenous governance' should be employed when the majority of staff in organisations are spending much of their time 'complying to imposed rules, rather than to their own [Indigenous] rules' in a 'western framework' of rules and regulations. It was suggested this could mean 'we are not talking about "Indigenous governance" but rather "Indigenous people in a western structure"'. The reliance of some Indigenous organisations on a majority of non-Indigenous staff was also seen by some as not constituting 'Indigenous governance' – though comments were made that the necessity for the support of non-Indigenous workers should be acknowledged and respected, particularly in remote areas where English may be a fifth language and there may be skills shortages including low literacy levels. In contrast, one Forum participant saw 'the mountains of [non-Indigenous] legislation and surveillance...[that] we have to put up with' as constituting Indigenous governance as significantly different from mainstream organisations.

Whether respondents and participants thought that 'governance' and 'Indigenous governance' are the same or different, they often used similar terms to describe it. Like governance in general, Indigenous governance was seen in terms of 'the structures and processes by which decisions are made to influence actions, grant power and verify performance'. Issues such as leadership, consensus, mandate, representation, strategic visioning, planning, capacity-building, representation and internal accountability were seen to be the province of both.

Issues of power were seen to pervade governance generally and, more specifically, Indigenous governance. However, power was not just seen as a matter of structural inequality between the 'dominant' and Indigenous societies, nor was power seen to be absent from Indigenous governance itself. Governments and Indigenous people alike were seen to be able to wield power albeit of different kinds – individually and collectively; responsibly or otherwise – sometimes using the institutional and structural relationships available to them to enable or inhibit the participation of those who are governed.

Above all 'culture' was seen to be what makes Indigenous governance different – and in particular encompassing 'the cultural, the family, and associations with country', including the many aspects of connection that span the human and non-human worlds.

4.1.1. Intercultural governance

The intercultural environment in which Indigenous governance now operates was seen as a major factor in making it unique – in having to respond to western government legislative and policy requirements, as well to the aspirations and cultural priorities of the Indigenous peoples who are governed.

> *Those communities that do governance well do a lot of deconstructing and reconstructing. We get something from government and have to deconstruct it to match us. Then we reconstruct it back to government. It's a constant cultural interpretation.*
>
> Forum participant

Some participants saw themselves as 'walking in two worlds'. One Survey respondent felt that this was like 'being culturally schizophrenic – balancing non-Indigenous reporting requirements against our own cultural values and priorities'. Still others saw the negotiation of meaning that takes place, the influence of western and Indigenous thinking on each other and the new forms of governance which are created as being located at the intersection of two life world circles:

> …where they overlap, that's where the dynamic and living model exists. So, within that overlap is where the elders may well establish a new model, a new more acceptable practice. So, using that as a simplistic example, where they interact, that's where they influence the organisational culture and the Indigenous culture.

In contrast, some participants identified significant consistencies between western and Indigenous governance including in collective decision-making processes, the permanency of incorporated organisations and forms of representation. One commented:

> Yes we're using a Western model in terms of company structure and operation structure, but there are elements here that are consistent with Indigenous culture – the very nature of the organisation is that collective decision-making is required – which is not inconsistent with Indigenous decision-making.

Representative board models including those based on kinship relationships were seen to have legitimacy, particularly in remote settings, with 'boards maintaining a cultural compass' and 'governance empowering culture'. The concept of an 'entity' being permanent – 'last[ing] forever' – was seen to lend itself to Indigenous ideas, particularly in the transmission of cultural knowledge:

…because it means, if those [cultural] things attach to the entity and the practice of that company, they can last more than one lifetime…more than two lifetimes. The potential then for those decisions to affect our children their children and their children and their children, hopefully in a beneficial way – it's achieved by means of that Western corporate model.

Governance structures and concepts are thus subject to Indigenous agency and open to ongoing innovation, interpretation and negotiation. Rather than separate worlds, some participants were more inclined to talk about the 'interdependence' of the governance of governments, private companies and Indigenous governance, particularly in shared development projects. One referred to 'the co-emergence of Indigenous governance and state governance practices' and as their 'co-constituting each other – some to be kept separate, and others connected up'. However, for this to occur, governments need to 'recognise, respect and value' Indigenous knowledge systems, 'traditions of political thought' and 'habits of thinking' because 'far too often Indigenous thought is seen as too out of the room'.

Governments were thus characterised as tending 'to impose and value a normative view of bureaucratic and corporate governance', with policy makers sidelining or ignoring 'modes of governance which fall outside of prescribed models' 'partly because they are poorly understood'. Such approaches were seen to result in 'Indigenous and other modes of governance being approached as dichotomous' and so 'contributing to the further entrenchment of artificial divides'.

Governments and others tend to see Indigenous governance and the governance of government, as one participant pointed out, as 'constituted by single cultures or sets of agreed cultural practices'. Yet government departments and staff may or may not be sympathetic to the requirements of Indigenous governance which is internally constituted by a diversity of leadership approaches, relationships, cultures, degrees of remoteness and political relationships. Also, on occasion, individuals from either 'side' may have more in common with each other than with those on their own 'side'.

4.1.2. Leadership and governance

While similar terms might be used to refer to governance in Indigenous and non-Indigenous contexts, the way these terms manifest in Indigenous contexts can differ significantly.

Indigenous governance has to account for sets of cultural dynamics, laws and priorities which affirm and challenge the exercise of power and control in ways which other forms of governance may not.

It's not all about what we do – in terms of our duty of care as a director of a company to fulfil our duties in the best interest of that company…that's our compliance. But it's how we do that where we can see where the culture comes in.

Forum participant

While 'Indigenous leadership' was repeatedly cited as an essential element of effective governance, the relationship between 'leadership' and 'governance' was noted to be complex. As one respondent suggested, Indigenous leaders have to be 'stewards' and to 'take strategic responsibility' to realise public good and govern collectively for the benefit of all on the one hand, while also having significant cultural responsibilities and obligations to their own families and kin. Those involved in land-owning corporations may be particularly challenged in having to develop membership rules according to legislation, precariously balancing multiple group needs against rights-based entitlements.

The demands on Indigenous leadership in accounting for dense networks of kin and the layers of interests in the societies they represent suggest that Indigenous leaders face distinctive challenges in 'shar[ing] power and responsibilities in Indigenous community efforts to plan, implement and judge decisions'. One of these challenges lies in a widely identified tension between Indigenous aspirations for individual autonomy and meeting the demands of relatedness in the intercultural environments we have described.[18] Governing for the benefit of all also requires Indigenous leaders to manage 'the relationship between individual self-realisation and society, and processes of decision-making', as one respondent commented. In these processes, Indigenous leaders can attract criticisms of nepotism and conflict of interest, particularly when they are themselves 'entitled' as traditional owners.

As noted in the Survey and Forum, Indigenous authority is distributed and exercised contextually in Indigenous societies. Sometimes it requires, for example, a balance between the cultural authority (and gender) of elders and those who may be seen to be better equipped to make decisions about financial and commercial interests. One participant observed:

> There are elders and lawmen who make decisions in relation to culture, law and land but how does this relate to directors of corporations and Annual General Meeting responsibilities? How do you bring these law men…into organisational structures? Real world obligations, old world obligations. What is the role of the Prescribed Body Corporate (PBC) – is it to look after the land or manage the local storeowner?

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[18] D Martin, 'Autonomy and relatedness: an ethnography of Wik people of Aurukun, western Cape York Peninsula', PhD thesis, Australian National University, Canberra, 1993, viewed 19 February 2015, <https://digitalcollections.anu.edu.au/handle/1885/10999>; D Martin, T Bauman & J Neale, *Challenges for Australian native title anthropology: practice beyond the proof of connection*, AIATSIS Research Discussion Papers, 29, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 2011, p. 41, viewed 3 November 2015, <http://aiatsis.gov.au/publications/products/challenges-australian-native-title-anthropology-practice-beyond-proof>; FR Myers, *Pintupi country, Pintupi self: sentiment, place, and politics among Western Desert Aborigines*, University of California Press, Berkeley, Los Angeles and Oxford, 1991.

4.1.3. Indigenous nation-building

At the Forum there was considerable interest in Indigenous nation-building work, which was seen to require unique skills of Indigenous leaders in 'cultural inclusion and engagement, representation and accountability in a way that non-Indigenous governance does not', as a respondent noted. It requires, as another commented, attention to 'leadership from within that takes everyone on the journey' and 'builds culturally safe platforms for expressions of Indigenous cultural values and community'.

An emphasis was placed on Indigenous governance as 'beyond self-administration or the self-management of programs or processes controlled by outside authorities'. Many participants saw the distinctiveness of Indigenous governance as located in the unique goals of 'First Peoples' or 'traditional owners' seeking self-determination and self-government in government-to-government relationships. It was also seen to include the implementation of rights in the United Nations Declaration of Indigenous Peoples,[19] such as the right to free, prior and informed consent[20] and to control over development.[21]

Nation building was seen to offer a way of re-conceptualising Indigenous relations with governments and of asserting unique cultural traditions. Similarly a Survey respondent commented:

> Indigenous governance carries with it an understanding of a history of colonisation on the one hand and on the other a heritage of unique ways of understanding relations of power, relations between peoples and between people and the environment. The latter allows framing of Indigenous governance liberated from the conception of 'Indigenous' as a colonised identity or contested space. Noongar governance, Bardi Jawi governance, Badualgal governance, all have traditions of thought independent of their colonial reference points that have a great deal to bring to our understanding of governance and sustainable ways of existing and relating in the world.

At the same time, some Forum participants expressed concern about the manner in which nation-based identities can be employed to exclude and privilege 'as opposed to realising civic and human rights'.

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[19] United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, United Nations, 2008, Articles 10, 17, 20, 23 and 32, viewed 3 April 2014, <http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf>.

[20] United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, Article 19.

[21] United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, Article 20.

4.2. Identified research questions on the meaning of governance

The Background Paper, Survey and Forum identified a number of research topics relating to the meaning of governance, Indigenous governance and the intercultural field, and these are summarised below. Research has been undertaken on some of these, but by no means all, and not comprehensively or comparatively:

- the challenges for Indigenous governance in recognising and accommodating living cultures and their histories in either promoting or diminishing cultural legitimacy
- ways in which culture, including the influence of non-human actors, might be conceptualised, interpreted and incorporated (or not) in a range of Indigenous governance models
- the nature of the 'intercultural', including with respect to the influences of western and Indigenous governance forms and practices on each other
- ways in which Indigenous governance is the same or different from other forms of governance, the reasons for this and how these similarities and differences can be negotiated and managed
- the nature of culturally-informed governance in organisation, action, decision-making and as a source of innovation
- effective practices of leadership for governance and the influence of culture in these practices
- the benefits, challenges and risks in Indigenous nation-building paradigms
- the gender issues in building effective and legitimate Indigenous governance.

5. Untangling Indigenous Governance: Scales, Scopes and Authorising Environments

Many Forum participants stressed the need for greater clarity about diverse modes of Indigenous governance, including about scale, scope, location and authorising environments, and particularly in respect to the perception of a proliferation of Indigenous incorporated organisations.

In any society, the components of governance operate at multiple societal, cultural, political, economic and organisational levels, scales and contexts. Sometimes these are tightly interconnected; sometimes they are disconnected. When we analysed the Survey data, this was no different for Indigenous societies, though the authorising environments which ultimately determine the governance arrangements are complex in different ways. In Indigenous Australian societies, there can be overlapping and intersecting networks of relationships, giving rise to hierarchical and reciprocal roles and responsibilities, competition and conflict, inclusion and exclusion. Whilst most

dense at the local level, these reach outwards to regional networks and across Australia.

A starting point in arriving at a clearer picture of Indigenous governance as it broadly operates throughout Australia, and in considering the permutations of scale and cultural geographies, is to consider some of the major variables and forms mentioned in the Survey responses under the headings of 'who', 'what', 'why', 'how', 'with what', 'doing what' and 'when' (see Section 5.2). First, however, as respondents and participants noted, we need clarity about the meanings of community, corporate and organisational governance and the relationships between them.

5.1. Community and organisational governance

A common tendency to conceptually conflate 'community governance' (as distinct from community development) with 'organisational' or 'corporate' governance was identified by many at the Forum. However there are some useful distinctions which can be made in untangling Indigenous governance.

> *Even when the term Indigenous governance is used in relation to organisational governance, it involves an understanding of the interaction between complex community and family relationships.*
>
> Survey respondent

It was generally agreed that 'community governance' describes 'the complex set of relationships, cultural protocols, practices, responsibilities and understandings which inform decision-making' at particular and unbounded scales of societies; for example, a residential community and a dispersed regional community through to national and global communities. At each of these levels, 'community governance' was seen to take place across a range of organisations, corporations, nations and governments.

'Organisational' and 'corporate' governance were often described in similar terms as: 'the activities, systems, relationships and processes which enable an Aboriginal controlled organisation to operate effectively and deliver the desired results: ethically, legally, transparently, effectively and efficiently' as 'applied and managed through rules and legislation'.

However, while the terms 'organisational governance' and 'corporate governance' are often used interchangeably, not all Indigenous organisations are incorporated. Where they are incorporated, members have rights under law and directors have legally binding obligations. Where the organisation is not incorporated, it may be involved in projects that bring legal obligations, but members and leaders do not have to conform to the same legal obligations and processes that apply to incorporated organisations.

In any Indigenous community, there can be a number of multi-purpose but interlinked organisations and/or corporations with differing governance practices in a range of

sectors such as land, native title, health, housing, employment and education. These linkages mean that organisational activities impact not only on other organisations and their members, but also on the broader residential community and beyond to Indigenous 'communities' and 'societies' at a range of scales. For example, where the membership of a land-related organisation may consist of traditional owners and native title holders, other organisations and non-member residents in local and regional communities may well be connected to, and impacted upon, by its activities. In addition, membership of these organisations can be scattered in Indigenous communities of varying populations across regional Australia and in large towns and cities.

In many residential communities, the same individuals are often working voluntarily as board members of a number of Indigenous organisations. The same people are also often representatives on regional, state/territory and national organisations. In other words, board governance is itself networked across different scales and geographies.

Indigenous organisations are thus not islands of success or failure. They are embedded in communities at a range of scales, from the local and regional through to national and, in some cases, international. To be effective, they frequently work with and draw upon the capacities of other organisations and residents who are not necessarily their members in order to operate at whole-of-community or regional scales:

> …there may be someone far away playing a big role in a community. This is strengths-based recognition. A lot of it is still about corporate governance – and what you're talking about is the community governance that supports this. Everyone in a small community has to work and live together – that has to be managed in the corporation, but what's critical is the community base around the corporation – and that can often be where governance problems lie.

The impacts of organisational governance on a range of community interactions and relationships and cultural approaches – in particular around decision-making and dispute management – rapidly ripple along dense kinship networks and relationships. So while it is possible to distinguish between organisational, corporate and community governance (and 'family governance' as was commented) they rarely operate independently from each other and there is a need to be mindful of the way they interact with and inform each other. As a Survey respondent noted, there is a need to 'pay regard to or be informed by cultural protocols, responsibilities and relationships. At the least these relationships need to be understood to exist and influence or interact with organisational governance.'

5.2. Indigenous governance rationale

In this section, we make a preliminary attempt to unravel some of the governance elements at play in Indigenous governance. Drawing on responses to the Survey, we have identified a set of governance variables – 'who', 'what', 'why', 'how', 'with what', 'doing what', and 'when' (see Figure 1). Considering each of these elements or variables provides some initial data for what could eventually be more comprehensive research analyses of Indigenous governance scales, scopes and authorising environments in the future. As one respondent said, 'The resulting interdependence generates the challenge of finding or creating the most effective ways to get things done as a collective.'
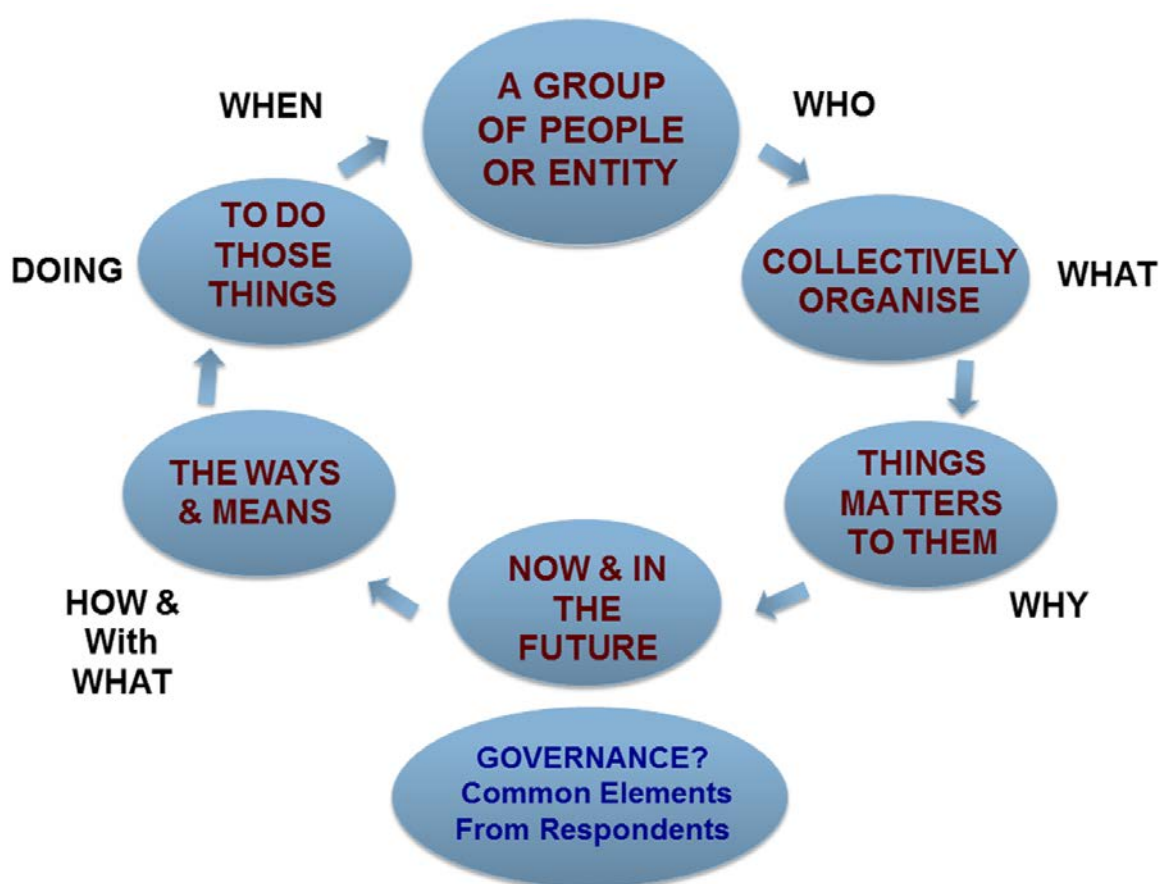
Figure 1: Survey respondents identified common elements of governance. Provided by Diane Smith

5.2.1. Who?

Responses to the Survey highlighted the complex intertwining of individuals, entities, roles and scale in identifying the 'who' of governance. Who is the 'self' in self-governance? Who is governing? Who is governed? This element is about group identity. It includes the roles, responsibilities and rights involved in governance; for example, who should benefit, who should be accountable and to whom? The 'who'

variable also raises the central factor of the scale at which groups define themselves, the formal Indigenous institutions (for example, kin and law structures) and the organisations through which they are governed.

Survey responses indicated that the 'who' of governance can include Indigenous individuals, families, groups, communities, native title holders, traditional owners, and interest groups involved with specific industry sectors such as health, land and housing.

The terms used to describe the roles of those 'who' govern included 'representatives', 'directors', 'chairs' and 'councillors' of boards, 'leaders' from within, as well as 'bureaucrats', 'ministers' and 'politicians' in the external environment.

Those on whose behalf governance is conducted were variously called 'members', 'constituency', 'citizens', 'beneficiaries', 'clients', and 'shareholders'. The informal and formal entities involved in Indigenous governance were identified as 'organisations', 'committees', 'working groups', 'taskforces', 'trusts', 'governments' and 'departments', 'statutory authorities', 'private companies' and 'NGOs'.

Cutting across people and entities are issues of scale (at local, community, regional, state and territory and national levels) which can be differently defined according to both government and Indigenous priorities. The Indigenous priorities were often referred to in terms of cultural geographies involving networks of kin and place, relationships to country, ceremonial connections, regular movements between particular places or communities, and membership of language groups, clans, and alliances of both. But these priorities are also intersected and sometimes divided by government administrative boundaries and categories (such as urban, rural or remote), which inform where and how policies apply.

5.2.2.   What?

'What' refers to the kinds of collective identities and modes of governance which become activated in a range of contexts and scales in order to get things done. It is about 'what' kind of governance groups want to organise in order to collectively represent their shared aspirations, interests and rights. It also highlights the negotiations which occur in determining the cultural geographies of Indigenous collective identity and governance.

As one respondent said, 'Obviously, the scope [of governance]…depends on the context or scope of society under consideration.'

5.2.3.   Why?

The scale and scope of governance is also determined by 'why' Indigenous groups come together to govern themselves. Survey respondents specified that 'the things that matter' include: shared identities, worldviews, future vision and directions, goals,

objectives, aims, aspirations, values, norms, traditions, laws and customs, wellbeing and livelihoods, commitment, jurisdiction, way of life, future generations, looking after country, self-determination, nationhood, social and economic development, rights, events, initiatives, projects, programs, services, functions, resources, assets and traditional land areas.

It is particularly the intersection of the 'who' and 'why' of Indigenous governance that non-Indigenous stakeholders and governments find most problematic and difficult to understand. The scope and scale of Indigenous governance can change rapidly according to the different social networks bought into play by the nature of the things that matter. Size also varies and may be categorised in a number of ways. For example, ORIC categorises incorporated organisations as small, medium and large according to their income[22] but they might also be categorised according to number and type of members, their industry sector, or cultural geographies.

5.2.4. How?

'How [or way or means by which] you do governance' relates (as discussed in Section 4) to 'processes' identified by respondents in terms such as: decision-making, procedures, systems, powers, rules, laws, regulations, policies, roles, responsibilities, choice, mediation and negotiation, conflict resolution, representation, participation, voice, accountability and strategies.

How governance is done is often dependent on the resources and means by which to do it. Survey respondents talked about structures, resources (natural, human, cultural, financial), capital (cultural, social, economic), infrastructure, tools, technologies, assets (individual, collective, organisational), knowledge, expertise, plans, management, staff, advisors and tenures and their limitations. The way governance is done also depends on individual capabilities in 'doing it'. Here respondents mentioned capacity, abilities, skills, behaviours, conduct, performance timeframes, milestones, training, learning, professional development, organising, actions and outcomes.

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[22] The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI ACT), s 37.10, distinguishes between RNTBCs on the basis of their gross income, gross assets and number of employees, classifying them accordingly as small, medium or large corporations. A small PBC has a consolidated gross operating income of less than $100,000, consolidated gross operations of less than $100,000 and fewer than five employees. A medium PBC has a consolidated gross operating income of $100,000 to $5 million, consolidated gross operations of $100,000 to 2.5 million and 5–24 employees. A large PBC has a consolidated gross operating income of over $5 million, consolidated gross operations of over $2.5 million and over 24 employees: Office of the Registrar of Indigenous Corporations, 'Corporation size and financial reporting', Fact sheet, Woden, ACT, 2011, viewed 3 October 2015, <http://www.oric.gov.au/sites/default/files/documents/08_2014/Factsheet_Corp-size-&-reporting_2011_%2811_0120%29.pdf>.

5.2.5.   Doing it?

The 'doing' side of governance development includes elements such as capabilities, skills, behaviours, conduct, performance timeframes, implementation, milestones, training, learning, professional development, meeting, organising, actions and outcomes.

'Capacity' is the combination of people, institutions, resources, and organisational abilities, powers and practices that enable a group to achieve their collective and individual goals over time. 'Governance capacity' is having the capabilities that are needed to make decisions, plan, lead, direct and exercise control in order to get things done that matter to them.

Identifying, and then being able to draw upon, the collective human capabilities of a community, nation, group or organisation was seen by Forum participants and Survey respondents as being fundamental basis to carrying out the hard work of rebuilding and/or strengthening governance.

The emphasis here is away from deficit models, towards harnessing the assets, strengths and support of people and organisations. The most successful approaches to building governance are ones that:

- become part of the daily routine of an organisation or group
- build on existing strengths and knowledge
- relate to specific conditions and local problems that need to be solved
- are carried out 'on the job' or in the local context, so that understanding is embedded within practice
- are based around identifying culturally legitimate solutions for governance development

Importantly, there are no 'perfect governance' solutions. Designing and rebuilding governance could require major immediate changes or small progressive ones.

A critical requirement is time and flexibility – to see what works best in local circumstances and to experiment with ways of developing solutions that are culturally credible as well as practically effective. Another important aspect of the 'doing' of governance raised by participants is the need to periodically evaluate what is working and not working well.

5.2.6.   When?

Respondents mentioned that for Indigenous people, governance has a past which affects the present and the future, so that the question of 'when' invokes complex issues of adhering to tradition whilst also responding to contemporary needs and interests.

The 'when' of governance can also mean responding to the demands of imposed timeframes in legislative, policy and program delivery and research frameworks. These impact upon when organisations are established, the timeframes for decisions, agreements and partnerships, and the regularity of meetings.

In accounting for the past, present and future, governance takes place incrementally 'over time'. In this context, Survey respondents mentioned important governance elements such as evaluation, monitoring, assessment, review, measurement, indicators, developmental practices, sustainability, crises management, renewal, reflection, succession and intergenerational and future planning.

Indigenous governance is a perplexing field of often overlapping actors, institutions, rationales and components. Because of this, there can be a lack of clarity in terminology. Some Forum participants argued that because of the entangled nature of governance it will be important for research to focus on wider fields of governance, not only its specific components. Scale and scope, and the other elements of governance identified above, are also in one way or another determined by their authorising environments.

5.3.   Authorising environments in Indigenous governance

Survey respondents and Forum participants noted that the authorising environments for Indigenous governance are amalgams of compliance; financial management; regulatory, legislative and policy requirements; and Indigenous cultural traditions, priorities and practices.

There was considerable discussion about the need to more clearly identify the nature of authorising environments of the various forms of Indigenous governance. This discussion highlighted the fact that Australia's Indigenous people wish to base their governance on the inherent right to self-government, sovereignty, community empowerment, and 'doing things Torres Strait or Yawuru way or desert mob way'. However, their ability to use these bases to authorise the organisations and communities they govern continues to be a challenge in the current legal and political environment.

In Australia, as one participant noted, there have been no treaties or histories of self-government to enable Indigenous groups to conduct government-to-government relationships. In contrast to a number of other colonised nation states, a historical trajectory of changing statutory rights rather than sovereignty or treaty negotiations lies behind Indigenous governance arrangements. As Forum participants also observed, governments in Australia have been enabled under legislation to deliver services and set future directions within institutional frameworks that allow their departments to retain control of policy and entrench siloes of departmental programs and funding functions across jurisdictions.

Authorising environments are also subject to ongoing transformations, triggered by changes in governments, policies and legislation, public opinion, and cost-shifting responsibilities for Indigenous issues. This has created a complex regime of overlapping government authorising environments where legalities, regulations and policies determine approaches to Indigenous governance, especially of organisations.

In the first instance, many incorporated Indigenous organisations are authorised by and regulated under the CATSI Act, with others under the *Corporations Act 2001* (Cth) and state and territory legislation. The CATSI Act is national legislation, authorising the Registrar of Indigenous Corporations to agree to applications for incorporation and to disband organisations if they are non-compliant. The ultimate responsibility for monitoring the compliance of native title corporations, which are subject to the Prescribed Bodies Corporate (PBC) Regulations under the NTA, also rests with ORIC.

Added to this is a range of state or territory legislation, reforms and funding regimes impacting upon and authorising the governance of Indigenous organisations and communities. With an emphasis on agreement-making and partnerships in the Australian Government's 'Closing the Gap' initiatives and the Australian Government's newly introduced IAS (see Section 13), the governance of a range of Indigenous partnerships with governments, private industries, the philanthropic sector and other Indigenous organisations is also at issue.

Consequently, while governments and industry constitute specific actors within the authorising environments of Indigenous governance, they are also reliant on the engagement and in some cases the legal permission of Indigenous groups, which are in turn dependent upon governments for funding, resources and services. Within these sets of co-dependent relationships, Indigenous people have not been passive. As one participant noted, 'there has been a shift in communities from imposed governance to embracing it and shaping and driving and owning their own processes.' In doing so, Indigenous peoples have made their own decisions about issues of scope and scale and are determining their own 'internal' authorising environments in response to considering issues of 'who', 'what', 'why', 'how', 'with what', 'doing what', and 'when' discussed above. In this process, Indigenous goals and aspirations can significantly differ from those of government and the private sector. Reliance on external funding creates pressure on Indigenous people to focus on the agendas and requirements of governments and developers, rather than on their own needs and aspirations.

Another feature of Indigenous authorisation processes is the diverse cultural priorities and networked relationships across Australia. Authorisation by a local community organisation does not necessarily mean agreement to proceed from all its members or from the community or region in which it is located. For effective

governance, Indigenous organisations and communities, governments and developers have to account for not only the more or less specific polities and relationships of members and residents, but also the interests of the broader communities and regional networks in which they are located. This has seen the creation of tiered representative governance structures, from the local to the national and international.

5.4.   The proliferation of Indigenous organisations

The complexities discussed above have contributed to the proliferation of Indigenous organisations. A further contributor is the tendency towards the flexible aggregation that is characteristic of Indigenous governance as discussed below (see Section 6).

Increasing numbers of Indigenous groups across the country are securing land and native title rights, extending the base of their authority, negotiating resource development and regional partnership agreements and establishing enterprises. As a consequence, they each face the challenge of managing land and natural resource endowments and the daunting task of generating effective internal forms of self-governance to promote sustained social and economic development.

While activities might be implemented to fit the size and assets of an organisation, this is not always the case. As was pointed out at the Forum, aligning the scope, vision and aspirations of organisations to match resources and capabilities is a major challenge as groups seek to be self-determining, self-governing and to look after their own affairs.

> *PBCs [RNTBCs] can be seen and see themselves as emerging governments…*
>
> Forum participant

Of particular concern at the Forum was the perceived proliferation of incorporated organisations. While some are annually deregistered by ORIC and others lie dormant on ORIC's register, concern was expressed about the growing number of organisations across the country. This includes RNTBCs required under the NTA upon a native title determination by the Federal Court. Following a determination, they must meet a number of statutory obligations associated with holding and managing native title, but the majority are ill equipped to do so.[23] Many are 'small' and 'ultra-small', with little or no income and no commercial income stream.

The consequence noted by Forum participants is that RNTBCs are 'spending undue time and energy on administration', struggling with basic administration functions with little or no funding for such basic requirements as purchasing stamps and photocopying. This gives rise to 'a high cost of administration…for little return' and

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[23] T Bauman, LM Strelein & JK Weir, *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Canberra, 2013, p. 33.

raises issues relating to their viability and capacity to generate sustained economic development. The Torres Strait was given as an example where every island has an RNTBC, but the average has 0.1 staff member and an average income of $20,000–$23,000 per year, mostly used for administration and compliance. This experience is commonplace for small Indigenous organisations across all other industry sectors (for example, arts, education, aged care, employment and child care).

At the other end of the scale, there are a few incorporated organisations with larger budgets (including some RNTBCs) which may be in need of support and expert financial and investment advice to secure long-term economic sustainability 'in culturally appropriate ways'. RNTBCs also face challenges in the transition to the post-determination environment. In this transition process, representative roles in place during claims processes are different from the newly assumed roles of director or member of organisations, and the roles can become confused.

Questions were asked at the Forum regarding ORIC registration processes which appear to facilitate the voluntary incorporation of groups regardless of whether applicants understand their responsibilities. The Registrar, Mr Anthony Beven, referred to the level of compliance of ORIC registered corporations and noted that, since his commencement as Registrar in 2007, ORIC has 'cleaned up the registered, deregistered and defunct corporations' including 400 in his first year. ORIC continues to deregister around 10 to 15 organisations each year.

Some participants looked for ways to encourage groups not to incorporate, to wind down or to consolidate at regional scales of collaboration. The Registrar noted that ORIC investigations revealed that, even when organisations had been dormant for some time, many members wished to keep them 'alive' to pursue their collective interests in the future. Participants also noted the significance of organisations as vehicles for affirming collective identities as First Nations peoples. Some recommended the need to map and understand Indigenous governance aims and aspirations more thoroughly before making recommendations for reform or restructuring.

5.5. Identified research topics around scope, scale and authorising environments

A number of research topics relevant to scope, scale and authorising environments were identified through the Background Paper, Survey and Forum. It was suggested that research effort was needed in relation to the following:

- comparisons of Indigenous governance requirements, approaches and processes across a range of contexts such as land management, education, native title, health, housing and business

- comparisons in Indigenous organisational governance at a range of scales including in their representative structures, decision-making processes, policy making, cultural institutions, authorising environments, and the intersections of Indigenous and 'mainstream' governance
- comparative mapping of community governance environments including as they are located in broader governance environments, identifying the formal and informal arrangements, Indigenous and non-Indigenous governing processes, leadership, forms of representation, influential players, structures, functions, cross-cutting relationships, decision-making, powers, and networks and alliances
- mapping community and organisational governance histories, including the life cycles of organisations, leadership histories, 'the ebb and flow off politics and culture', influential events (legal, political, cultural, leadership, strategic and policy), and authorising environment/s in order to identify impacts, barriers, symptoms and causality
- identifying ways of coordinating, funding and planning for enhanced governance outcomes, including more efficient representation
- mapping what works and doesn't work from organisational, community and cultural perspectives
- investigating why dormant incorporated organisations wish to continue and incentives and disincentives to consolidation
- identifying alternative models to incorporation that can represent collective interests and deliver outcomes
- identifying the financial costs of administering incorporated organisations relative to benefits
- identifying long-term financial and social investment approaches that can inform effective viable Indigenous organisations.

6. Indigenous Governance Design

The multitude of Indigenous governance arrangements gives rise to many and varied Indigenous 'cultures of governance'. The way in which Indigenous governance is designed has a major influence on whether members and interest groups feel accounted for, or whether they feel the need to form their own separate organisations. Ultimately, governance design needs to account for the range of factors and elements we have described in Section 5, as well as shared cultural elements that continue to inform contemporary Indigenous solutions.[24] This requires

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[24] Marcia Langton refers to the 'ancient jurisdictions' of Aboriginal polities, arguing that if, as the common law now holds, 'native title survives, then Aboriginal jurisdictions, that is the juridical and social spaces in which such laws are practiced, must also survive': M Langton, 'Ancient

a far more comprehensive analysis than we have time for here and warrants further comparative research.

In this section we focus on Indigenous governance design as an aspect of the shared design logic that has been described by one of us in terms of 'relational nodal networks'.[25] An aspect of that design language considered at the Forum included the term 'subsidiarity', which is linked not only to agreed complimentary governance roles and responsibilities, but also potentially to the 'Balkanisation' or the fragmentation of groups when poorly implemented.[26]

6.1.   Shared Indigenous governance design elements

Whilst Indigenous 'traditions of thought' can be diverse, respondents repeatedly nominated extended family, kinship relationships and connection to country as the 'fundamental things about being a blackfella'. These shared values, taken with the other indicators raised in Section 5, have potential to provide the design rationale for economies of scale as well as customised governance arrangements that suit diverse local, regional and national conditions and needs. They may also provide the link between 'community' and 'organisational' governance discussed above.

As noted, one of the bases for the shared design rationale that is evident in many Indigenous governance solutions has been described as 'relational nodal networks'.[27] Nodes are points in a network at which lines or pathways intersect or branch off. In Indigenous societies, such nodes might be people who are related or familiar with each other and places where people have shared experiences and interests including shared country and ceremonies. Nodes may be or have been important organising focal points for Indigenous action in the past, present and future. Relational nodal networks give rise to dispersed local, regional, state or territory and national Indigenous polities, with heartlands of shared identities often having cultural geographies (see Figure 2).

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jurisdictions, Aboriginal polities and sovereignty', paper presented at Indigenous Governance Conference, Reconciliation Australia, Canberra, 3 April 2002, p. 1.

[25] For a detailed analysis of Indigenous relational nodal networks and their role in governance solutions, see DE Smith, 'Cultures of governance and the governance of culture: Indigenous Australians and the state', PhD thesis, Australian National University, Canberra, 2011, viewed 15 May 2014, <https://digitalcollections.anu.edu.au/handle/1885/8170>.

[26] T Bauman, 'Nations and tribes "within": emerging Aboriginal "nationalisms" in Katherine', *The Australian Journal of Anthropology*, vol. 17, no. 3, 2006, pp. 322–335.

[27] See Smith, 'Cultures of governance and the governance of culture'.
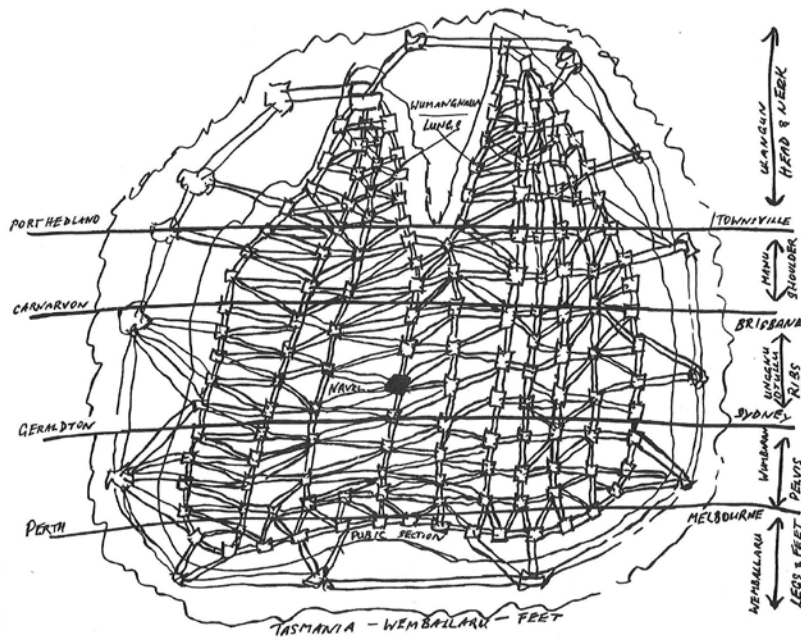
Figure 2: David Banggal Mowaljarlai, *Bandaiyan: the body of Australia*, early 1990s. Image courtesy of Magabala Books and family of David Mowaljarlai[28]

6.1.1.   The principle of subsidiarity

The principle of subsidiarity which was referred to a number of times at the Forum describes the need for the component parts of a network or group to have more effective control and decision-making over their own spheres of action and responsibility. As a governance principle, subsidiarity advocates that issues should be handled by the most competent and appropriate level or layer of authority available. No higher centralised scale or political unit should undertake tasks that can be performed more effectively at a lower or local level. Conversely, centralised or larger aggregated forms of governance should undertake initiatives that are beyond the capacity of individuals or smaller groups acting independently.

The sophistication of the 'relational nodal networked' design logic in Indigenous society is that it enables small local networks to opportunistically scale up into larger aggregations and to scale down and retreat to a core membership and geographic heartland as needed. It also enables individuals connected through various kinds of nodes to jump linkages in order to activate or relinquish connections. It gives rise to a spatially and socially dispersed circuitry of networked governance that employs

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[28] D Mowaljarlai & J Malnic, *Yorro Yorro: Aboriginal creation and the renewal of nature: rock paintings and stories from the Australian Kimberley*, Inner Traditions, Rochester, VT, 1993, p. 205.

complex mechanisms to distribute authority, decision-making, roles, responsibilities, and mutual accountabilities across the interconnected social layers and nodes.

6.1.2. Balkanisation

'Balkanisation' refers to the process of fragmentation of groups which occurs when governance design is either ill-conceived or poorly implemented and the interests of the members of groups are not accounted for. While many Indigenous governance arrangements are influenced by the cultural design logic described earlier, they also need to operate within a wider governance environment of governments, private sector and other stakeholders.

The result is that group membership of organisations and recognition of collective land ownership rights can become fragmented by government jurisdictions, agreements, administrative guidelines and policies. Indigenous peoples may have to exclude relevant parts of their relational networks from an agreement or organisational membership in the interests of keeping governance, decision-making and resource distribution manageable. This often leads to conflict and frequently raises issues of what is the right or 'proper' application of the principle of subsidiarity.

There is thus a tension in the 'scaling up' and 'scaling down' of the different levels and arenas of Indigenous governance. Solutions will depend upon the specific situation and the individual interests involved as Indigenous groups use their networks strategically where possible, scaling the inclusiveness of groups and their rationales and working through different kinds of models and structures to match their interests at the time.

Whatever the scale, there will be questions as to how to accommodate local and specific interests, and how to build leadership and trust. In some instances, we see the fracturing of larger, more inclusive groups. This fracturing, as subgroups 'break away' and incorporate on their own, was attributed by some participants to competition and conflict over resources and control and a perceived lack of specific representation and benefit on the part of those who wish to 'break away':

> People break off and go incorporate when disputes occur. It's analogous to a pie, people think they get more by breaking off but when the pie is divided up they get less.

The Forum also noted that fracturing may relate to the degree of recognition afforded to the interests and decision-making powers of individuals in more inclusive groupings.

Many of these considerations were captured in the comments of a Forum participant who noted that Indigenous groups need to achieve greater clarity about the 'collective self' in self-determination and 'who' is being governed.

6.2. Economies of scale

Arriving at governance models which can account for characteristics such as the networked quality of Indigenous societies, the tiered and heterogeneous interests, the multiple and intersecting authorising environments, and the substantive governance issues which arise from the external environment – often with little resources – is a significant challenge.

Economies of scale and more coordinated approaches could be targeted at specific governance initiatives and outcomes, including working across sectors in more helpful ways. Critically, the networked governance discussed by some participants and respondents – and which is happening 'informally' in Indigenous societies – might inform regionally-based, centralised administrative and management service hubs in order to deliver economies of scale.[29] As some Forum participants noted, regional hubs could employ skilled funds managers to look after funds according to instructions from relevant Indigenous groups – though 'there is a fear that someone else will get the hands on their money'.

We see a siloing of governance bodies in unhelpful ways – including sectors and departments, land related corporations and broader community corporations, all with intersecting and overlapping roles and responsibilities.

Forum participant

However, securing real economies of scale via scaling up or down does have significant challenges, as participants noted that scale often determines the focus and practice of governance. For example, some saw national representative organisations as more focused on issues of representation than on specific regional and local interests. For them, a regional focus should be about developing shared expertise and practice, exchanging information and knowledge, and sharing resources and stories at local and regional levels (see Section 12.1). At the local and regional scales the involvement of local governments is critical, while commitment from and collaboration between governments will be required whatever the scale.

Economic sustainability is pertinent in considering economies of scale, with some seeing the size of an organisation in direct correlation with its potential for economic sustainable development. Yet, as noted, size does not necessarily determine success, as Aboriginal social organisation is built around small, localised family groups who may not see larger organisations as the most effective way of representing their interests or as appropriate vehicles for economic development.

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[29] Bauman et al., *Living with native title: the experiences of registered native title corporations*, p. 222; M Moran, *The viability of 'hub' settlements [Paper in: The Heartland: Voices from Central Australia: Part 2. Job, Peg (ed).]*, 2010, viewed 12 February 2015, <http://search.informit.com.au/documentSummary;dn=201005435;res=IELAPA>.

Participants suggested looking at a range of 'hub' models and disseminating information about structural options:

> There's lots of value in looking at different models for organisations who would otherwise struggle. Maybe a national peak…or a regional peak…or perhaps a sectoral peak…?

One example which was seen by a Forum participant as successful was the Arnhem Land Progress Association, an umbrella organisation for a number of stores in the region, which has taken over management roles and provided an effective networked governance model. Another was the Federation of Victorian Traditional Owners Corporation consisting of seven traditional owner corporations, where the Victorian government has actively been seeking solutions to the proliferation of small, unsustainable organisations through the *Traditional Owner Settlement Act 2010* (Vic), which requires group inclusivity and incorporation as a threshold to agreement-making. Since its launch in May 2014, the Federation has already signed a contract as a result of their combined efforts.[30]

The apparent early success of the Victorian Federation as an umbrella organisation of First Nations raises important issues for designing Indigenous governance. That is, should traditional owners and native title corporations be supported to provide the core building blocks for forms of Indigenous governance that are cross-sectoral, more inclusive and networked?

> Everyone bags native title, but what it seems to have brought us is a sense of nationhood which can be built on as long as there are clear goals and objectives.

6.3. Identified research topics for Indigenous governance design

A number of research topics relating to governance design and economies of scale were identified by the Background Paper, Survey and Forum as summarised below:

- the relationships between networked nodal governance and other components of contemporary Indigenous governance
- the extent to which 'networked relational nodal governance' affords a basis for economies of scale at local, regional, state/territory and national levels
- ways in which the principles of subsidiarity and networked governance might work together in effective community and organisational governance
- workable principles for economies of scale

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[30] Native Title Services Victoria, *Facebook timeline – Native Title Services Victoria*, 2014, viewed 9 February 2015, <https://www.facebook.com/NativeTitleServicesVictoria>.

- regional 'hub' structures and governance that would be effective in reducing the cost of administration of multiple organisations, promoting and finding avenues for economic development and efficient service provision
- ways in which First Nations might provide the basis for economies of scale
- Indigenous governance models to support economies of scale and ensure equity between groups, including options for a 'mega' RNTBC.

7. Indigenous Governance-building Initiatives

Governance-building involves the processes by which people, organisations and groups as a whole arrive at processes, policies and protocols and develop their abilities to do the collective and individual jobs of governing. This includes Indigenous people:

- performing governing functions
- designing institutions
- addressing structures and processes
- solving problems and disputes
- setting and achieving objectives, and understanding and dealing with their own development needs in broader contexts and sustainable ways.

As Indigenous groups and their organisations continue to replace outsiders' agendas with their own self-determined priorities, they are often confronted with the reality not only of external funding limits, but also of the divergence between their priorities and those of funders. The Indigenous demographic profile also provides a challenge for discussions about governance, future needs, aspirations and development capacities. It suggests that levels of socioeconomic disadvantage may remain high without sustainable development that transcends generations. It also creates a benchmark against which the impact of any developmental decisions and future actions associated with them should be measured. A significant governance challenge for Indigenous Australians will be to accommodate a burgeoning youthful profile in governance and development strategies.

Despite such challenges, many Indigenous groups are developing innovative local approaches and initiatives, some of which were described in brief presentations at the Forum and in the Survey (see Appendix A) and others of which are evident in the Indigenous Governance Awards (IGAs).

At the Forum, presentations were made by:

- Professor Daryle Rigney (Flinders University, South Australia)
- Ms Zoe Ellerman (Cape York Institute) and Professor Marcia Langton (University of Melbourne and Cape York Institute)

- Ms Sally Smith (RPfC Program)
- Professor Miriam Jorgensen (University of Melbourne and University of Arizona)
- Mr Geoff Scott (National Congress of Australia's First Peoples).

7.1. The Ngarrindjeri experience

We are about building our nation. We don't simply do service delivery, while that is an important part of our work, we are about nation-building. We are about securing our future…

Daryle Rigney

Professor Daryle Rigney from Flinders University, co-convener of the Ngarrindjeri Regional Authority (NRA) Research and Policy Planning Unit and Chair of the Ngarrindjeri Enterprise Proprietary Pty Ltd, provided some background to the work of the Ngarrindjeri.[31]

Professor Rigney noted that the Hindmarsh Island (Kumarangk) controversy in which a group of Ngarrindjeri women were accused of fabricating Ngarrindjeri women's traditions in order to stop the building of a bridge to Kumarangk[32] significantly shaped Ngarrindjeri history and governance solutions.

The Hindmarsh Island Bridge Royal Commission (HIBRC) took place in 1995, at a time when Ngarrindjeri were limited in their organisational capacity to respond to the disproportionate influence of the archive, museology and heritage regimes of disciplines such as anthropology and archaeology. These experiences and the HIBRC provided great motivation and many lessons for the Ngarrindjeri about representation, knowledge, authenticity, negotiation and Ngarrindjeri agency in nation-building.

Seven years after the HIBRC, Ngarrindjeri were confronted with another heritage issue with the unearthing of human remains a few metres from the Hindmarsh Bridge as part of the re-development of the Goolwa Wharf precinct. Ngarrindjeri leaders determined not to enter into a process where they would be 'forced' to rely on the usual expert reports of archaeologists and anthropologists to justify their own

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[31] The PowerPoint presentation for this session is available online: <http://aiatsis.gov.au/sites/default/files/docs/presentations/rigney-2014-indigenous-governance-development.pdf>.

[32] *Hindmarsh Island bridge controversy*, *Wikipedia*, 2014, viewed 6 January 2015, <http://en.wikipedia.org/w/index.php?title=Hindmarsh_Island_bridge_controversy&oldid=618003390>. *Chapmans vs Lummis and Ors*, Federal Court of Australia, Summary of Judgment, 21 August 2001.

Ngarrindjeri interests and instead negotiated a comprehensive recognition of their ongoing rights and interests to Ngarrindjeri *ruwe* (country) through an agreement known as Kungun Ngarrindjeri Yunnun: 'listen to Ngarrindjeri people speak'.

The Kungun Ngarrindjeri Yunnun Agreement (KNYA) enacts a contract law agreement rather than relying on legislation and policy to facilitate Ngarrindjeri rights and interests to country. The Ngarrindjeri Nation have signed numerous contract law KNYAs with a diverse range of parties, including museums and governments, with plans to extend the process to universities, the private sector and other agencies. Part of this process is to incorporate cultural knowledge clauses which distinguish between intellectual property and cultural knowledge. These clauses have now been integrated in a variety of agreements including Australian Research Council (ARC) grants and an international linkage grant on Indigenous repatriation:[33]

> We have a cultural knowledge clause which names what we think is cultural knowledge and anything that is cultural knowledge is ours and we own it and we can determine whether it is going into a journal or a book or report or article whatever it is going to be.

The NRA was established in 2007 as the peak organisation representing communities and organisations making up the Ngarrindjeri Nation. The NRA includes the Ngarrindjeri Native Title Management Committee and the Ngarrindjeri Heritage Committee. Ngarrindjeri have rebuilt their relation to and engagement with the South Australian Government. This engagement is operationalised in a variety of ways including, but not limited to, quarterly leader-to-leader meetings with relevant ministers and a KNYA taskforce which meets monthly to discuss opportunities and issues.[34] Regular meetings are also held with the four local governments that cross Ngarrindjeri *ruwe*.

After the Kumarangk incident, Ngarrindjeri engagement with cultural and natural resource management over more than a decade has avoided negotiating current

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[33] ARC Linkage Grant, 'Return, reconcile, renew: understanding the history, effects and opportunities of repatriation and building an evidence base for the future' [LP130100131]. The project involves The University of Melbourne, The University of Queensland, Flinders University, AIATSIS, Office for the Arts (Australian Government Department of Regional Australia, Local Government, Arts and Sport), Kimberley Aboriginal Law and Culture Centre, NRA, National Museum of Australia, University of Otago, Association on American Indian Affairs, Museum of New Zealand Te Papa Tongarewa, and Gur A Baradharaw Kod Torres Strait Sea and Land Council Torres Strait Islander Corporation.

[34] See <http://www.ngarrindjeri.org.au/wp-content/uploads/2012/08/KNYA-Taskforce-Report-2010-11.pdf>.

interests through past-oriented traditionalist constructions of cultural heritage.Ngarrindjeri are engaged with issues of cultural transformation and processes to deal with conflicts and disputes and have developed strategies for positive transformation as outlined in Figure 3.[35]

Figure 3: Ngarrindjeri strategies for positive transformation. Ngarrindjeri Yarluwa-Ruwe Plan.[36] Provided by Professor Daryle Rigney (Flinders University)

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[35] S Hemming, D Rigney & S Berg, 'Researching on Ngarrindjeri "Ruwe/Ruwar": methodologies for positive transformation', *Australian Aboriginal Studies*, vol. 2010, no. 2, 2010, pp. 92–106.

[36] 'Our Lands, Our Waters, Our People, All Living Things are connected. We implore people to respect our Ruwe (Country) as it was created in the Kaldowinyeri (the Creation). We long for sparkling, clean waters, healthy land and people and all living things. We long for the Yarluwar-Ruwe (Sea Country) of our ancestors. Our vision is all people Caring, Sharing, Knowing and Respecting the lands, the waters and all living things.' The Ngarrindjeri Tendi, The Ngarrindjeri Heritage Committee & The Ngarrindjeri Native Title Management Committee, *Ngarrindjeri Nation Sea Country Plan: caring for Ngarrindjeri country and culture*, Meningie, SA, 2007, p. 5, viewed 1 July 2015, <http://www.environment.gov.au/indigenous/publications/pubs/ngarrindjeri-scp-2006-1.pdf>. Figure 3 abbreviations: KNYA = Kungun Ngarrindjeri Yunnan Agreement, NRA = Ngarrindjeri Regional Authority, NEPL = Ngarrindjeri Enterprises Pty Ltd.

Today, the Ngarrindjeri Nation is now in a position to rethink and review its governance structure: 'Who are we? We are Ngarrindjeri. What are we on about? We are about caring for our people, lands, waters and all living things. We are about building our nation.'[37]

Change, transformation and Ngarrindjeri nation-building is based on learning and a tradition of knowledge and thought:

> We had the big issue, Hindmarsh Island Bridge, and we had another issue, the Goolwa Wharf Redevelopment. In following up, we re-strategised with the KNY process developing…we wanted to think about our contemporary governance structures in order to respond to those issues...we developed our contemporary form of governance, the Ngarrindjeri Regional Authority…We are engaging with the idea of how we abolish the whiteness in regional non-Indigenous policy and thinking about planning, practice, ex-colonialism rather than post-colonialism. All of that is underpinned by our philosophy, our ontologies, traditions of knowledge and thought.

In their engagement with local and regional governments and other stakeholders Ngarrindjeri have found other parties willing to listen to and respect Ngarrindjeri ideas and traditions of thought. Today there are still challenges, but the landscape is more open to interest convergence than divergence. Ngarrindjeri have leveraged outcomes in 'hard science' areas such as water quality, water levels, groundwater work and wetland management plans. Ngarrindjeri country is also a Ramsar area[38] subject to the Convention on Wetlands of International Importance. This international treaty guides the state government's management plans for the conservation and sustainable use of wetlands in the region. Ngarrindjeri are now working with the same South Australian Government that built the Hindmarsh Bridge to develop a Ngarrindjeri character descriptor: 'We are going to name what the cultural character of that region should be. And those two character descriptors will come together and guide the management plans and process for the RAMSAR site.'

As part of its governance development process, Ngarrindjeri has established a Research, Policy and Planning Unit to support the work of the Ngarrindjeri regional Authority – led by Professor Rigney and Associate Professor Steve Hemming. This has enabled the facilitation of collaborations with national and international experts.

The Hindmarsh controversy has also shown that Ngarrindjeri traditions, thoughts and knowledge of Kumarangk had little or no 'currency' in the Australian legal system. Having learned not to rely upon the archives and the information found there, and to question who writes the records, Ngarrindjeri are establishing their own archive and aim to rewrite their own histories and cultural records:

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[37] See <http://www.changemedia.net.au/projects/we-are-ngarrindjeri>.
[38] Ramsar, *Homepage: Ramsar*, n.d., viewed 7 January 2015, <http://www.ramsar.org/>.

> We think it is naive to rely solely upon an archive or narratives of others; our aim is to build and write our own archive – to tell our story using our people – but we still intend to engage with the current archive and rewrite it as appropriate.

Ngarrindjeri are also developing and reworking cultural and natural resources management plans for their country: 'We have done that work for so long now that some governments and agencies have adopted Ngarrindjeri concepts and language in the new archives that are emerging.'

In responding to questions from the floor, Professor Rigney noted that divisions amongst the Ngarrindjeri caused by the Hindmarsh incident are still healing 20 years on, exacerbated by the digging up of human remains at Goolwa. Ngarrindjeri are wary of the standard legal pathways available to them for such issues. They do not have a native title settlement, though the *Heritage Act 1993* (SA) and the NTA have provided a context for them to strategically build their capacity through KNYAs. The Ngarrindjeri goal is to be confident people, to develop 'a community of people that is strong, healthy and sovereign' from a nation-building perspective with a shared collective vision.

7.2. Empowered Communities, Cape York Institute

> *Indigenous people at community and regional level have a lot of knowledge [but don't seem to have] a lot of power. Government seems to hold a lot of power but little knowledge.*
>
> Zoe Ellerman

Ms Zoe Ellerman from the Cape York Institute for Policy and Leadership and Professor Marcia Langton from the University of Melbourne co-presented on the Empowered Communities initiative.[39] This initiative is a partnership of Indigenous leaders from eight regions across Australia (see Figure 4).[40]

Launched as a reform initiative at the 2013 Garma Festival in Arnhem Land, Empowered Communities aims to create a model to achieve greater coordination of government policy and 'get the relationship between government and Indigenous

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[39] The PowerPoint presentation for this session is available online: <http://aiatsis.gov.au/sites/default/files/docs/presentations/ellermanz-2014-empowered-community.pdf>.

[40] Cape York Partnership, *Empowered Communities*, n.d., viewed 7 January 2015a, <http://capeyorkpartnership.org.au/empowered-communities/>. The initiative includes Cape York, North East Arnhem Land, Anangu Pitjantjatjara Yankunytjatjara (APY) and Ngaanyatjatjarra Pitjantjatjara Yankunytjatjara (NPY) Lands, East Kimberley, West Kimberley, Central Coast of NSW, Inner Sydney and Goulburn Murray region (Victoria), Jawun Indigenous Corporate Partnerships, the Australian Government and several state and territory governments.

people right' so as to deliver improved outcomes on the ground. As Professor Langton explained, the Indigenous leaders 'want government to have much more respect for the goals of people in these region and to deliver on these goals in a collaborative way that is straightforward and achieves milestones quickly'.

Figure 4: Leaders in the Empowered Communities initiative from eight disparate Australian regions[41]

Empowered Communities seeks to create a new partnership with government and also involves private or other sectors. It aims to ensure that government investment is informed by local leaders and targeted to make a genuine and practical difference to the lives of Indigenous people. It is based on Indigenous communities opting in and assuming greater responsibility, while the government retreats from encroaching on areas of Indigenous responsibility, though not abandoning its support. Mr Noel Pearson at the 2014 Garma Festival said that Empowered Communities is about self-determination and that the three per cent Indigenous minority in Australia has the right to determine its own future: 'Our project with the Empowered Communities is

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[41] Cape York Partnership, *Empowered Communities*, n.d., viewed 10 October 2014b, <http://capeyorkpartnership.org.au/empowered-communities/>.

about nothing less than carving out a power for ourselves to maintain the distinctness of our people and yet at the same time the equality of our citizenship.'[42]

The Forum was told that the Empowered Communities initiative was in its design phase and the design report has since been submitted to governments.[43] The design work has been guided by a set of principles to which partner organisations are committed:

- Indigenous-led responsibility
- participation in the reform movement is on an opt-in basis
- all program design must be site-specific
- innovation and continual improvement are critical
- funding for programs must be based on outcomes, with communities given flexibility
- program outcomes must always be measured in the same ways every time
- learning from each other, sharing good practices and ensuring results are delivered.

Empowered Communities also aims to achieve development outcomes and the re-establishment of social norms to combat social dysfunction. These include:

- school attendance
- children and the vulnerable are cared for
- able adults participate in training
- people care for and maintain their houses and pay rent
- a reduction in alcohol and substance abuse, domestic violence and petty crime.

The Forum learned that Empowered Communities is developing a productivity agenda to ensure that funds are spent more efficiently and effectively than under the current system. Professor Langton commented: 'The waste of money from the centre to the periphery [has been] extraordinary. Some people put the waste as high as 80 per cent. So we are aiming to reduce that waste to zero and get the outcomes that are required.'

Ms Ellerman commented that the work that had been done to date was seen by a number of Indigenous leaders as highly beneficial, and the information sharing which has taken place between the regions as 'a huge success in itself'. She noted there

[42] N Pearson, 'Empowered Communities – responsibility, reform and recognition', speech, Garma Festival, Arnhem Land, 2014, viewed 4 November 2014, <http://capeyorkpartnership.org.au/wp-content/uploads/2014/09/Noel-Pearson-Empowered-Communities-Speech-Garma-2-August-2014.pdf>.

[43] Wunan Foundation, *Empowered Communities: empowered peoples*, Design Report, 2015, viewed 21 April 2015, <http://empoweredcommunities.org.au/about/report.aspx>.

had been little previous support for and few opportunities for information sharing and collaboration by Indigenous leaders across regions.

With Indigenous peoples constituting less than three per cent of the population, there is a need for structural reform and changes to the interface with government to give more power and control to Indigenous people. Discussions following the presentation noted these challenges using the analogy of the government as the 97 per cent 'elephant' and Indigenous people as the three per cent 'mouse' in the room. The Forum also noted that some leaders have described dealing with governments as like dealing with an 'octopus' with arms reaching in every direction.

The presenters noted that sustaining government commitment to a reform agenda is a challenge, particularly given constant changes in government staff and departments. Their experience in Cape York through the Cape York Welfare Reform trial has shown that, even if governments have 'signed up and committed to a reform policy and program', the nature of the 'government octopus' is that repeated reminders are required to align action with the reform commitments.

Of the leaders of the eight Empowered Community regions, they noted that:

> They are all comfortable with the notion that government has taken on too much Indigenous responsibility in some areas and we need to push that back so that Indigenous people can take more responsibilities for their futures and wellbeing…in other areas government isn't even fulfilling its basic responsibilities. It might be education services, where they are not providing a decent education and we need a better way to make sure that government does that.

In discussion, a participant asked whether it was expected that the Empowered Communities initiative would be any different from previous Council of Australian Governments (COAG) failed attempts at coordination, collaboration and dealing with red tape. Professor Langton responded that she was confident in the design team and partners, though not so confident in all governments, some of whom may be 'hedging their bets'. She noted that there 'is a huge commitment of important people in government who want better outcomes' and whilst 'young guns want to reinvent the wheel, old timers know how hard it is'.

7.3. Right People for Country Program

> *RPfC supports traditional owner led agreement-making with a focus on providing practical support to build relationships and strengthen capacity for traditional owners to negotiate their own agreements.*
>
> Sally Smith

Ms Sally Smith is the Manager of the RPfC Program, located in the Office of Aboriginal Affairs in the Victorian Department of Premier and Cabinet.[44] RPfC, a partnership between Victorian traditional owners, the Victorian Government and Native Title Services Victoria is governed by a steering committee with a majority of traditional owners. It grew out of the *Traditional Owner Settlement Act 2010* (Vic) and the operations of the *Aboriginal Heritage Act 2006* (Vic) and commenced in 2009. The first 18 months of RPfC were spent working with stakeholders to develop a 'traditional owner led agreement-making process'. Ms Smith described RPfC as 'supporting traditional owners to reach their own agreements either within groups about group composition and representation issues, or between neighbouring groups about extent of country issues'. These agreements can assist traditional owners to gain formal recognition under the two Acts.

An important part of RPfC work is 'coordinating external processes between government departments and traditional owner groups and brokering existing resources from different stakeholders'. This includes assisting with the clarification of the specific interests and roles of stakeholders and the legal and policy parameters of agreement-making. The project has a focus on early capacity-building for traditional owner groups with an expression of interest process where traditional owners voluntarily opt into agreement-making rather than government or NTRBs deciding who is ready. Traditional owners also decide the kind and extent of support needed and choose their own facilitators.

There is an emphasis on thorough preparation and planning and allowing sufficient time and flexibility to bring all parties along. The processes to support parties to be ready to sit down and talk together can take six months or more. Some parties may require more support than others to ensure an equal playing field. RPfC asks traditional owners: 'What do you need to be confident to sit down with the other parties?' Cultural protocols and practices are integrated into the agreement-making processes as parties suggest, and have included male and female representatives at

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[44] Department of Premier and Cabinet, *Right People for Country Program*, n.d., viewed 9 February 2015, <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/projects-and-programs/right-people-for-country-project>.

the negotiation table, roles for older and younger people and the use of message sticks to foster conversations.

With the understanding that agreements are relationship documents, RPfC provides practical support for building and maintaining relationships between and within traditional owner groups such as:

- interest-based negotiation skills training
- applied negotiation workshops and negotiation coaching
- opportunities to hear about the negotiation process from a traditional owner perspective
- project planning workshops
- family engagement processes
- support for traditional owner joint meetings with or without facilitators
- opportunities for groups to work together – for example, to design and discuss research or revisit/walk the country together
- provision of independent facilitators for conflict resolution
- coordinating support from stakeholders for agreement-making including mapping and research, and providing legal advice and information on legal processes and parameters including in relation to cultural heritage
- enabling conversations between disputing parties.

Three pilots were conducted in 2012, encompassing group composition and extent of country issues with traditional owners who were at different stages of native title and cultural heritage recognition processes. An independent economic cost benefit analysis of the pilots showed that every $1.00 spent returned cost savings valued at $3.80, which is considered to be high.[45]

RPfC continues to work with traditional owner groups across Victoria on a range of agreement-making projects. Traditional owner advice about what is important about agreement-making includes:

- being able to have respectful conversations – traditional owners to traditional owners – about identity and country
- renewing and strengthening relationships – within and between groups – as a continuation of cultural practice
- changing the cycle – acknowledging the pain and loss of the past while having a go at a better future

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[45] T Bauman, S Smith, A Lenffer, T Kelly, R Carter & M Harding, 'Traditional owner agreement-making in Victoria: the Right People for Country Program', *Australian Indigenous Law Review*, vol. 18, no. 1, 2015, pp. 78–98; A Daly & G Barrett, *Economic cost benefit analysis of the Right People for Country Project*, Discipline of Economics University of Canberra, Melbourne, 2012.

- acknowledging the weight of responsibility that comes with making decisions for past and future generations
- stepping beyond the experience of having decisions imposed on us – to imagine that decisions will be respected and carry weight.

In the discussion following this presentation, it was noted that dispute management is 'a really important aspect of governance', and questions were asked as to whether there are particular cultural aspects in dealing with disagreements which are different from non-Indigenous approaches. One participant noted the difference to be 'absolute' because of the roles of elders in addressing disputes.

The need for a national Indigenous dispute resolution and decision-making service, with regionally and locally controlled and networked services, was noted. This need, as was commented at the Forum, was first identified through the AIATSIS Indigenous Facilitation and Mediation Project (2003–06) and subsequently in the Federal Court's Indigenous dispute resolution case study project[46] in recommendations to the National Alternative Dispute Resolution Advisory Council.[47] Though many government representatives have agreed that such a service is needed, it was noted that there has been little traction. Such an initiative would aim to return control of disputes to communities, as one participant with mediation experience noted, 'to get people talking…in mediations around deep listening' and 'have these conversations about governance that leads to agreements'.

7.4. University of Melbourne and University of Arizona

Effective Indigenous nation self-determination requires institutions of public government of an Indigenous people's own design that have real substance and capacity.

Miriam Jorgensen

Professor Miriam Jorgensen is Research Director of the Native Nations Institute at the University of Arizona, which is associated with the Harvard Project on American Indian Economic Development and has been in place since the 1980s (see

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[46] T Bauman & J Pope, *Solid work you mob are doing: case studies in Indigenous dispute resolution and conflict management in Australia*, National Alternative Dispute Resolution Advisory Council, Melbourne, 2009, p. 207, viewed 1 October 2014, <http://aiatsis.gov.au/publications/products/solid-work-you-mob-are-doing-case-studies-indigenous-dispute-resolution>.

[47] National Alternative Dispute Resolution Advisory Council, *NADRAC recommendations to the Attorney-General of Australia – Indigenous dispute resolution and conflict management*, 2009, viewed 4 March 2014, <http://www.ag.gov.au/LegalSystem/AlternateDisputeResolution/Documents/NADRAC%20Publications/Indigenous%20Dispute%20Resolution%20and%20Conflict%20Management%20-%20NADRAC%20recommendations%20to%20the%20Attorney-General%20of%20Australia.PDF>.

Appendix A). She is also a Professorial Fellow in Indigenous Governance at the University of Melbourne School of Government (see also Appendix A).

Professor Jorgensen noted that the findings of the Harvard Project were that Native Nations in the United States of America did better when they were able to assert their self-identified, self-determined goals and sovereignty – 'to become the ones in the driver's seat'.

But the assertion of self-governing power in Indigenous nation-building also requires effective institutions of public government 'that match what makes sense in a community, that is, they have legitimacy are culturally appropriate, and they get the job done, accomplishing the purposes for which they were laid down'. In other words, effective Indigenous nation self-determination requires institutions of public government of an Indigenous people's own design that have real substance and capacity.

Identifying a strategic pathway and 'sticking to it' in making decisions are essential to affirm the connection between the assertion of self-determination and the creation of institutions. Behind assertions of self-governing power and institution-building lies the notion of 'where we know we want to go as a community, a people, a society through nation-building and public spirited leadership'.

Professor Jorgensen acknowledged that although this is a 'fairly simple formula' it is supported by rigorous mixed methods research including econometric analyses and case study research, and that it is transferrable to the Australian context. The foundation of Native Nations – 'the first piece of the puzzle' – is the groups of individuals who come together as a people around a core 'element of identification that makes up the nation and the future they want for themselves and their children'.

Subsequently, nations must organise as a polity to get things done – not so much in the sense of the Australian or American or Canadian government – but in building institutions to carry out the wishes of the people. These institutions of Indigenous public government help keep the nations or communities 'on their paths'. 'Capacity' lives inside the smaller circle in the diagram in the corporate programs, organisations, and services (see Figure 5). The process of identifying and organising as an Indigenous nation can happen and *has* happened in Australia. With these pieces in place, further community self-determination is possible.
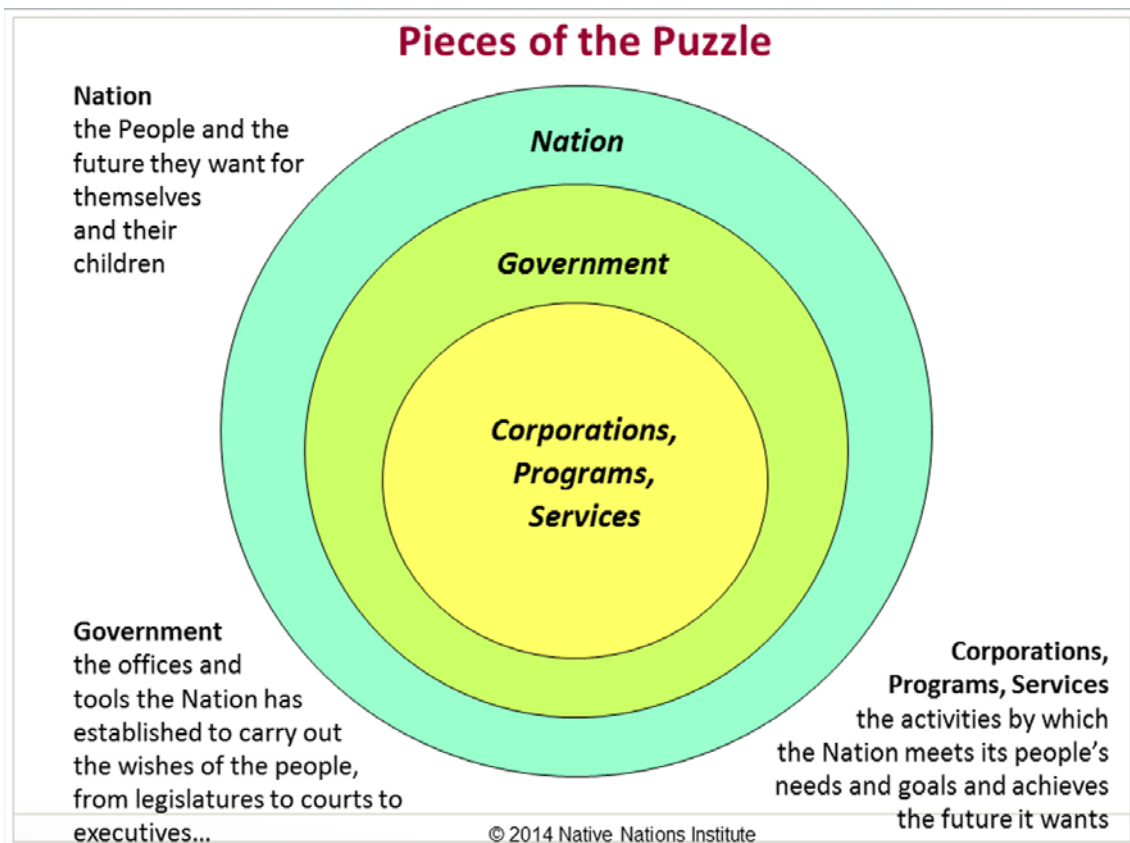
Figure 5: Distinguishing Indigenous nation, Indigenous government and Indigenous governing capacity. Provided by Miriam Jorgensen (University of Arizona and University of Melbourne)

The Indigenous Governance Database developed at the Native Nations Institute at the University of Arizona provides significant written and mixed media materials, presentations, interviews and videos, including information useful to Australian Indigenous nation-building.[48] A number of formal university courses[49] and distance learning courses[50] have also been developed.

In her role as a Professorial Fellow in Indigenous Governance at the University of Melbourne School of Government, Professor Jorgensen works closely with Dr Mark McMillan at the Melbourne Law School. Dr McMillan manages an intra-university grant from the Melbourne School of Government that provides seed funding for

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[48] Native Nations Institute, *Indigenous Governance Database*, n.d., viewed 8 January 2015, <https://nnidatabase.org/>.

[49] University of Arizona, *Indigenous governance certificate: study with the experts in Indigenous Nation Building*, n.d., viewed 8 January 2015, <http://www.indigenousgovernance.net/>; University of Victoria, *Indigenous governance – programs*, n.d., viewed 13 January 2015, <http://web.uvic.ca/igov/index.php/programs>.

[50] Native Nations Institute, *Rebuilding native nations: strategies for governance and development, course overview*, n.d., viewed 8 January 2015, <http://www.rebuildingnativenations.com/overviews.html>.

research, networking and collaboration concerning Indigenous nation governance. She has worked particularly closely with Flinders University, the University of Technology Sydney and three south-eastern Australian Indigenous nations.

Professor Jorgensen is also (or has been) involved in two ARC research projects: 'Changing the conversation, rediscovering Indigenous governance' (2010–14) and 'Indigenous nationhood in the absence of recognition: self-governance strategies and insights from three Aboriginal communities' (2015–18) (see Appendix A).

In discussion following Professor Jorgensen's presentation, questions were asked about the transferability of the model to the Australian context. One participant noted that the 'government circle' in the middle of the diagram should be 'governance' and 'the other way round', with authorisation initiating from the community as a 'representative process' in the creation of 'a political body' to legitimise the organisation. It was suggested that this could be an informal layer, with the steps being 'movement from a group with an interest, to a political entity to actuate this interest and then enabling corporations to get things done'. The participant noted that both need to happen together: 'if you give up all programs, then service delivery will be by somebody else', also commenting that the two systems 'have different kinds of authorisation'.

Professor Jorgensen agreed that the authorising environment is initially 'community' and that 'a typical procedure for authorising them would be a public body that a community would select to perform tasks.' She noted that reading from the outer circle to the inner circle, this is the idea expressed in the diagram.

While some participants thought that international case study comparisons were useful – 'it's important to recognise that Australia is not alone in this area' – others were concerned about the translation of international research into useful outcomes, preferring to focus on Australian solutions.

7.5. National Congress of Australia's First Peoples

> *The same people get pressured to be on many boards and do many jobs…this is not a recipe for sustainability or accumulative integrity.*
>
> Geoff Scott

Mr Geoff Scott, CEO of the National Congress of Australia's First Peoples, spoke about his experiences of governance in New South Wales Indigenous communities. Mr Scott highlighted the importance of board members having the necessary skills and cautioned against 'overcomplicating' governance. He described a number of

dimensions of governance in terms of board and administration tasks, mission, policy and program administration and internal management.

Mr Scott noted that 'the measure of a governance system is its credibility and legitimacy' where 'people must be able to trust the structure, the organisation and the people running it…[and] that it will meet expectations and produce the goods'. He identified a number of issues influencing that, including:

- context and fit
- the tension between politics and business
- the lack of success of many organisations in resolving this tension
- hybrid circumstances in the intersections of western and Indigenous governance systems
- separation of responsibilities between the board and the CEO which creates significant tensions and is 'not very well accepted or practised'
- the need for a mix of elected versus appointed board members
- misunderstandings that boards have to be representative and elected when that do not 'necessarily deliver the skill sets to run organisations'.

Effective recruitment processes, he noted, are essential, particularly in finding CEOs who match the needs of organisations, because 'the CEO is pivotal…the CEO or manager creates coherence between board and constituents', often building up significant power over time.

Skills gaps should be filled on the basis of an audit, though experience is also required. Building capacity, he noted, is rarely addressed effectively:

> If you are elected on a board and you don't have the skills to do it, it's not fair on you, it's not fair on the organisation. We should not place people in circumstances where they may not have the skills. They get caught out. …. We need capacity clarity; you need to know what your role really is.

Mr Scott described a number of behavioural competencies necessary to effectively run a corporation: achieving results, thinking and understanding, self-management and working effectively with others. He also noted:

> The skills and abilities required to effectively fulfil organisational responsibilities change over time, as the community and organisation changes, including the mission, policy, administration, internal management, how big the organisation and resources base is, and what the skill sets are. But in my experience, if you don't have the right behavioural competencies you will have problems.

> It is essential that the board members, the CEO, management and staff are credible and have integrity: this is as much about perception as it is about reality. You are supposed to be a leader…people will watch you. Confidence, trust, and accountability are things you need to have in the governance structure itself. If your own mob doesn't trust you, you will have problems.

A lack of credibility and gaps between community and organisation expectations and what can realistically be achieved contribute to the apparent 'failure' of many organisations: 'we keep saying we do lots of things, we build lots of expectation and we don't succeed and then our mob judges us.'
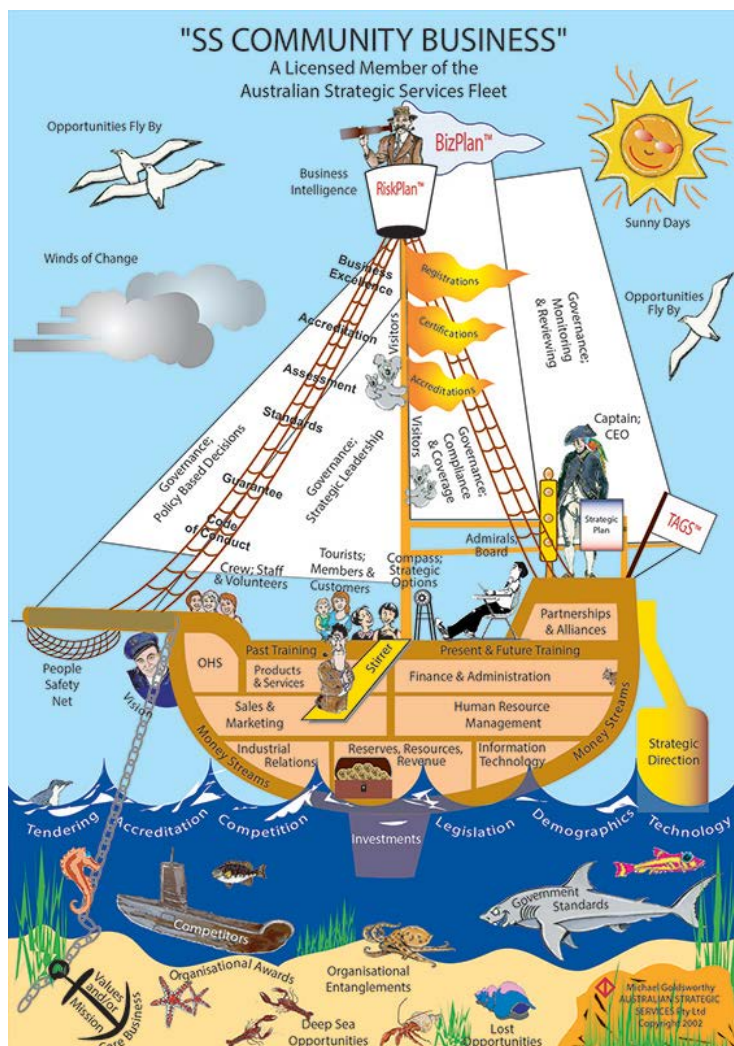
Figure 6: Governance mothership. Image courtesy of Michael Goldsworthy, Australian Strategic Services©

Mr Scott agreed with earlier comments that the proliferation of corporations means the lack of a critical mass based on their rationalisation and economies of scale: 'There is not the required critical mass of people out there to fill all the jobs we have or require in our communities.'

Referring to the 'mothership' graphic as a useful communication and education tool (see Figure 6), he commented:

Governance can be a very dry subject and we have to make it more interesting. One method is through presenting subjects and issues. The mothership picture is a good example...Make it fun. Because people stare at you trying to picture what you are saying. A picture is one way of teaching and learning.

Of particular interest to the Forum were Mr Scott's misgivings about concepts such as 'cultural governance' and 'cultural legitimacy', the stereotyping of Indigenous cultural attributes and the need to acknowledge cultural change. Such stereotyping he noted can also influence ideas that 'traditional Aboriginal' and 'mainstream' governance principles are diametrically opposed when they may well share a number of governance principles (see Figure 7).

Comparing Traditional Aboriginal Governance Principles to the IOG Principles

Proposed Traditional Aboriginal Principles	Shared Principles	IOG Governance Principles
Attunement: Gaining and maintaining a clear sense of the community's place and orientation within the Whole—including spirits, land and animals.	• Prudent, responsible leadership • Premium on service to community • Respectful, reciprocal relationships • Strategic thinking about place and role • Community involvement in decisions	**Direction:** Establishing a strategic perspective for collective action; knowing where the community has been, where it is now, and where it wants to go.
Responsive, Responsible Leadership: Acting on the needs of the community; foreseeing both threats and opportunities outside it. Crucial to the survival of the group.		**Performance:** Effectively and efficiently serving the needs of stakeholders. Quality of service and responsiveness to needs also a factor.
Harmony: Maintaining balanced relations within and among kinship groups. Emphasizes consensus building and reciprocal obligations, including to the Creator and to earth, plants and animals.	**Distinctions** • Context: oral, usually very small societies vs. large, formalized	**Fairness:** Upholding equal opportunity, rule of law, sound legal and regulatory frameworks. Requires an independent judiciary and adequate dispute resolution mechanisms.
Respect: Treat others, including natural objects and animals, with care, respect and attention. Sanctions follow for those who fail to respect the land and its resources. Critical to survival of the tribe.	• Sphere: involves humans, land, animals, Creator vs. human only • Scope: "our life" vs. government limited to socio-political sphere	**Accountability:** Ensure that officials answer to citizens on how they discharge duties; requires transparency, proper documentation, regular review of leadership, other checks and balances.
We Help Ourselves: Maintaining self-reliance of the community based on group cohesion and individual performance of roles. Care for one's own and the land one lives on.	• Direction: attunement vs. progress • Unit: clan, kin, group vs. individual locus of rights	**Legitimacy and Voice:** Both internal and external actors acknowledge the authority of the government when it acts. Emphasizes popular support of the government. Cultural fit is a key factor here.

Figure 7: Comparing governance principles. Adapted from Bruhn 2009[51]

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[51] J Bruhn, *Policy Brief No. 33: In search of common ground: Reconciling the IOG Governance Principles and First Nations Governance Traditions*, Institute On Governance, Ottawa, Ontario, 2009, p. 10, viewed 12 January 2015, <http://iog.ca/publications/policy-brief-no-33-in-search-of-common-ground-reconciling-the-iog-governance-principles-and-first-nations-governance-traditions/>.

Mr Scott noted the importance of having change mechanisms in place. New CEOs for example can bring about a marked downturn in effectiveness and create tensions between boards and management, particularly when new CEOs or managers introduce changes. Organisations are also often responding to election and budgetary cycles rather than community aspirations and need. Boards can become fixed in ways of doing business that are not necessarily productive.

In evaluating governance systems, Mr Scott suggested:

> The measure of governance systems are credibility and legitimacy, both in your eyes and the eyes of your stakeholders. Be they governments, members, your constituency, colleagues, shock jocks or the media, whether they are hostile or not…All this is risk and you must constantly undertake analysis of risk and adjust accordingly…I think we have to do a little bit of future planning, identify where we want to get to and work out how we're going to get there.

As one participant noted in later discussion, for many Indigenous peoples, the internal 'test' of legitimacy and sustainability in the links between economic development and governance involves coming up with answers to a set of difficult questions, many of which call for future-thinking and research.

7.6. Identified research topics for organisational governance and nation-building

A number of often overlapping research topics were identified in the Background Paper, Forum and Survey concerning organisational governance and nation-building as follows.

Organisational governance

- organisational roles and responsibilities, for example, of CEOs and Directors beyond legislation and compliance
- legitimate and effective mechanisms for decision-making, accountability, representation and communication
- building relationships between governing members, management and staff
- corporate financial governance
- the impact of cultural planning in implementing principles of effective governance
- identifying, articulating and maximising Indigenous values across all areas of organisational governance
- models that enable economic development for individual enterprises and families
- how governance arrangements contribute to, or impede, sustainable economic development

- factors in business and enterprise success
- 'eGovernance' and communication strategies
- tracking the governance role of influential individuals, the impacts of changes in leadership and succession on group viability and the relationships between knowledge, behaviours and skills.

Decision-making, consensus-building and dispute management

- modes of decision-making related to the range of governance arenas
- alternative strength-based processes for community facilitation of decision-making and dispute management including who gets to speak and why
- dealing with complaints about governance in a range of contexts
- the relationship between decision-making and disputes
- instructive dispute management clauses for organisational Rule Books
- the histories and meanings of Indigenous disputes
- culturally-based mechanisms for managing disputes, including providing the conditions for resolution of entrenched disputes about group identity
- cost benefit analyses of facilitation processes and local dispute resolution services
- the impact of disputes on governance-building.

Nation-building

- maximising self-determination over the long term to assert governing power as a political body
- developing local, regional and national roadmaps for self-determination, including how Indigenous leaders might become politically organised
- the meaning of nation-building, including in the absence of a government-to-government relationship
- the kinds of nations or communities to be built for future generations
- regenerating culturally-based ways of being on land
- processes by which fragmented Indigenous peoples come together to make claims, assert governing power, engage in institution-building and interact with government
- incorporating Indigenous social and emotional wellbeing outcomes in governance approaches
- governing cultural information management including local and regional archives.

8. Indigenous Governance Research Initiatives

The Survey revealed a small but growing body of Australian research into governance and a positive trend over the last decade towards comparative and longer-term research projects in partnership with Indigenous people.[52] There has also been a growth in the use of multimedia technology and websites by researchers, organisations and agencies to collate common-access research data and practical resources about Indigenous Australian governance.

Current initiatives include university-led research, in some cases funded by the ARC and in collaboration with other national and international partner universities, community-led research and research conducted by Indigenous peak organisations. Research topics vary broadly, ranging from Indigenous governance and nation-building to organisational and industry sector governance, leadership and capacity-building (see Appendix A).

Overall, as the Survey and Forum identified, there is a need for approaches to governance research beyond descriptions of Indigenous disadvantage in a deficit discourse, and critiques of central government policy. Such approaches, as one Survey respondent commented, have not led to lasting, positive changes in policy. Neither have they provided Indigenous peoples with information which is instructive when considering options and planning, deciding what to do, or effectively transmitting 'relevant and transferrable lessons' that 'have the potential to provide direction and optimism and contribute to sustainable effective governance'.

Although governance research activity is growing in Australia, much more is needed to provide longitudinal and comparative data in accessible publications. A number of specific research topics are identified in the relevant sections throughout this report. Forum participants also noted the need for generalised research such as updated Indigenous governance bibliographies and research which understands the overarching dimensions of Indigenous governance 'to influence actions, to grant power and to verify performance'.

Forum presentations around governance research were made by:

- Dr Lisa Strelein (AIATSIS)
- Dr Alison Vivian (Jumbunna Indigenous House of Learning, University of Technology Sydney)

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[52] This research sits alongside a larger body of research that has been conducted with and by Indigenous peoples in the USA, Canada and New Zealand, some of which is usefully summarised in Dodson, 'Opening remarks: Common Roots: Common Futures: Indigenous Pathways to Self-determination'.

- Mr Matthew Campbell (Tangentyere Council Research Hub and Charles Darwin University (CDU))
- Ms Chrissy Grant (AIATSIS Research Ethics Committee).

8.1. Australian Institute of Aboriginal and Torres Strait Islander Studies

> *How can we establish a Yawuru, Noongar or Baldulgal corpus of legal and philosophical traditions to reference and use regularly not only within Indigenous spheres but also incorporated into contract development?*
>
> Lisa Strelein

Dr Lisa Strelein, Director of Research at AIATSIS, emphasised the unique way that AIATSIS conducts research with an action research partnership methodology that applies a broad understanding of governance as it occurs in a diversity of arenas including native title, land and water and the corporate world.

Through working closely with academics, policy makers and Indigenous people, AIATSIS focuses on issues that are important to Indigenous communities and translates those concerns into policy and practice. AIATSIS has convened regional and national forums for a range of sectoral interests to discuss strategies of success and examples of failure. Through its methodology of workshops and partnerships, AIATSIS has been able to build long-term relationships with Indigenous communities and foster institutional relationships, which provide the foundations for effective research partnerships with a range of collaborators.

AIATSIS has a long history of researching Indigenous governance within a variety of contexts across Australia in remote, regional, and national settings (see Appendix A). Over the last 20 years AIATSIS has worked on governance issues particularly through its Native Title Research Unit (NTRU), which was established by Aboriginal and Torres Strait Islander Commission (ATSIC). Its research foci have included the engagement of Indigenous people with governments and departmental staff, decision-making processes within the Australian Public Sector, the facilitation of Indigenous decision-making and dispute management, agreement-making, partnerships, human rights and property law.

Over the last six years, in close collaboration with the Native Title Representative Body (NTRB) sector, NTRU research has concentrated on the needs, aims and aspirations of RNTBCs (as noted earlier, often referred to as PBCs) in the post-determination environment, including issues such as corporate design and taxation. RNTBCs are the main point of contact for external stakeholders as authorising entities for native title holders, and could play a vital role in the governance of their

region, including in dealing with environmental issues and local government planning.

In discussion following this presentation, Dr Strelein noted that AIATSIS has provided opportunities for RNTBCs to learn in conversations amongst each other from those who have 'gone through the hoops' regardless of whether they have succeeded or failed.

AIATSIS is currently holding a series of discussions with stakeholders to strategically work on future research priorities that incorporate its vision of a world in which Indigenous knowledge is recognised, respected and valued. In relation to Indigenous governance, AIATSIS is considering ways in which spaces might be created for Indigenous knowledge and legal and cultural traditions to be expressed in institutions, structures and the governance of organisations locally, regionally and Australia-wide.

Dr Strelein also noted that research is not impact neutral and that Indigenous communities need to have the capacity to host and invest in research. Many communities are however dispersed and difficult to access. She commented that there is the potential for AIATSIS to utilise its established relationships with RNTBCs and other organisations to assist in brokering research agreements and governing the resulting contracts.

8.2. Jumbunna Indigenous House of Learning, University of Technology, Sydney

The challenge lies in sustaining an effective governance environment to meet Indigenous nations' self-defined ambitions.

Alison Vivian

Dr Alison Vivian from the Jumbunna Indigenous House of Learning at the University of Technology Sydney described two ARC projects in which she is or has been involved.[53]

The first of these projects, 'Changing the conversation, rediscovering Indigenous governance' (2010–14), researched 'the political governance' of Indigenous nations and communities. Differences and similarities were identified in comparing Gunditjmara and Ngarrindjeri governing structures and approaches. Both nations,

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[53] The PowerPoint presentation for this session is available online: <http://aiatsis.gov.au/sites/default/files/docs/presentations/vivian-2014-changing-the-conversation-indigenous-government.pdf>.

while structurally different, promote self-government to achieve nation-identified goals in gaining control over processes that they have experienced as dominant and imposed. Both also emphasise capacity-building focused on developing effective and legitimate governing structures and processes.

The current project 'Indigenous nationhood in the absence of recognition: self-governance strategies and insights from three Aboriginal communities' (2015–18), which is being conducted in partnership with three Aboriginal nations (Gunditj Mirring Traditional Owners Aboriginal Corporation, the Ngarrindjeri Regional Authority and Wiradjuri individuals and groups) and across seven universities,[54] builds on the first. It aims to contribute to an emerging theory on Indigenous nation-building, by researching and sharing lessons on sustainable and effective Indigenous governance, developing an effective Australian network for sharing strategies and testing an emerging set of tools that support Australian Indigenous nation-building.

In discussion following the presentation, Dr Vivian was asked about the overall governance aspirations of the nations under discussion and how this relates to the management of country. As is also the case with many RNTBCs and noted earlier in this report, Dr Vivian replied that they aspire to exercise responsibility and fulfil obligations to country and to their people; to control 'everything' that occurs on their country. This ranges from cultural, social, economic and political matters internal to the nation to external partnerships and service delivery. She noted that comments such as 'We want control over country, we want our own government, we want the lot' are common. She also noted that the challenge lies in finding resources to support and sustain such a governance environment, which is why the Gunditjmara and Ngarrindjeri aim for economic independence and to develop sustainable businesses, using natural resource management and cultural heritage as leverage to work towards these aims.

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[54] A Vivian, 'Changing the conversation: rediscovering Indigenous government', PowerPoint presentation, 2014, viewed 17 February 2015, <http://aiatsis.gov.au/publications/presentations/changing-conversation-rediscovering-indigenous-government>.

8.3. GroundUp

> *GroundUp is about making Aboriginal and western governance systems both visible.*
>
> Matthew Campbell

Mr Matthew Campbell is the Researcher Coordinator at the Tangentyere Council Research Hub in Alice Springs and a University Fellow at CDU.[55]

In these capacities Mr Campbell is involved in GroundUp, which is comprised of a 'group of researchers, educators, academics, artists, intercultural facilitators and consultants who have lived and worked for many years in remote Indigenous communities, as well as with CDU, government departments, NGOs and Indigenous organisations'.[56] GroundUp works collaboratively and 'both-ways' from the 'ground up' with people and organisations in remote Aboriginal communities. Its aim is to explore the role and practice of research and researchers within the 'Contemporary Indigenous Knowledges and Governance' group at the Northern Institute based at CDU (see Figure 8).

GroundUp works with Indigenous academics and cultural authorities to engage distinctive Indigenous methodologies and is committed to the professionalising of Indigenous researchers and consultants. The work can involve GroundUp researchers being cast as cultural brokers and streamlining information flow between tiers of government around the management of local issues. At other times, the researchers may find themselves as 'active participants' in governance focused on competitive markets in which Indigenous lands and cultural practices may play a part. GroundUp research also considers governance technologies and impacts upon governments and provides ongoing mentoring.

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[55] The PowerPoint presentation for this session is available online: <http://aiatsis.gov.au/sites/default/files/docs/presentations/campbellm-2014-ground-up-governance-leadership.pdf>.

[56] GroundUp, *GroundUp*, n.d., viewed 12 January 2015, <http://www.cdu.edu.au/centres/groundup/>.

Figure 8: Guiding principles for the Indigenous Governance and Leadership Development Project. Provided by Matthew Campbell (GroundUp)

The Tangentyere Council Research Hub was established in 2002 to enable Aboriginal people living in town camps to provide feedback about alcohol restrictions in Alice Springs. It has since undertaken a range of research projects aimed at 'making a difference'. Collaboration with the Northern Institute to explore governance and governmentality is allowing the Research Hub to articulate its research theories and practices and place them at the centre of the research process.[57]

GroundUp and the Northern Institute at CDU fostered the 'Indigenous Governance and Leadership Development Project' (2013–15), which is conducting research in five Northern Territory communities (Wurrimiyanga on Bathurst Island; Ramingining, Milingimbi and Gapuwiyak in Arnhem Land; and Ntaria in Central Australia). Funded by the Australian and Northern Territory governments, it is governed by a steering committee of government representatives.[58] The researchers aim to find ways to

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[57] Northern Research Futures Collaborative Research Network, *A northern perspective: CRN northern Australian development conference 2014*, Charles Darwin University, 2014, p. 5.

[58] The steering committee consists of Peter Gamlin (NT Department of Community Services), Avinash Clarke and Wendy Miller (PM&C), David Janis (Local Government Association of the NT

involve Indigenous community members, governments and other stakeholders in the success of the research so they are not simply operating at arm's length and are accountable. The project has two phases: an introductory or knowledge-making phase and a current second phase, where they have started working on concrete initiatives that community members have identified as priorities, and around which they want to collaborate. Research interests include questions of evidence and accountability, ethics and agreement-making in the changing policy settings, the differences between leadership and governance, and the complex governmentalities of Northern Australia.

The project aims to better understand Aboriginal and western governance systems and arrangements – articulating the Tiwi way, for example, as 'sets of knowledge and governance practices which are important to strengthen and sustain'[59] and to develop new ways of supporting and growing knowledge and skills in governance and leadership. Its research case study methodology is to approach the meaning of 'governance' as it emerges in the communities with whom they are engaged and to work on the problems people are confronted with rather than on 'governance' as an abstract issue. Current activities include:

- working with Gapuwiyak in setting up a number of small organisations
- institutionalising traditional agreement-making structures and practices into local boards on the Tiwi Islands
- devising and documenting Aboriginal research in Alice Springs town camps
- collaborative community management of remote Indigenous businesses – for example, aqua cultures work with Warruwi Island (Croker Island)
- developing local cultural mentoring programs for better health outcomes and improving cultural security for doctors and health staff.[60]

In discussion following Mr Campbell's presentation, questions were asked about GroundUp's interactive research methodology and how it arrives at agreed outcomes and results in light of its organic approach. He noted that, while the process has flexibility, accountability is critical, as researchers work in multiple ways with the

(LGANT)); see also J Cathcart, T van Weeren, A Nicholls, M Campbell, J Nasir, M Christie & R Wallace, *Stage one report 2013–2014, Stage two plan 2014–2015: Indigenous governance and leadership development project*, GroundUp Northern Institute, Charles Darwin University, Darwin, 2014, p. 84, viewed 12 January 2015, <https://www.cdu.edu.au/centres/groundup/igld/wp-content/uploads/2014/12/IGLDP-Stage-1Report_Stage-2-Plan-April-2014-for-SC.pdf>.

[59] Northern Research Futures Collaborative Research Network, *A northern perspective: CRN northern Australian development conference 2014*, p. 18.

[60] GroundUp, *Trial community-based cultural mentoring program*, n.d., viewed 12 January 2015, <http://www.cdu.edu.au/centres/groundup/ntgpe.html>; C Keller, 'Notes taken from conference presentation "Research into Indigenous Governance and Governmentalities" by Michael Christie, A Northern Perspective', ANU, Canberra, 2014.

community and the steering committee and government, with a considerable exchange of information.

Published materials are approved by the steering committee and the community more broadly. Mr Campbell commented that GroundUp's government funding is speculative, not seeking pre-determined outcomes, and has been obtained as a result of the academic standing of his colleagues, who have worked for more than 40 years in Indigenous communities.

8.4. AIATSIS Research Ethics Committee

> *…ethics is about educating people; about doing things ethically and properly from the beginning. It's an ongoing process; you can gradually inform and change practice…*
>
> Chrissy Grant

Ms Chrissy Grant, Chairperson of the AIATSIS Research Ethics Committee, discussed the *2013 Guidelines for ethical research in Australian Indigenous studies (GERAIS)*.[61]

These guidelines help ensure that the community fully participates in decision-making about research projects, that the project incorporates Indigenous perspectives, that information and research outcomes are negotiated between the parties and that communication is two-way between researchers and communities. She noted the need for equal benefits for researchers and Indigenous communities arising from research projects – academic kudos for researchers, for example, and community benefits such as social wellbeing and economic benefits for Indigenous groups.

Under *GERAIS*, free, prior and informed consent to research must be clearly demonstrated so that communities know what is expected of them. In discussion Ms Grant noted that 'ethics is about educating people; about doing things ethically and properly from the beginning. It's an ongoing process; you can gradually inform and change practice.'

Ms Grant also noted a dilemma in government consultation processes when government is talking to, gathering information from, and using the intellectual property of Indigenous people outside of any ethical framework (other than that of the APS in the case of the Australian Government).

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[61] AIATSIS, *Guidelines for ethical research in Australian Indigenous studies*, AIATSIS, Canberra, 2012, viewed 17 February 2015, <http://aiatsis.gov.au/research/research-ethics/guidelines-ethical-research-australian-indigenous-studies>.

Ms Grant recommended that government consultations should be seen to constitute research projects and undertaken according to the ethical guidelines in *GERAIS*. In 2013 the Australian Government's Department of the Environment officially endorsed *GERAIS* to be adopted for research projects in the environment and heritage area. AIATSIS has also promoted *GERAIS* to PM&C. The PM&C benchmark for effective research was described in the Survey as follows:

> The criteria for research in the area of Indigenous governance are not different to other areas of Indigenous research. PM&C's benchmark is that all fieldwork and other research has a clear purpose, uses all available existing evidence, is respectful, ethical, robust, gains the permission of community, employs participatory research techniques and shares research outcomes (through feedback loops).

Participants noted a range of ethical issues which can arise in community engagements including: the number of meetings people are required to attend with governments; whether they have consented to meetings going ahead; whether they can say 'no' to any of the myriad of demands on them; and how to deal with external needs and accountability. The lack of understanding of information and the manner in which it is provided were also raised as ethical issues, particularly in areas of low levels of literacy and where English is not spoken as a first language.

9. 'Decolonising' Collaborative Research Methodologies

The question 'What kind of collaborative research needs to be done?, which was asked in the Survey and subsequently discussed at the Forum elicited a robust response focusing on the way collaborative research should be done – rather than respondents and participants providing lists of research topics. Their responses raised issues such as Indigenous-led research, the methodologies and subjectivities of individual researchers, and the meaning of ethical collaboration.

In discussion at the Forum these terms invoked discussion around the meaning of 'decolonising research methodologies' and many emphasised the need for research to be based on 'real-life' issues, and to reflect broader principles. At the same time, misgivings were expressed about overgeneralising research in that 'sometimes research can be so aggregated that it loses its value'.

> *Who asks the research question? If you're doing collaborative research, then surely it's about co-designing the research question.*
>
> Forum participant

Forum participants noted that the development of an ethical collaborative research methodology raises issues about the false dichotomy between 'applied' and 'pure

academic' research, which suggests that 'applied' research is somehow lacking in integrity. The Forum noted that all research is a political endeavour, neither resource- nor capacity- or impact-neutral:

> Knowledge production is a political act…So, the other things flow out of that…the co-design, impact, and value…all those things come from that…if you are engaging in research without recognising the political nature of research, you assume it's neutral, then you get valueless research. Because it doesn't add anything…it doesn't recognise the political act…

Neither can research be value-neutral, as all research views are influenced by paradigms of the time and bring with them the subjectivities, ideas and views of individual researchers. Applied researchers may also play roles in increasing the visibility of community perspectives, supporting these perspectives and seeking to build relationships with governments: '[research] can support organisations and allow people to push back against government to say if you want this to be effective, listen to our voices. Government are big players. We need to develop relationships with them.'

This is not to say that research has to always be 'practical' or directed at influencing policy. But it was widely acknowledged in the Survey and Forum that to attract government funding for research with Indigenous groups and for Indigenous people to agree to research the practical benefits of the research usually have to be demonstrated.

Today, many Indigenous groups are negotiating their own research agreements and prioritising the governance issues they want researched. Increasingly, such research is being conducted within a framework of

> *Practical solutions also require philosophical grounding.*
> Forum participant

partnerships and applied action-learning, a form of systematic inquiry involving the practical application of evidence to real-life problems. An action-learning research approach allows for informed change, and at the same time is informed by that change. It has led to innovative methodologies and collaborative research partnerships, where research is able to make practical contributions to Indigenous governance priorities and initiatives.

9.1. What does ethical Indigenous governance research look like?

As a result of their experiences of research which has not followed ethical principles, many Indigenous people and often those employed in Indigenous organisations are suspicious of research. For Forum participants and Survey respondents, ethical research must add value and benefit for all research partners by ensuring:

- 'a balance of tangible and non-tangible outcomes' for Indigenous peoples, and the research and policy communities
- recognisable and 'immediate' benefits and changed practices as new insights are shared through action research
- rigorous research results that contribute to understandings of 'ourselves' as human beings and provide practical pathways for sharing experiences among Indigenous peoples
- clear, transferrable outcomes which can be pragmatically implemented within the capability of Indigenous organisations and the constraints faced by governments
- additional resources and understandings for on-ground governance-building initiatives that will be of value in the Indigenous quest for self-determination and self-government.

In order to achieve these outcomes, collaboration between researchers and Indigenous people is essential, including building the relationships that are necessary to design and obtain permission for the research in the first place. One participant commented that research requires 'the awareness of and education about the research proposed…and making sure the relationships are there before the research even begins…so from the outset of the research process the community owns part of the outcome'. This might also mean Indigenous involvement in designing the research questions:

> …research is designed to produce knowledge. Therefore, in the production of knowledge, it's the nature of the question you ask – what you frame as the problem – who is researching – all those things come out of it…It's also about communities setting the guiding principles.

In summary, the Survey and Forum suggested that an ethical research methodology should:

- be independent, objective, multidisciplinary and comparative
- led by Indigenous peoples as equal participants, decision-makers and owners of the research from conception to dissemination of results, including identifying the preferred researchers, particularly for case study and in-community work
- address real-world issues
- involve honest critical self-appraisal on the part of all research partners
- produce ethical research plans.

The Forum and Survey also suggest that ethical research methodologies require research plans that:

- involve free, prior and informed consent to the research at its commencement and throughout the research process and to the subsequent use of information by the researcher and the group
- involve co-designed research questions
- are set in timeframes agreed to by all, including timeframes to meet the accountability requirements of Indigenous governing committees
- are systemic, exploring aspects of Indigenous governance in relation to the broader system
- are policy-engaged, have 'influence' strategies and are 'cognisant of the relevant political and environmental factors'
- ensure strengths-based approaches and capacity-building opportunities while the research is occurring
- clearly set out the research agenda and methodology including processes holding the researcher responsible for knowledge transfer and the dissemination of information and findings
- ensure research outcomes are translated into practical resources and tools for Indigenous people to use
- contain communication and conflict management strategies involving the broader community – 'not all individuals in the community may be on board; and not all relevant organisations in the community or region may understand what research is or why it is important'
- supplement existing research, as opposed to 're-trawling well-covered old ground'
- understand and apply a nation-building framework before 'testing organisational outcomes or conducts'
- incorporate 'rigorous measurement of governance performance' to enable identification of 'reliable and valid causative links between particular practices and approaches and the resulting governance outcomes'
- return the results of the research with effective communication strategies.

The Forum and Survey identified that returning research results by using effective communication strategies has three components in an ethical research methodology:

- innovative modes throughout the research process that translate research results into commonly understood insights that are widely disseminated
- easily understood wording so that Indigenous people know the challenges of the outcomes for governance and can 'learn and progress'
- bridging the gaps between the theoretical and practical, and between mainstream rhetoric and practical relevance.

9.2. What makes an effective ethical and collaborative researcher?

The individual subjectivities of researchers, their communication skills, capacities, experience and their relationships with communities were repeatedly highlighted in the Survey and Forum as being critical to the success of ethical governance research:

> The researcher doesn't just come and suck it out of us. It needs to come from the people who are going to be researched. People identify the researchers. The good ones, they share them around. People who have respect they can come in and out without any disruption.

Respondents identified as a major issue that some researchers don't appreciate or engage appropriately with the complexities of issues or do not have the capacity to collaborate – including transferring skills and creating opportunities. In particular, they may not share information and may be competitive with other researchers and research institutions: 'We complain about government not talking to each other but researchers also protect their turf and don't look over the fence.'

Researchers do face a number of challenges in meeting the expectations of communities, including in building the relationships which are suggested as essential to success within often strict time restraints and insufficient funding:

> If you think about the kinds of research that goes on, from our perspective, we're sick of researchers who roll in and roll out of communities. The researcher usually is under pressure with deadlines – so, there's no long-term relationship with the community to think about the big-page issues…fly-in fly-out research is not the business.

The Survey and Forum identified a number of qualities and capacities of an effective researcher including that he/she should:

- respect Indigenous knowledge and engage local knowledge authorities
- 'hang', listen, learn and 'tread lightly', 'walk with and alongside groups, respond[ing] to and incorporat[ing] their perspectives', and be dexterous, intellectually honest, independent and non-judgemental
- build trusting relationships with all stakeholders and partners 'that allow for disclosure of confidential and sensitive information about meeting procedures etc.' and be deeply engaged with communities preferably over a long period of time
- be sensitive to political and cultural issues and to 'the work needed on the ground' and negotiate these with experience and authority
- analyse the complexity of challenges within communities including mapping and unpacking governance in communities which are not functioning well

- collaborate effectively and be rigorous in research methodologies
- know the context and sector, including being well informed about policy and able to communicate within the sector helping to influence outcomes
- develop research informed tools which 'hit the mark' and translate research into good training and outcomes
- pursue funding that is completely 'left field' and flexible to meet community needs
- know governance models in different places including strengths and weaknesses and 'helicopter out to extract the key insights and policy lessons'
- understand his or her responsibilities as change agents and the changing political contexts of Aboriginal life
- appreciate that being trained in western systems can result in the privileging of western thinking
- be 'fair and honest with staff of the organisation they are dealing with', avoiding 'favouritism or nepotism', and maintaining independence while being inclusive ('external researchers risk either becoming drawn in and therefore vulnerable, or remaining aloof and therefore insensitive')
- manage confidentiality and sensitive information while ensuring group-focused information
- recognise that entire committees are eligible to be involved in policy decision outcomes, not one or two individuals.

9.3. Collaborating in ethical research

In research collaborations, researchers are thus faced with many challenges and expectations, not only in collaborating with Indigenous people, but also in meeting the ethical requirements and managing the expectations of a range of research partnerships.

Collaborative research was seen by the Survey results and Forum as often being a multi-partner process involving Indigenous communities and organisations, researchers, NGOs, governments and private companies. The involvement of third parties such as governments and companies was seen to be essential if research is to provide traction and influence policy. As one participant noted:

> There is usually a three cornered contest in Indigenous research. The first two corners are research and community – this relationship can be worked out using ethical protocols. But then there is the third corner – a third party, whether it's government or a mining company – and they constantly fail to deliver. Bringing that third party into the process and collaborating with them is something we don't pay enough attention to. It's about 'relational contracting' and setting up good relationships of trust and engagement.

An example of successful research collaboration was described to the Forum as follows:

> We're involved in a project with the Natural History Museum in France. …What's happened in that process is that we've involved communities – and communities themselves skill-up in various ways around doing research. They engage with the archive that they develop. They contribute to the exhibition in various ways, which are often around cultural knowledge, stories, song, dance…They then become part of the publication [and] it generates income that can be [used] for cultural knowledge transmission in the community.

In summary, it was suggested that a collaborative framework for research asks all partners to work together in an ongoing discussion about:

- the way research is framed, designed, undertaken and used
- the local research agenda
- what kinds of data are needed
- how that data can best be obtained
- who owns the data
- how the application of research findings can add value to local governance initiatives.

Such a collaborative research framework should enhance the conditions for effective Indigenous agency:

> The purpose of the research should inform the collaboration, so that the people who want input to the output of the research should be involved in the collaboration. In every instance, if it's research for Indigenous people, the Indigenous people should be involved and should inform and educate the research.

9.3.1.   Challenges to ethical research partnerships

Creating the kinds of strategic research approaches discussed above has several significant challenges. It means, as Survey respondents and Forum participants suggested, dealing honestly with the structural, funding and policy constraints on each of the research partners, and maintaining the independence of research findings, while also building trust and relationships – 'with trust in a relationship, comes responsiveness'.

> *In harder areas with conflict, you get less research done because it's more difficult to work through the barriers [to permissions].*
>
> Forum participant

It was suggested that at the commencement of any research project the constraints on researchers and partners, how Indigenous people and other partners involved will work together, the purpose of the research, and how the research will benefit all partners need to be clearly identified. Such discussions will need to be ongoing and

will require building relationships and trust not only between individuals but also between institutions to ensure the accountability of all partners.

There are also issues around obtaining free, prior and informed consent to research which require frank and fearless discussions amongst all partners, including how research findings are to be represented and how their independence can be assured given their potential impacts on communities. In obtaining free, prior and informed consent to research, it was suggested that in the first place there is a need to ensure that Indigenous communities understand what research is and how they might benefit from specific research projects.

The Survey identified a challenge for research in its potential to impact upon funding arrangements, by publicly exposing the 'adaptive agency of frontline workers' to unfavourable scrutiny. Similarly, governments are often unwilling to have research conducted into their own governance processes.

A range of other often highly sensitive issues were raised at the Forum or through the Survey which are all worthy of further consideration. They can be loosely described as 'process' issues that raise particular ethical and practical questions. The politics of Indigenous representation, for example, can restrain the integrity of the research, if products have to be cleared by communities and content negotiated. While 'Indigenous led', 'community-driven' and participatory research (including expectations for building research capacity through employing Indigenous people as research assistants or co-researchers) were repeatedly mentioned as best ethical practice, it was also acknowledged that such approaches have to be well considered, as they can be fraught with ethical and local difficulties. Perspectives in communities, for example, are not all the same. Authority over research can be dispersed and contested, and communities may not be 'research ready'. As one participant noted, 'the decision-makers involved may not speak for all the community, some of whom may or may not be interested in a research project.'

> *Before you even think about what collaborative research is, I think you should ask what research is, and how does it operate in our context? Who funds research, and for what purpose? Who is setting the priorities?*
>
> Forum participant

The negotiation of consent to research can thus be difficult:

> One of the things that is interesting with research is how to build capacity around managing conflict in the community. First we have to get peoples' consent and agreement to participate in the agreement-making process to have discussions that they don't want to have…And then, we're saying 'what about this idea of doing research'. Often the researcher doesn't have the freedom or flexibility to set research priorities…it's about key performance indicators and everyone has their constraints.

The governance of multi-partner governance research projects can itself be vexed, particularly if projects have numerous stakeholders and a long timeframe. Issues associated with the sharing of information among researchers, institutions and Indigenous communities inevitably arise. From a community perspective, as one participant noted, 'If communities want to get data about their community that government holds that can be very hard – information sharing doesn't often happen within [or outside of] government.' From a government program perspective, as one government employee participant commented:

> How do we share the learnings with other groups when we don't want to share them without consent? At the moment, government holds a lot of information. We want the traditional owners to hold that, to share that. But, it's quite difficult in a conflict situation to facilitate that. We're trying to do that, but there are challenges there.

Other challenges in the governance of ethical and collaborative research partnerships were identified through the Survey. These included differences in approaches and understandings of the partners and stakeholders in:

- conceptual expectations about what constitutes Indigenous governance
- emphases given to governance theory and governing practice
- political and emotional sensitivities at a range of scales ('governance matters' and 'partners may understandably be emotionally volatile')
- ideas about what is being tested or researched given the diversity of Indigenous governance levels, sectors and institutions.

Further challenges for collaborative governance research projects lie in maximising Indigenous involvement when there is:

- an under-representation of Indigenous people in the research workforce
- already 'over-consultation' of Indigenous communities
- a need to find ways to promote the development of young Indigenous scholars' skills and capacities, often in the absence of funding to do so.

10. Indigenous Governance Training and Practical Resource Initiatives

The Survey and Forum identified the need for capability strength-based and participatory developmental approaches to Indigenous governance, including tools and training to ensure resilient, sustained governance. There is a small but growing field of support and capacity-building for Indigenous governance through courses, workshops, mentoring and coaching programs and tools. Some noted the importance of the timely translation of research into governance-building initiatives and practical tools and training to support Indigenous organisations and communities: 'by the time

research findings come to me, they're out of date.' The transitional phase from research to the development of practical tools was also seen to be often absent from many research plans, or else uncoordinated.

At the Forum, representatives from training institutions, government regulatory bodies and peak Indigenous organisations presented their current projects, practical resources and training opportunities. Presentations were made by:

- Mr Anthony Beven, ORIC
- Mr Murray Coates, AILC
- Ms Robynne Quiggin, AIGI and Ms Phoebe Dent, RA
- Ms Philippa Pryor, The Aurora Project
- Mr David Jagger, APO NT.

10.1. Office of the Registrar of Indigenous Corporations

In the 2013/14 financial year, ORIC delivered training to 1,015 people from 194 Aboriginal and Torres Strait Islander corporations.

Anthony Beven

The Registrar of Indigenous Corporations, Mr Anthony Beven, noted ORIC's primary role as administrator of the CATSI Act in registering and offering support and training to the 2606 registered Aboriginal and Torres Strait Islander corporations and approximately 188 registered native title bodies corporate. He commented that the number of organisations registered has grown significantly at the same time as the ORIC budget has faced a significant reduction from $11.1 million in 2007 to $8.5 million in 2014.

One of ORIC's key functions is public education about the CATSI Act as well as offering several support services and training programs. Whilst Mr Beven acknowledged the wide range of community governance needs, ORIC's focus rests on corporate governance. Education for organisations registered under the CATSI Act is provided free of charge (including training, travel and food costs). Currently ORIC offers two nationally accredited courses: a Certificate IV in Business Governance and a Diploma in Business Governance, specifically designed for Indigenous people. It also offers a suite of non-accredited training that can be tailored to meet the specific needs of organisations and their time constraints, including training for new directors and programs for remote areas as well as access to *pro bono* legal advice. Training specifically aimed at RNTBCs is being developed and it is intended that it will be informed by a meeting of the chairs of RNTBCs. An independent director's portal, which consists of an online recruitment tool that advertises and matches individuals and organisations, is in development.

In discussions later in the workshop, some participants noted that in recent times ORIC training materials have been designed to be useful, hands-on and practically relevant, including decision-making processes, dealing with difficult people and understanding financial figures.

10.2. Australian Indigenous Leadership Centre

> *…there must be a way for agencies involved in governance to coordinate their work [including] providing an avenue for follow up to training to cement processes.*
>
> Murray Coates

The General Manager of AILC, Mr Murray Coates, provided an overview of its education pathways, consisting of accredited and non-accredited training ranging from introductory leadership courses to an advanced diploma in Indigenous leadership, with a matrix suitable to all levels of prior education.[62]

Through initial non-accredited courses Indigenous people can initially experience the meaning of leadership, progressing through certificates II and IV courses to become fully accredited as leaders if they wish. Discussions about an advanced diploma degree course leading to a masters and PhD are underway. All AILC facilitators are Aboriginal or Torres Strait Islander people and student support officers play a key role in guiding students to completion.

Mr Coates identified the nexus between effective governance and leadership training and development, noting that leadership begins with the development of individual skills and learning how to 'lead oneself' and is required in many contexts – whether on a national stage or within the family or community.

The certificate II course is designed to help people to find their own goals and pathways with AILC and then AILC aims to provide the skills and tools to realise them.

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[62] The PowerPoint presentation for this session is available online:
<http://aiatsis.gov.au/sites/default/files/docs/presentations/murray-2014-ailc-pathways.pdf>.

Mr Coates noted that AILC statistics show that 60 per cent of leadership course graduates were promoted within 12 months into employment with a leadership role, the average income of course graduates increased by $14,000 per year and 95 per cent of graduates are confident in stepping into a leadership role within 12 months.[63]

In discussion, the need for the coordination and follow-up of training initiatives was noted; unless training is followed up and the skills learnt practised soon after training is delivered training can be of little benefit.

10.3. Australian Indigenous Governance Institute and Reconciliation Australia

> *The Toolkit has a wealth of information with a strong research base translated into practical resources to share.*
>
> Robynne Quiggin
>
>
> *The Indigenous Governance Awards celebrate effective Indigenous governance … sharing success and showcasing how Aboriginal and Torres Strait Islander people are driving change on the ground.*
>
> Phoebe Dent

Ms Robynne Quiggin, AIGI's CEO, and Ms Phoebe Dent, Manager of the IGAs and policy at RA, presented on the IGAs and the Indigenous Governance Toolkit.[64]

The goal of the IGAs is to identify, celebrate and promote effective Indigenous governance. The IGAs are about sharing the successes of Aboriginal and Torres Strait Islander communities and organisations around Australia and showcasing how Aboriginal and Torres Strait Islander people are driving change on the ground. At the time of the Forum, the IGAs, first held in 2005, were in the midst of the sixth annual awards, with a record number of 113 applicants. According to the judging panel, the number and quality of the organisations applying for the Awards improves each year. This is a small but important indication of the growing depth and professionalism of Indigenous organisations across Australia, as well as an indication of the importance Indigenous organisations are increasingly placing on effective governance.

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[63] Australian Indigenous Leadership Centre, *Generation T: transformation within a generation. Annual Report 2014*, Annual Report, Australian Indigenous Leadership Centre, Canberra, 2014, p. 9.
[64] The PowerPoint presentation for this session is available online: <http://aiatsis.gov.au/sites/default/files/docs/presentations/dent-quiggin-2014-governance-toolkit.pdf>.

The Toolkit is a free online resource that supports individuals, communities and organisations engaged in Indigenous governance. Based on research from the ICG Project conducted by Drs Diane Smith, Janet Hunt and Will Saunders at CAEPR in partnership with Mr Jason Glanville and Professor Mick Dodson from RA, the Toolkit evolved as a way of translating research findings into practical resources, and sharing and applying them. The Toolkit was launched in 2010 and is subject to ongoing updating and revision. At the time of the Forum, it was in the process of transitioning from the RA website to the AIGI website, with AIGI responsible for ensuring its currency and accessibility.

The Toolkit contains a wealth of information, which is divided into nine topics:

- understanding governance
- culture and governance
- getting started
- leadership
- governing the organisation
- rules and policies
- management and staff
- disputes and complaints
- nation-building and development.

The Toolkit has a range of downloadable practical resources such as self-evaluation checklists, worksheets and templates such as those relating to policies or meeting agendas. There are case studies of IGA applicants, with video interviews and stories of finalists providing examples of governance success and experiences.

In following discussions, the usefulness of online tools such as the Toolkit was questioned as having limited reach: 'Those people we really want to get trained as directors are not computer literate, don't have access to computers or really have no desire to be trained online.' Ms Quiggin responded that though there are many people accessing the online Toolkit, AIGI is conscious that the content of the Toolkit is most useful when delivered face-to-face. AIGI aims to maximise its capacity to deliver, by invitation, on-site through partnerships and via dedicated funding where possible.

Questions were asked about how training can be nationally coordinated to avoid duplication and whether AIGI and AIATSIS might play coordinating roles. At the same time, one participant commented on the value in having a range of training providers and a diversity of training programs providing choice and a range of access points. Ms Quiggin noted that AIGI's training and development initiatives acknowledge the diversity of need across Indigenous Australia and that AIGI focuses on working in partnership to maximise collective impact for what can be delivered.

10.4. The Aurora Project

> *…hypotheticals give participants the opportunity to share what they have done in their own communities and what's happening on the ground.*
>
> Philippa Pryor

The Training and Professional Development Manager at The Aurora Project, Ms Philippa Pryor, provided an overview of the Project's history and initiatives.[65]

Established in 2006 with funding from the then Commonwealth Department of Families, Housing, Community, Services and Indigenous Affairs (FaHCSIA), Aurora aims to meet the need for tailored native title professional development, providing short course programs to staff of NTRBs (see Appendix A). In 2012, Aurora received funding to develop and deliver a pilot program focused on managing native title for RNTBCs. Aurora runs an internship program with placements of five to six weeks and supervision being provided by host organisations which include NTRBs and native title service providers (NTSPs), AIATSIS, CAEPR and other organisations in the Indigenous and social justice sectors. It also manages several scholarships for native title professionals.

Aurora's education programs are grouped under the umbrella 'The Aspiration Initiative' and include:

- academic enrichment camps for high school students
- online listings of scholarship opportunities for Indigenous university students and a scholarships e-newsletter
- the Aurora Indigenous Scholars Study Tour to leading institutions in the United States of America and the United Kingdom
- administering scholarships for postgraduate study at leading institutions in the United States of America and the United Kingdom through the Charlie Perkins Education Trust and Roberta Sykes Indigenous Education Foundation
- bursaries for Aboriginal and Torres Strait Islander leaders to attend international executive development programs (usually for short periods of 7-10 days) available through the Roberta Sykes Indigenous Education Foundation.

Ms Pryor described a four-day pilot training program delivered to RNTBCs in Cairns and Broome in 2012, for which they received one-off funding from FaHCSIA. The

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[65] The PowerPoint presentation for this session is available online: <http://aiatsis.gov.au/sites/default/files/docs/presentations/pryor-2014-training-tools-native-title-governance-development.pdf>.

training, titled 'Understanding and Managing Native Title for PBCs', was designed to fill a serious and ongoing gap in knowledge and education services around native title rights and decision-making processes. The program, delivered by Mr Duane Vickery, Mr Angus Frith and Ms Toni Bauman, addressed the legal requirements of future acts, Indigenous Land Use Agreements (ILUAs), native title decisions, group consultation and decision-making processes under the NTA and its PBC Regulations, and had a strong focus on engagement processes and core communication skills.

The program involved the design of interactive activities including a 'hypothetical', which allowed participants to work in an imagined community and workshop and develop consultation and decision-making processes that would work for family groups. Participants were encouraged to consider who needed to be consulted and how to marry legislative requirements under the NTA and CATSI Act with elements of traditional and contemporary culture.

A suite of resources was developed for the pilot, which is available on the Aurora website and linked to the AIATSIS PBC Portal (see Appendix A). These resources are in plain English and have been reviewed by lawyers for legal accuracy. They include a glossary of native title terms, fact sheets, procedural flowcharts, questions to ask lawyers, checklists and communication tools.

Feedback from participants in the program noted that prior to the PBC training they had little understanding about the complexities of their obligations under the PBC Regulations, the NTA and CATSI Act, including who the directors of RNTBCs need to consult over what kinds of decisions. There is an urgent need for the ongoing development of resources for RNTBCs, including recent case study examples of successes and lessons learned, practical tools for the range of work they undertake (for example, templates or plain English guides to technical information) and opportunities to share and learn from each other through face-to-face forums or online. Aurora continues to explore a range of avenues and collaborative approaches to creating tailored professional development materials and programs.

In later discussions, the training providers were asked how the recognition and use of existing skills are built into training programs. Ms Pryor drew attention to the activities and hypotheticals used in PBC workshops which give participants the opportunity to share what they have done in their own communities.

10.5. Aboriginal Peak Organisations Northern Territory

The AGMP has an action research, strength-based, collaborative approach with built-in monitoring and independent evaluation of outcomes, and a strong focus to date on youth succession in Northern Territory Aboriginal organisations.

David Jagger

Mr David Jagger, Program Manager of the Aboriginal Governance and Management Program (AGMP)[66] at APO NT, described the AGMP as an outcome of the 2013 'Strong Aboriginal Governance Summit' held in Tennant Creek on 18–19 April 2013.

The Program covers the Northern Territory, with staff in Alice Springs and Darwin. It is governed by a steering committee[67] and provides governance support to remote NT organisations, though it is not exclusively remote focused. It has an action research, strength-based, collaborative approach with built-in monitoring and independent evaluation of outcomes. To date it has included a strong focus on young leaders and succession in Aboriginal organisations. Key activities include desktop research, demonstration sites, workshops and a CEO/director network involving bi-monthly teleconferences through which participants can share tips and advice.

The desktop research commenced with a survey[68] of the strengths and needs of Aboriginal organisations in the Northern Territory. More recently the Program has commissioned and had completed a major report to share best-practice models and organisational designs, especially networked governance designs. A workshop series has included guest presentations from organisations such as AIGI and ORIC, for instance, providing information about resources such as the Toolkit.

Inspirational local leaders, mostly young, have featured as presenters at each workshop, generating small-group discussion around youth succession and other key themes. At two existing initial demonstration sites (with the aim to reach four in total), the AGMP helps the organisations concerned to identify their priority governance and management needs, then works with them over 12 months to address these needs.

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[66] APO NT, Aboriginal Governance and Management Program, n.d., viewed 21 May 2015, <http://aboriginalgovernance.org.au/>.

[67] Steering committee members: three senior APO NT staff, two middle management PM&C staff, one independent expert on Indigenous governance and management, two Indigenous leaders with strong governance record (one each from Central Australia and Top End), one suitable representative from corporate Australia. Information provided by Kate Muir, APO NT intern, email correspondence with Christiane Keller, 5 February 2015.

[68] The survey report documented the answers to key questions from the first 30 organisations to respond. Since then the AGMP has worked in some capacity with well over 50 organisations, and increasing.

The AGMP also responds to organisations' ad hoc needs as they arise, including referrals to other agencies, such as the AILC or *pro bono* legal partners, and the provision of online or hard-copy governance and management resources. The AGMP continues to evolve and shape itself, and Mr Jagger called for interest in collaboration, ideas or advice from other Forum participants. A scoping report, business plan and independent evaluation will hopefully help transform the AGMP into a permanent centre for Aboriginal governance and management support in the Northern Territory with securing funding.

11. Developing and Delivering Indigenous Governance Tools and Training

Research has identified a great need amongst Indigenous groups and organisations for access to quality governance information, relevant and innovative tools and experienced professional advice to assist them in their governance initiatives. Whilst expertise and resources are expanding slowly, demand clearly far outweighs supply.

As many Survey and Forum respondents commented, training and tools must be tailored to respond to Indigenous needs, interests and cultural priorities in the recognition that 'no one size fits all' because, whilst common Indigenous design principles might be present, nevertheless 'people start at different levels and diversity'.

> *…they recognise ORIC and other tools but they say…we are different, we want training but we want it modified.*
>
> Forum participant

Designing and tailoring effective tools and training thus requires not only identifying existing capacities and competencies and building on them, but also research and engagement to 'draw out' and identify their cultural and intercultural conditions and implications for governance. This is ultimately a matter for the community to determine:

> Saying you will tailor something to a community, well that's suggesting you know what the community wants. Or, do you make your tools flexible – and built into the tool is that at a certain point you need to establish the community's cultural practices and priorities.

In establishing these interests, a Forum participant suggested that asking people about the kinds of initiatives they need to make their communities and organisations functional would be more effective than asking generic questions such as 'what do communities need around governance?'

Tools and training also have to account for the rules and regulations of the mainstream governance environment and sectors. Many recognised the challenges in marrying the community and cultural 'sides' with legal and corporate aspects of governance, with comments that their 'intertwining' is not addressed effectively. An example was given of matching the legal requirements of decision-making processes with consensus-building processes already in place in communities.

A number of participants noted that the governance training and tools on offer tend to deal only with the 'technocratic' aspects of corporate governance such as financial accountability and management and are not necessary helpful. For one Survey respondent this was because they mostly 'serve government and corporate agendas rather than address[ing] the roots of Indigenous peoples' loss and suffering'. Such approaches, he suggested, devalue and restrict room for Indigenous governance practices or Indigenous notions of authority and:

> …limit Indigenous jurisdiction, difference, and practical power;…[reducing] governance to a World Bank or international development 'good governance' list about sound budgets, good board practices, transparency, etc…instead of being about how a community can take control of its affairs and build the future that it wants for its people, for country, for coming generations – all of which demands not just good asset management and social services but real decision-making power exercised within substantive jurisdiction over lands and affairs…

Other suggestions for designing and developing governance tools and training included that they:

- are developed and trialled to progressively address short, medium and long term needs and capacities
- are flexible in program criteria and course structures
- are challenging and have the potential to lead to changed processes and provide opportunity for self-reflection and for sharing
- empower Indigenous governance traditions to allow space to critique frustrations from a position of strength
- are not 'top-down' and something to be 'delivered' to 'them'; but rather are based on research and expanding and enriching existing local practices
- 'promote a more positive picture of governance in Indigenous organisations' – 'in which they [Indigenous people] can see countrymen and women talking about how they have achieved outcomes and how they benefit them and their community'
- account for the diversity in knowledge, skills, expectations and resources of Indigenous peoples
- acknowledge and identify local capacities, needs, protocols, strengths, circumstances and limitations at the outset, not seeing them in terms of

deficits but as opportunities in the assumption that Indigenous knowledge and solutions are available and viable

- have realistic aims 'that take account of the reality of the shortage of skills (in the Indigenous community)' and are 'relevant to the everyday lives of Indigenous people'
- trigger questions for determining appropriate governance arrangements, and attending to cultural priorities in Indigenous governance so they 'work on the ground'
- are 'hands-on, graphic, re-configurable' and directed to audiences of a range of ages and educational backgrounds, including bureaucrats
- are 'plain, accessible resources capable of adaptation for specific conditions and questions'
- are industry and sector specific.

11.1. National Indigenous governance principles

One suggestion from the Forum to address the diversity of Indigenous needs while avoiding duplication was to design tools which are transferable to a range of contexts. This could take the form of an agreed set of national Indigenous governance principles and standards, informed by self-determined Indigenous identified, culturally-based values, priorities and ideologies and based on free, prior and informed consent.

Participants recognised that local groups would need to develop their own sets of principles which reflect any overarching set, given that 'they have their own protocols which are their own principles…[the national set] would need to be a flexible charter, respectful of diversity, and would set values from the beginning.'

> *So it could be that communities look at their protocols and then look at overarching principles and match the two up…*
>
> Forum participant

A set of national principles, it was said, might be based on the United Nations Declaration of Indigenous Peoples 'rather than reinventing the wheel' and informed by and informing place-based local governance principles. It was noted that the Australian Securities Exchange (ASX) has a set of governance principles[69] that could provide the basis of this work and that Indigenous Business Australia is also developing a set of investment principles.

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[69] ASX Corporate Governance Council, *Corporate governance principles and recommendations with 2010 amendments*, Australian Corporate Governance Council, 2010, p. 10ff, viewed 12 January 2015, <http://www.asx.com.au/documents/asx-compliance/cg_principles_recommendations_with_2010_amendments.pdf>.

Significantly, a number of participants insisted that sets of principles at whatever level should be accompanied by actions to implement them, including addressing training and resource needs. These could be 'identified, developed from and framed to the overarching principles'. For example, training for the role of chairperson could be framed in terms of governance principles and the principles could inform discussions about the most effective decision-making processes.

The Forum considered further challenges in arriving at a set of governance principles in that they would need to reflect multiple interrelated sets of principles and account for a range of organisations, communities, individuals, families, boards and governments. This would constitute a major applied research, training and facilitation initiative.

11.2. Conflict management and relationship-building

Many Survey respondents and Forum participants raised issues around managing conflict in Indigenous communities. Some participants noted the need for tools to deal with 'explosive situations of disagreement' or 'to unlock an impasse without corporations losing control or the ability to operate'. At an organisation-to-organisation level, there was a need to find ways of approaching the overlapping roles and responsibilities of new with pre-existing Indigenous organisations, which often leads to conflict.

One participant described the importance of conflict resolution involving the building of relationships amongst Indigenous people and facilitating informal communications about 'things that matter' in ways which are guided by principles of mediation. Another described how, in one area, Indigenous people and organisations, including medical, legal and housing associations, have formed a partnership together, with the motto: 'before we shake hands with government, we must shake hands with ourselves…we want a holistic approach to mediation.'

Developing tools and training for this kind of conflict resolution work requires building the capability of local Indigenous facilitators and mediators in mediation, facilitation and negotiation processes, supported as noted in Section 7 by a national Indigenous dispute management and decision-making service networked at national, regional and local scales. Competencies are required in identifying and exploring interests and capabilities on the ground, reality-checking and developing options, adapting 'mainstream' learnings to Indigenous contexts and setting up local and regional dispute management services which facilitate the kinds of conversations noted above.

While there is a small cohort of skilled Indigenous facilitators and trainers who have intercultural communication skills and experience and understand the range of Indigenous governance contexts, including learning styles and communication

needs, the need to equip more Indigenous facilitators and mediators to undertake these tasks is urgent.

11.3. Integrating 'culture' into governance initiatives

While 'culture' is often identified as an example of how Indigenous governance is different, there are complexities in understanding what this means across Indigenous Australia. As some Forum participants noted, Indigenous governance processes must recognise the dangers in codifying, reifying and 'ossifying' cultural practices and institutions – in making them static and contrary to the processes of adaptation and negotiation by which Indigenous peoples have survived.

The matching of Indigenous governance initiatives with local cultural interests and priorities has sometimes been represented in the governance literature in terms of 'cultural legitimacy' and 'cultural match',[70] terms which were also mentioned at the Forum. However, it was noted that such legitimacy or matching can only be successful if 'culture' is not seen as a fixed list of attributes or 'things' which can be transported into contemporary governance processes in a naïve or unproblematic way. For example, incorporating social categories which are no longer meaningful in the daily lives of Indigenous groups and communities could hinder the effectiveness of an organisation, such as governance decision-making processes built on models of patrilineal clans when there are no surviving patrilineal descendants. The broader governance environment, including legislative frameworks, can also reinforce a set of 'traditional' values which are contradictory to the contemporary intergenerational values evident in many communities and so be subject to conflict or ongoing negotiation:

> The legislative authorising environments are requiring conflicting things of PBCs…the approach to proving native title requires the demonstration of links with the past, but then moving into managing the native title, you need a dynamic situation that is tolerant to disputes….a too slavish adherence to cultural decision-making inhibits your processes, and you come unstuck.

As was noted at the Forum, integrating 'culture' into Indigenous practices and tools can also mean constructively reconciling differences in perspectives about what a

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[70] S Cornell, 'The importance and power of indigenous self-governance: Evidence from the United States', paper presented at Indigenous Governance Conference, Canberra, Reconciliation Australia, 2002; S Cornell, 'Economic development, governance, and what self-determination really means', *Native Title Newsletter*, no. 6, November/December, 2010, pp. 3–6; Harvard Project, *Harvard Project on American Indian Economic Development*; P Sullivan, *Indigenous governance: the Harvard Project on Native American Economic Development and appropriate principles of governance for Aboriginal Australia*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 2006, viewed 3 April 2004, <http://aiatsis.gov.au/publications/products/indigenous-governance-harvard-project-native-american-economic-development-and>.

cultural practice or priority actually is, both within and across Indigenous groups. A number of examples were given. In one, a 'Law boss' had a view about how money should be distributed which did not fit 'mainstream rules', raising issues about the recognition and maintenance of cultural authority. In another, 'deep cultural conflict…challenged decision-making from the board down to community':

> We tried to use western standards to manage things but it didn't work. There were two systems and depending on which camp you were in you would think a decision was right – that is, either good process or good cultural decision-making.

Similarly, there can be a range of 'internal perspectives' about the right to the equal participation of Indigenous women and young people in governance, sometimes taken for granted. One participant commented:

> Where do women fit in the governance structure? They're often running organisations, or they're making decisions away from men. Those processes need to be linked in to the structure of the corporation. There might be a chair who signs docs (who's often male) but there will be some other people who are aware of the capital assets (who are often female).

And while many at the Forum were promoting the need for greater youth involvement, as one Torres Strait participant pointed out, not all elders might agree since 'youth are often meant to sit and observe rather than assert themselves publicly'.

11.4. Delivering and developing tools, training and other governance-building initiatives

The Survey and Forum reinforced that tools, training and other governance-building initiatives ideally need to be delivered 'face-to-face'. In this context, the usefulness of online tools was questioned at the Forum as having limited reach: 'Those people we really want to get trained as directors are not computer literate, don't have access to computers or really have no desire to be trained online.' On the other hand, Forum participants noted the extensive uptake by young people of online resources and applications.

Many tools, as Ms Quiggin noted in relation to the online IGA Toolkit, require skilled interactive face-to-face facilitation which can be expensive. Some participants referred to such 'insider–outsider' assistance where facilitators have strong relationships with communities but are not resident in them. An example of this kind of facilitation was a community workshop where governance was seen to be dysfunctional: the workshop aimed at enabling the community to translate governance needs according to their cultural and social context and began with developing a set of agreed principles. This was followed up with mentoring by the facilitator, who maintained relationships with the community until the governance

principles and practices had become common practice. In a different 'insider–outsider' model, a community action plan was developed as part of the Remote Jobs and Communities Program, drawing on 'outsiders' to do the planning but with the community driving the process.

It was noted that it will be a challenge to make the principles of governance (corporate, community and cultural) proposed in Section 11.1 'easy to understand and responsive to the governance needs of particular communities'. In considering the expertise and knowledge required to create useful practical resources and training and to deliver them effectively, the Survey and Forum identified skills sets including experience, understanding of the diverse range of Indigenous governance contexts, learning styles, communication preferences, and cultural institutions and specialised intercultural communication skills.

The relatively small number of experienced education consultants, trainers, facilitators and researchers with these skills and the time to prepare tools to meet the needs of Indigenous people in their local communities, let alone Indigenous practitioners, was recognised as a challenge. It was also noted that an effective researcher will not always be an effective trainer.

11.5. A national Indigenous governance curriculum

An issue at the Forum, also raised in Section 10, is the lack of coordination of Indigenous governance training in Australia. There is a vast range of governance competencies and topics, though training is not based on the incremental development of competencies including the knowledge, skills and attitudes needed to do a job across a range of governance topics. AIATSIS has identified at least 20 key training areas in decision-making and dispute management alone, but the relevant training materials have not yet been developed and they do not form the basis of any integrated qualification.[71]

Often participants in training sessions will have experienced some form of governance training, whether delivered by organisations such as ORIC, the Aurora Project, AIGI, AIATSIS, AILC and other registered training organisations or consultants. But the content of and approaches taken to delivering the training vary widely between providers, with some training being compliance-based and other training focusing more on engagement processes such as decision-making and dispute management.

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[71] Indigenous Facilitation and Mediation Project & Capital Careers, *Finding training solutions in Indigenous decision-making and dispute management: a resource for native title representative bodies*, AIATSIS, 2005, viewed 14 May 2015, <http://aiatsis.gov.au/publications/products/finding-training-solutions-indigenous-decision-making-and-dispute-management-resource-native-title-representative-bodies>.

Training is also usually one-off and participants arrive at training with varied capacities, competencies and skills which are often not identified prior to training sessions. This makes it difficult for trainers to tailor content and the degree of difficulty of training to the needs and interests of a group in a coherent manner that builds on existing governance capacities and competencies. There is also little retention of the training if skills are not immediately practised and embedded in the work environments of trainees and some form of supervision or mentoring put in place.

Neither, to our knowledge, has any governance training been formally and independently evaluated. Usually, participants are required to complete feedback sheets at the end of training programs. This is problematic, as it takes place when they have not had the opportunity to practise any of the skills to which they have been introduced or self-evaluate in terms of how useful the training has been in their work environments.

Many Indigenous trainees are looking for accredited governance training. There is a competency-based national system for progressive accredited training based on the Australian Qualifications Framework from which flexible training packages may be developed which include recognition of current competencies and prior learning. However, there is a need for the development of a standard setting nationally accredited competency-based Indigenous governance curriculum that comprehensively covers the wide range of competencies that are required.

The overarching set of governance principles suggested above could provide the basis of such a curriculum to be delivered widely, including in schools. This curriculum should address but go beyond compliance competencies to include aspects such as decision-making, negotiation, consensus building, risk identification and conflict management. It should explore innovative solutions, utilise case studies and consider the application and sustainability of different governance practices and could be extended into undergraduate and postgraduate degrees, as either a stand-alone or specialist course in a number of disciplines, in Australian universities.

11.6. Identified Indigenous governance practical resource needs

The need for the ongoing creation of a number of practical resources in formats such as models, templates, checklists, manuals, guides, guidelines and curricula was mentioned through the Survey and at the Forum. The forms that such resources take will depend on the most appropriate medium for the task as they emerge in design and development. The use of such resources may also require facilitation and/or training.

A bona fide undertaking to build Indigenous capability and capacity calls for the development of practical resources or tools and training opportunities in at least the following areas.

National resources

- an overarching set of principles for self-determined Indigenous governance to be based on the United Nations Declaration of Indigenous Peoples and ASX principles and informed by sets of local principles
- a guide to processes of reflecting these overarching principles in local protocols and principles and extrapolating back from them
- a national Indigenous governance curriculum
- community governance diagnostic and implementation tools developed amongst practitioners and Indigenous communities.

Organisational planning

- how to create and implement a governance development plan (with examples)
- visioning and strategic planning
- succession planning, including the involvement of youth over the short, medium and long terms
- business planning
- charting a course for transition, change and crisis management
- starting up businesses and governance models of successful Indigenous businesses
- community asset mapping of existing strengths, capacities and capabilities
- how to link skills and capacities with ideas and actions.

Board representation, decision-making and dispute management

- separating board and chair roles and responsibilities from operational and management activities
- successful board composition – for example, numbers and independent directors – and the advantages and disadvantages of skills-based and/or culturally representative boards
- identifying and managing conflict of interest, including as it relates to local Indigenous priorities and responsibilities
- developing constitutions identifying the roles of directors, members and traditional owners and of kinship and other cultural priorities as appropriate
- identifying cultural practices, their impacts on governance and how to integrate them with legislative requirements so they 'have social and cultural legitimacy with their communities'

- handling disputes or dysfunctional aspects of board behaviour and decision-making, including how to deal with an explosive issue or impasse
- effective innovative approaches to decision-making and dispute management, including in Rule Books
- appropriate charters, values contracts and 'performance frameworks' for behaviour and decision-making for board members.

Operational management and administration

- financial governance and literacy
- stress management
- choosing, engaging and managing consultants and advisors
- using social media to communicate with members
- human resource management, including how to negotiate performance indicators
- alternative governance processes that might better meet Indigenous needs, including incorporating practices such as mediation and facilitation into activities and planning
- engaging local government in Indigenous governance
- accountability frameworks 'built around the organisation, not the grant' that:
  - achieve downward accountability to an organisation's constituency
  - enable the operational effectiveness of the organisation
  - satisfy upward requirements of funders
  - translate 'locally defined priorities into realistic performance measures which enhance accountability and responsiveness to the community'.

Youth involvement

- targeted approaches to involving youth in community and organisational governance
- ways of implementing governance in school curricula
- maintaining youth interest
- experiential governance learning
- mentoring approaches.

Collaborative research methodologies

- best-practice approaches for ethical research projects to accompany AIATSIS ethics guidelines
- interpretations which assist in ethical issues being understood, drawing on local knowledge of legal and philosophical traditions
- guides to ethical collaborative research projects and their governance also addressing the complexities of 'Indigenous-led' research.

11.7. Identified Indigenous governance training needs

The lists provided in Section 11.6 above, which set out topics identified through the Forum and Survey as requiring the design and development of practical resources, also provide useful training themes. Provisions might be made to facilitate attendance at training since, as was acknowledged at the Forum, Indigenous organisations rarely have the necessary complement of staff for existing tasks, which means that releasing employees for training is viewed as a luxury.

Some of the training opportunity needs indicated through the Forum and Survey are identified below, but these should not be taken as a guide to the full extent of topics and competencies to be included in the Indigenous governance curriculum proposed in Section 11.5.

Operations and administration

- project management
- geographic information systems (GIS) mapping
- information technology (IT) management
- cultural archival data and knowledge management
- theories of governance and management and their practical applications.

Leadership

- mentoring
- leadership for effective governance and community development beyond compliance
- theories of leadership and their practical applications
- Indigenous youth leadership.

Engagement of external stakeholders with Indigenous organisations and communities and vice versa

- facilitation, negotiation, mediation and other consensus-building and dispute management processes which identify and explore the causes of and potential solutions to problems and build on local capacities
- responding in meaningful and sustainable ways to changing government and Indigenous requirements and agendas
- developing appropriate strategies and capacities to engage, manage and utilise relevant technical expertise
- managing difference and diversity
- relationship-building approaches.

Engagement of Indigenous organisations and communities with their constituents

- designing, preparing and facilitating appropriate decision-making and engagement processes which manage difference and diversity
- identifying and ensuring strategies including local and regional services for managing decision-making and dispute management processes which are embedded in good governance structures and match needs
- planning and implementing workable community strategies and solutions, including the identification of the appropriate group to be involved in decision-making and how decisions should be made about particular issues
- monitoring, evaluating, renegotiating, modifying or adapting strategies and solutions as required
- relationship building between Indigenous organisations and broader community interests (for Indigenous boards to effectively engage their members and constituencies and identify ways of bringing divergent groups together in claim groups).

12. Coordinating and Collaborating in Building Governance Capability

Fundamental to the strengthening of governance is support for the growth of human capabilities and capacities for Indigenous peoples to achieve their full potential. For Indigenous groups, in the current context, as we noted in the Background Paper, governing competencies are required to ensure people have the skills to translate hard-won rights into real outcomes and deliver well-organised action and genuine decision-making control to Indigenous people over issues of importance to their lives and future communities. It is essential to acknowledge that these competencies and related skills have to be acquired in difficult community circumstances which can have a limiting impact on the potential and scope of capability building.

The Survey and Forum suggest a number of components are involved in building Indigenous governance. The first of these involves facilitating the identification and development of a range of organisational behaviours, policies and protocols including around decision-making processes, ways of doing business and engagement with members and governments. Then there is a need to develop the tools and skills training to match these processes (see Section 11).

In summary, the Forum and Survey suggest the need for self-determined customised governance that:

- is place- and strength-based, self-organising and adaptive
- is directly linked to the capacities, contexts, expertise, circumstances and experience of those involved
- reflects a set of standard-setting Indigenous governance principles in the development of governance practices, tools and training and evaluation approaches
- maps and matches governance processes to local cultural priorities and incorporates Indigenous values, aspirations and priorities
- adopts a developmental strategy in its implementation (that is, participatory, sustained, incremental and empowering)
- identifies and negotiates streamlined funding arrangements
- identifies strategies and implementation requirements to address:
  - impacts, barriers, symptoms and causality through the mapping of community governance histories and authorising environments
  - ways of rationalising and coordinating partnerships, leadership, representation, decision-making processes and governance networks at community and regional levels and the range of community and organisational governance activities
  - the development of intergenerational planning approaches to take particular account of gender and the youthful demographic, including the transfer of knowledge and youth involvement in governance
  - conflict management approaches which are led locally and regionally.

More specifically, the governance-building approaches which emerge from the Forum and Survey were seen to have a number of requirements, the nature of which will vary according to locality and jurisdiction.[72] These include:

- considering economies of scale and identifying the scales at which particular functions might be undertaken
- finding the right people to be involved in Indigenous organisations and governments, including the strategic recruitment of CEOs and skilled board members (with non-Indigenous independent board members as decided)

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[72] M Moran & R Elvin, 'Coping with complexity: adaptive governance in desert Australia', *GeoJournal*, vol. 74, no. 5, 2009, pp. 415–428. This approach is similar to what has been discussed in the literature as 'adaptive governance'. See for example P Sullivan & C Stacey, *Supporting Indigenous livelihoods: appropriate scales of governance*, issue 009/2012, Knowledge Series, North Australian Indigenous Land and Sea Management Alliance, Darwin, 2012, viewed 17 February 2015, <http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2Fwww.environment.gov.au%2Fsystem%2Ffiles%2Fresources%2F30bccd0a-39c5-48ac-aedf-6df38bfac92e%2Ffiles%2Fnawfa-sustainable-indigenous-livelihoods-governance.docx&ei=Hr3jVJu1Fsa3mAX_mIGwDQ&usg=AFQjCNFR74M0Bz5zraCrMWt3Esk53O2csA&sig2=EQdnj0Nby8g9LDWP0VCRvw&bvm=bv.85970519,d.dGY>.

- identifying the existing and required capabilities and competencies for building effective resilient and legitimate governance
- a gradual progression in the assumption of responsibilities as Indigenous groups decide, in 'the matching of what is done', as it was put at the Forum, 'with where people are at'
- identifying opportunities to integrate governance, employment, planning, economic development, training, and research in whole-of-community approaches which build the capacity of all members of an Indigenous society being governed: 'our community from elders, middle age, young adults, youth and children'
- flexibility in employment arrangements including the 'portability of seniority and entitlements across organisations and jurisdictions to encourage inter-sector mobility for Indigenous employees and which 'recognise the strengths and capacity out there, in small communities where there aren't many people to choose from, and sometimes they are the best people for the job'
- accessing external corporate expertise, engaging the financial services industry and enlisting the support of companies with long-term interests as partners (including volunteers such as retired high-profile CEOs)
- designing tools and training that are flexible, tailored and adapted to local needs and interests in the incremental addressing of defined competencies
- governments recognising and collaborating with Indigenous communities at the appropriate adaptive scale
- developing the capacities of governments, developers and Indigenous groups in doing business with each other[73]
- all learning from their mistakes.

Other challenges identified at the Forum included: a general suspicion of government by many Indigenous people; dealing with the range of entrenched interests including in Indigenous communities and organisations; a lack of cross-cultural awareness and training of non-Indigenous governance support staff in remote communities; and the need for 'backfill for [over-burdened] employees of Indigenous organisations to undertake training all the way to higher degree MBA or equivalent'.

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[73] T Bauman, *Final report of the Indigenous Facilitation & Mediation Project July 2003/04 – June 2006: research findings, recommendations and implementation*, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 1997, p. v.

12.1. Sharing success stories and empowering

Survey and Forum responses repeatedly emphasised the sharing and celebrating success stories of governance innovation and resourcefulness, as well as acknowledging and exploring lessons to be drawn from failures as essential to supporting Indigenous governance.

Stories are powerful teachers. They can provide inspiration and practical insights, strategies, and models for nations who are or could be involved in similar efforts.

Forum participant

Mr Matthew Campbell noted in his presentation (see Section 8.3) a thirst for knowledge amongst the Aboriginal communities with whom he works and a real desire for sharing stories between them.

Forum participants and Survey respondents indicated a range of benefits to be derived from the sharing of governance stories and which are evident in the following quotations:

> Often, by hearing each other's approaches, it helps people reflect on what their own cultural approaches to governance are. They might have an assumption that this is just governance…that this is how it's done…they don't realise it's unique to their community because they're embedded in it…it's that way of sharing different experiences which somehow helps people reflect on their own way of doing things, and also opens up their eyes to maybe other ways to do it – and think outside the box in considering what might be useful for their own communities – and throw out what's not useful.

> Sharing stories cannot ever be overvalued. It helps give confidence. Everyone thinks they're unique in the challenges. And sure, they are absolutely unique in their history and what makes them who they are, but often the challenges are very much the same across the board…There will be differences – we might not have the same access to leadership or the resources to do the same approach, but it can be tailored.

> …the support that people give to each other…It's not just about having the skills and knowledge to do it – it's about having the energy and being reinvigorated and feeling that you're not alone in feeling the challenges. I think that's very important for people, to feel that there's other people in the same boat and we can support each other through.

> …I think it's also about creating space for people to talk about how they want their cultural values and practices to flow through their processes. So, it's about how people want to make it happen.

The need for support for clearing house activities and their coordination (through a dedicated portal for example) in relation to Indigenous governance materials, including training resources and tools, articles and research and the

sharing of success stories, was noted. Other suggestions included the exchange of governance experiences through local, regional and national workshops, forums and conferences, networks and communities of practice.[74] One participant proposed the need for 'educational programs designed for Indigenous leaders and citizens who are committed to restoring self-governing power and want to learn from other Indigenous nations or communities about good strategies and models for doing that'.

Regional and state or territory forums such as the Tennant Creek governance summit, land council meetings, the annual AIATSIS native title conferences and other networking activities organised by APO NT, GroundUp, AIATSIS, AIGI and RA, particularly in the first years of the IGAs, were noted as extremely useful, as was RA's assistance to finalists of the IGAs to attend regional meetings to talk about their experiences.

However, as Forum participants noted, despite strong interest, there are few opportunities for Indigenous people to share their governance stories. In an absence of funding, human resources and infrastructure, most attempts to establish networks and forums including attempts to establish an international network following the Common Roots – Common Futures: Indigenous Pathways to Self-Determination forum at the University of Arizona have faltered. There have been only two national Indigenous governance conferences, which were held in 2002 and 2003. These were associated with the ICG Project, and there have been no national governance conferences since the ICG concluded.

There is also an absence of representative networks since the demise of ATSIC. As one Forum participant suggested, we need to consider 'how we connect and support each other' and to 'strengthen Indigenous organisations to work together and be organised around structural governance reforms with a united view'.

The youth communication strategies suggested above in Section 11 might form part of broader national and regional communication networks and forums, including annual Indigenous governance conferences.

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[74] For example, AIATSIS has held a number of workshops across the country through its RNTBC projects and initiated some embryonic community of practice initiatives for RNTBCs, joint management, native title heritage and native title community facilitators.

12.2. Youth, succession planning and leadership

Creating opportunities for Indigenous people including youth to skill up in governance, share stories, and create their own broader peer networks, was repeatedly identified as essential to building governance capabilities.

Participants at the Forum held a number of discussions aimed at finding innovative ways of involving youth in governance-building. A combination of systemic factors has often led to Indigenous youth being overlooked. Land rights and native title processes for example, tend to focus on 'traditional knowledge' and privilege the capacities of older people.

…a lot of time we look outside for answers but we just have to look within, the kids are there and the knowledge is there, it's already been invented.

Forum participant

Locating and attracting funds for organisations to specifically target youth and their greater involvement in governance including in strategic planning can be difficult.

Forum discussion recognised that encouraging youth involvement may mean changing the narrative about the 'uselessness' of youth which is evident in many societies. In the first instance, this might involve making the governance environment appealing to youth: 'they don't want to put their hand up for a job that is rife with disputes like on boards, we need to create a space young people want to engage in'.

The nature of engagements and relationships between youth with elders was seen to be particularly significant: 'Elders are the most important people – to welcome new young people, to come along and sit and listen.' Issues of cultural protocols and mutual respect were raised in this context as 'culture' was seen to have the potential to be an enabler or barrier: 'Sometimes cultural protocols make it very hard for young people if they don't have permission to talk. The elders won't let them until they are considered senior and don't pass on knowledge.'

Recognising the potential of youth, maintaining their interest and building their confidence was seen as crucial: 'If communities don't recognise their potential, they are held back'. Youth also need exposure to ideas about self-determination and Indigenous rights 'to get kids excited…because these kids will get jobs in Aboriginal organisations, they don't leave communities, and they will end up on boards quickly'. One participant gave an example of how he was encouraged at school as a young person to speak out:

When I was 16 people came to my community. At that age how many people would have the confidence to speak? At the function I spoke because the school environment had encouraged me to speak about issues and talk about stuff, I had the ability to do that.

The importance of leadership training was identified: 'if young people get on leadership training and step up in these roles the community gets rewarded over and over again for that investment.' At the same time it was noted that acceptance into leadership courses can be highly competitive and 'youth are reluctant to take up leadership courses because they are too young and shy'.

Once any training has been undertaken, participants noted the importance of providing opportunities for youth: 'When young people put their hand up for leadership roles and training we want to be able to provide opportunities…even the 13 year olds leaving school early want to work but I don't know how to get them a job.' This involves implementing processes of mentoring and succession: 'In terms of succession planning, everyone talks about engaging youth…but organisations have real difficulties to keep the youth out there regarding succession planning. It is important to pass the knowledge on and have succession planning.'

A number of other suggestions were made at the Forum to target youth involvement in governance including:

- respectful behaviour modelling, experiential informal learning and 'on-the-job' transfer of knowledge
- creating youth specific governance initiatives and allowing them to be 'youth driven'
- involving youth as interns in Indigenous and non-Indigenous organisations 'because they might not be into courses'
- integrating governance issues and training into school curriculum with courses contributing to secondary school certificates and activities such as inviting external speakers to address issues such as Indigenous rights, running a business and how organisations work
- employment programs 'to get youth into jobs from school' which recognise and build on their potential
- encouraging youth to participate in market leadership courses to build confidence including in engaging with government and other external stakeholders
- mentorships by community elders and external professionals
- training for mentors
- specific communication strategies appealing to youth, including the use of social media
- bonded scholarships in secondary and tertiary education
- youth-led forums and networks to identify issues and how relevant issues might be addressed.

As suggested at the Forum, an approach targeted at developing the roles of youth in governance might involve coordinated governance networks for youth, youth

communication strategies and the development of a specific youth governance communities of practice, which have the benefit of the advice of those in authority in communities. These initiatives are required to strike a balance between building the capacity of youth and respecting the community's agreed processes for establishing authority.

12.3. Collaboration and coordination

In Section 9 we have already discussed many of the issues in Indigenous governance research collaborations which were identified through the Survey and the Forum.

Having reviewed the Forum and Survey responses, in this section we identify an urgent need for national, state and territory and local governments, private companies, practitioners and Indigenous peoples to collaborate not only in research, but also in other governance-building endeavours in partnerships and through memorandums of understanding. There is also a need for coordination of existing practical resources, training and research, and for implementing initiatives to address the gaps which are identified throughout this Report. As one Forum participant noted: 'organisations don't realise how useful their materials may be to other groups, or are not sharing or communicating their insights.'

Ideally this would occur in a 'whole-of-system' and 'whole-of-community' participatory development methodology over the short, medium and long term. The downside is that to be effective such approaches also require agreed measures of outcomes, joint funding arrangements and cooperation between and reliance on the capacities of multiple organisations, departments, and stakeholders that have often proved difficult to secure and sustain.

This does not preclude implementing the kinds of suggestions identified through the Survey and Forum such as communication strategies to facilitate Indigenous networks of governance practice, including amongst young Indigenous people, and opportunities to share stories of successes and challenges in regular forums (local, regional, state/territory and national), including regular national Indigenous governance conferences.

The Survey and Forum also identified a disconnection between trainers and facilitators who are working on the ground and the need for greater coordination of funds and grants for governance training across Australia. A more coherent strategy would also commit, as was identified at the Forum, to the standard-setting Indigenous governance curriculum discussed in Section 11.5 and other needs identified throughout this Report.

While Indigenous affairs tends to be discussed in terms of the activities of the Australian Government, the important roles of state, territory and local governments in supporting Indigenous governance initiatives and in coordinating funding cannot be underestimated. There is, as a Forum participant noted, a need to address 'portability issues as policy and bureaucratic barriers prevent the formation of a cohesive Indigenous service sector'.

Clearly the sharing of ideas, knowledge and resources can lead to 'joined-up' governance activities, networking and cost benefits that would be of great public benefit, interpenetrating sectors, adding value and having a 'collective impact'. However, without greater coordination and collaboration amongst all involved, the envisaged 'joined-up' Indigenous communities and organisations, sharing governance skills to strengthen and build relationships between them, will not eventuate.

12.4. Identified coordinating, collaborating and capability-building research

In thinking about governance-building, the Background Paper, Survey, and Forum highlighted similar topics requiring further research and a number of these are discussed in other sections of this Report. An urgent need was identified for more case study work to inform the Indigenous governance sector. Indicative research topics thus include the following:

Australian case studies of a range of Indigenous groups, nations, communities and governments at various scales in urban, rural and remote locations concerning:

- what works, what doesn't work and why and transferable solutions
- best-practice examples of Indigenous governance models and structures and how they demonstrate, or have demonstrated, the principles of legitimacy accountability and subsidiarity
- approaches that identify, prioritise and build on Indigenous priorities and capabilities
- comparative 'on-ground' studies across different types and sizes of organisations, communities and groups, including national and international comparisons
- multiple longitudinal studies case studies to build a robust evidence base that is more widely applicable
- audits of regional and other jurisdictional knowledge on Indigenous governance to identify practical examples, models, networks and potential support.

Demographic profiles and implications for communities and regions, including:

- collation of available demographic and socioeconomic indicator data to provide an information baseline for decision-making and further analyses over subsequent years
- the implications of changing demographics for gender and youth in building Indigenous governance and realising contemporary aspirations and needs in economies of scale
- issues in youth leaving communities to study and providing opportunities for them on their return
- the cultural priorities which enable or prohibit youth engagement with governance and how to address them
- governance arrangements which contribute to ensuring that the benefits of current projects are available for future generations.

13. The National Policy Environment for Indigenous Governance, Practical Resources and Research

There was much discussion at the Forum about the significant restructuring of responsibilities for Indigenous affairs currently underway and the major changes to Indigenous policy with the change in Australian Government in 2013. These changes have involved the relocation of significant numbers of APS staff from a number of departments and Indigenous programs across to PM&C. Many Forum participants commented on the significant disarray and uncertainty this has caused in Indigenous communities, including creating additional governance work.

Such changes, as we have noted, have profound implications for Indigenous governance. Research is required to understand their impacts fully. In addition, research, policy and the production of practical resources for Indigenous governance are interdependent, with policy ideally requiring evidence-based research and research 'arming' communities to deal with new initiatives and governance in general.

On the second day of the Forum a panel from PM&C provided an overview of the Department's Indigenous governance policy, programs, reforms and structural and strategic changes. The four representatives were:

- Mr Geoff Richardson, Assistant Secretary, Indigenous Workforce Strategies
- Mr Matthew James, Assistant Secretary, Executive, Evidence and Evaluation Branch, Schools, Youth and Evidence Division

- Ms Bronwyn Field, Director, Stronger Futures in the Northern Territory (Governance)
- Mr Brendan Moyle, Senior Advisor, Leadership and Capacity Development.

13.1. Geoff Richardson, Assistant Secretary, Indigenous Workforce Strategies

> *With all the projects that go on in a community, the community has to figure out the jigsaw puzzle of how they all fit in…the interconnectedness of all the bits and pieces.*
>
> Geoff Richardson

Mr Geoff Richardson began by noting how fitting it was that the Forum was in the Mabo Room. This was because it was the ability of the Meriam people in the Torres Strait to demonstrate that they had an intricate system of traditions and governance practices in place for thousands of years that ultimately convinced the High Court to do away with the doctrine of *terra nullius*.[75]

Mr Richardson discussed the recently implemented IAS.[76] He noted that the IAS constitutes the current overarching approach to policy and service delivery and is the most radical reform of his 36 years working in government. He described the challenge as one of aligning the first-world service delivery model of Indigenous-specific programs with the needs of Indigenous communities, some of which fall into the category of 'fourth-world' communities.

Mr Richardson noted the need for change in that the evidence suggests that previous approaches have not worked to their full potential. The Department of Finance and Deregulation's Strategic Review of Indigenous Expenditure ('the Review'), [77] for example, found that modest improvements in some areas had been offset by static or worsening outcomes elsewhere. Even where improvements had been made,

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[75] The PowerPoint presentation for this session is available online: <http://aiatsis.gov.au/sites/default/files/docs/presentations/richardson-2014-indigenous-governance_development-forum-pmc.pdf>

[76] Department of the Prime Minister and Cabinet, Indigenous Advancement Strategy, 2014, viewed 21 January 2015, <http://www.dpmc.gov.au/indigenous-affairs/about/indigenous-advancement-strategy>.

[77] Department of Finance and Deregulation, *Strategic review of Indigenous expenditure: Report to the Australian Government, February 2010*, Department of Finance and Deregulation, Canberra, 2010, p. 470, viewed 21 January 2015, <http://www.finance.gov.au/sites/default/files/foi_10-27_strategic_review_indigenous_expenditure.pdf>; Department of the Prime Minister and Cabinet, *Indigenous Advancement Strategy*, 2014, viewed 21 January 2015, <http://www.dpmc.gov.au/indigenous-affairs/about/indigenous-advancement-strategy>.

outcomes do not match those of non-Indigenous Australians. The Review also found a proliferation of programs with rigid accountability and reporting requirements, with approximately 232 Indigenous-specific programs at the federal level. It argued that the need was not for higher levels of spending but for existing resources to be used more effectively.

Mr Richardson noted that a range of factors appear to have led to a lack of sustained outcomes on the ground. He described some of the major limitations in previous attempts to address Indigenous inequity as: the delivery of programs and services in silos; family conflicts; capacity issues; unresolved traumas left unattended by the government because they are seen as community problems (even when past government practices may have contributed to the tensions); planning based on a program and/or sector basis rather than holistically; and an emphasis on the production of plans, rather than on people planning their own futures.

Mr Richardson commented that the IAS arrangements are a major shift away from past approaches to Indigenous disadvantage and inequities. They bring the Indigenous programs and staff of nine agencies into one department (PM&C) and consolidate150 programs into five broad-based program streams: Jobs, Land and Economy; Children and Schooling; Safety and Wellbeing; Culture and Capability; and Remote Australia Strategies. Funding recipients are required to reframe their work into one of these five programs, rather than as previously into a range of aims and objectives of multiple and siloed departments and programs.

A new Regional Network will comprise 12 regions, each with a senior manager. These regional managers will be empowered to work with communities to identify what they need and be accountable for outcomes on the ground. The network moves away from the hierarchical state-regional structure and into a flatter structure of semi-independent regions with the aim of ensuring more meaningful engagement with communities, fewer bureaucratic rules and the removal of silos.

These arrangements, Mr Richardson commented, aim to improve strategic direction by linking service delivery to higher-level objectives and focusing on impact rather than on outputs and outcomes. Part of the transition is working out the systems necessary to deliver on the five new program streams, making that process more thorough, and ensuring that funds go to the right organisations and/or sectors. In order to capitalise on these changes, the government will need to redefine its purpose and engagement, and rethink its delivery modes.

Mr Richardson suggested that the IAS changes are substantial, reducing reporting requirements, contextualising sectors into a broader framework, devolving decision-making to those who are most impacted by them, and challenging Indigenous communities to identify how they are contributing to overall wellbeing and to 'get a handle on outcomes and measuring impact'. He noted the previous government's

Indigenous interface mode with its 'program/project-input/output/outcomes mantra' to be like 'cutting paper with a hammer', leaving people in a constant state of insecurity.

Mr Richardson emphasised that modes of service delivery (doing something to, for, or with people, or a combination of these) have a major bearing on individual and community self-reliance. He identified the challenge for bureaucracy and communities as being one of finding a balance between two modalities – 'compensatory' and 'developmental' – and understanding which to use in particular circumstances.

He described the 'compensatory' path as a service-based one in which programs such as income support, public housing and primary health care are focused on crises and manifest needs. The 'developmental' approach is relationship-based and people-centred. It focuses on the building and transferring of skills and the capacities of individuals and communities to identify and tackle their own problems, address needs and aspirations and control their own destinies (such an approach might involve services such as mediation, healing and governance-building such as goal setting, leadership and cultural revitalisation).

Ultimately the IAS arrangements implicate governance: the governance of government and of Indigenous organisations and communities. Both require an accountability and transparency which Mr Richardson hopes will be facilitated by the new structure, alongside the enabling of program response and delivery by both. The challenge is holding both to account, learning from domestic and international development approaches and building effective relationships between NGOs and governments.

Mr Richardson cautioned that the new arrangements will only be as effective as the bureaucracy and Indigenous communities and organisations make them. A further challenge, as he noted, is that the IAS requires changed mindsets in the APS and the NGO sector away from siloed thinking and 'business as usual' approaches and will necessitate building the capacity of the APS to work more closely with Indigenous organisations and service deliverers (see Section 13.5.1 below).

13.2. Matthew James, Assistant Secretary, Executive, Evidence and Evaluation Branch, Schools, Youth and Evidence Division

> *The hard part isn't articulating a broad vision of where you want to go but how to make it work.*
>
> Matthew James

Mr Matthew James noted that complaints are often made about the reporting burden that comes from Indigenous organisations having to account for spending across a large number of grants. He noted that this requires structural changes to the grant programs themselves, which is what the IAS attempts to do, and commented that programs within PM&C only account for eight per cent of the total state and Commonwealth government expenditure on Indigenous Australians.

The Australian Government's Remote Service Delivery Evaluation ('the Evaluation'),[78] conducted by Mr James' branch, found some improvements in services and infrastructure but also tensions. The vision of Indigenous community development approaches integrally involving communities takes time and has to be balanced against the desire to urgently provide additional services and infrastructure. At times managers rush to achieve outcomes, and local planning has too many action items (up to 4000 across all sites in the Evaluation). Complaints were also made about red tape.

Mr James commented that a key part of the Evaluation was a survey of local residents in which jobs and housing were identified as the top two priorities into the future. At the same time, the Evaluation identified a shift towards NGOs delivering services over the last 10 to 20 years and noted that it may be time to consider a greater role for Indigenous organisations.

He acknowledged a number of challenges in place-based approaches, the success of which 'will come down to how it all works in practice. For place-based approaches what matters most is implementation…The hard part isn't articulating a broad vision of where you want to go, but how to make it work.' Moving Indigenous affairs into PM&C, he commented, is not just about the programs, 'it's [also] about how we use

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[78] J Haussler, *National partnership agreement on remote service delivery evaluation 2013*, Text, 2014, viewed 12 February 2015, <http://www.dpmc.gov.au/indigenous-affairs/publication/national-partnership-agreement-remote-service-delivery-evaluation-2013>.

the authority of PM&C to drive the performance of mainstream programs and services'.

13.3. Bronwyn Field, Director, Stronger Futures in the Northern Territory (Governance)

> *The Government is concerned that money hits the ground.*
> Bronwyn Field

Ms Bronwyn Field described two collaborative partnerships: the first with the Northern Territory Government to revise the Stronger Futures Partnership Agreement[79] and the second with the Empowered Communities Partnerships and the Cape York Welfare Reform (see Appendix A).

The Stronger Futures Partnership Agreement is a $3.56 billion Commonwealth investment into the Northern Territory over 10 years.[80] Most of the funds going into the Northern Territory are prioritised for getting children to school and adults to work, and safer communities. In the Stronger Futures partnership, much of the Australian Government contribution focuses on administration, paperwork and tracking funds, and she is concerned to ensure that 'money hits the ground'. Under the agreement there are nine implementation plans with significant administrative requirements and the partners are looking at how to streamline bureaucratic arrangements between the Northern Territory Government and PM&C to have a greater impact on the ground.

Ms Field is also responsible for secretariat support of the Empowered Communities design working group and the Australian Government partnership with the Cape York Welfare Reform, looking at policies around place-based initiatives. This work is focused on breaking down siloes, connecting services, understanding the needs of communities and their aspirations, and providing services which best address these needs and aspirations. A significant difference in this modality from other government action, particularly with the Empowered Communities model, is that it is Indigenous owned and led rather than 'top-down' (see Section 6).

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[79] Commonwealth of Australia & Northern Territory Government, *National partnership agreement on stronger futures in the Northern Territory*, 2012, p. 15, viewed 15 January 2015, <http://www.federalfinancialrelations.gov.au/content/npa/community_services/stronger_future_NT/National_Partnership.pdf>.

[80] Department of Community Services, *Stronger Futures*, n.d., viewed 21 January 2015, <http://www.communityservices.nt.gov.au/about_us/service_delivery_coordination/stronger_futures>.

The reform agenda will reframe government relationships with the Indigenous people and communities involved, requiring government to step back and allow Indigenous people to look for solutions that are appropriate for their communities. The importance of reviewing services for continued relevance was also noted, including the ability to change approaches that have been in place in communities for some time if they are not working.

13.4. Brendan Moyle, Senior Advisor, Leadership and Capacity Development

The Australian Government's new engagement with Aboriginal and Torres Strait Islander people is about working in partnership with organisations and communities, so that together, we can meet the real needs and aspirations of Aboriginal and Torres Strait Islander people.

Brendan Moyle

Mr Brendan Moyle identified strong governance processes and systems as being an important part of leadership and organisational capability. In this context, governance is critical to the growth of strong leaders in Indigenous communities and to the ability of Aboriginal and Torres Strait Islander organisations to deliver high-quality services to their clients. These are priorities for the Australian Government under the IAS reforms and provide a focus among other capability development elements in the Culture and Capability Programme stream, where governance is identified as an important theme.

Capability development and effective governance also support the 'new engagement' between government and Indigenous people, which aims to meet the aspirations and priorities of communities rather than applying a one-size-fits-all approach.

Like Mr James, Mr Moyle noted the current government focus on the greater likelihood of achieving outcomes by having local Indigenous organisations delivering critical services. He commented that these organisations can engage effectively with communities: they understand the nature of communities and their conflicts and complexities, making them well positioned 'to be part of the glue' that integrates the delivery of essential government services with the needs of the communities.

In subsequent discussions, a participant welcomed any approach that prioritises Indigenous corporations in the outsourcing of service delivery through a network of Indigenous-controlled community organisations: it was 'heartening' to hear 'the swing back' to listening to Indigenous organisations that have been delivering services for many years and make 'ideal partners' for governments. This participant saw current

government tendering models to be weighted in favour of non-Indigenous NGOs with more sophisticated centralised corporate governance and accounting capabilities. Another saw 'employment in government services and the provision of infrastructure' to be 'the bedrock of development and a prerequisite for private sector investment and the alleviation of poverty'.

At the same time, there was caution expressed that the IAS approach might cause an increase in the proliferation of Indigenous corporations discussed in Section 5.4 with the requirement to incorporate under the CATSI Act that is attached to funding. It was also noted that it remained to be seen whether PM&C's IAS funding round does prioritise Indigenous organisations as service deliverers.

13.5. The governance of governments

The governance of government was raised often throughout the Forum including in the PM&C panel session in relation to the likely success of the restructuring and policy changes described above and the capacity of government staff to implement them (see Section 13.5.1 below).

As one Survey respondent noted, while governments may seek to take flexible approaches, the changes in political landscapes arising from the electoral cycle make this difficult: 'when a new government comes in they have to put their own stamp on it.' The rehashing and restructuring of departments and the repeated changing of the names of services and programs was seen to make it extremely difficult to maintain Indigenous involvement.

> *…policy pulsing approaches to program implementation and management and departmental silos all contribute to unstable policy and funding environments which systematically undermine Indigenous governance.*
>
> Survey respondent

While governments come and go, one Forum participant noted that public administration is relatively stable beyond political cycles. That is, the APS might be seen as a 'lens' for policy development in an intercultural space, as it outlasts short-term cycles of governments. From this perspective, the participant noted, there is a need to consider not only ground-level processes but also the longer-term policy environment that makes the governance history of governments and Indigenous people – and the relationships between them – more accessible and visible.

This history of policy making also arose as participants sought clarification about the relationship between the pre-existing Closing the Gap policy and the new IAS. Some noted that a wide range of stakeholders across many sectors and jurisdictions have invested a significant amount of time, effort and resources into the Closing the Gap policy. This has involved not only educating Indigenous people and government staff

about the policy itself, but also governments and their departments at all levels had to revise their policies and implementation strategies in order to reflect Closing the Gap. Mr James commented that the existing Closing the Gap targets remain (with state and territory governments having agreed on an additional target in school attendance).

Thus the involvement and coordination of government initiatives at all levels is required, also directly implicating the governance of governments. During the session, it was asked whether the Evaluation showed any success in involving state, territory and local governments. Mr James agreed that local government was a key to success and that it should be engaged more effectively.

13.5.1. The capacity of governments in supporting Indigenous governance

Throughout the Forum, in the Survey and during PM&C's panel session, there was concern at the capacity of governments to engage with Indigenous peoples in ways that achieve meaningful outcomes. Feedback was given by Forum participants that, whilst governments may focus on resourcing structures within bureaucracies to shape how Indigenous people engage or how funding is provided through programs, effective engagement goes beyond this. Strong messages were given to PM&C about the lack of skills and capacity of APS staff to understand, draw on and translate the learnings, outcomes and messages from communities into effective policies and programs. Participants commented that approaches to Indigenous decision-making where communities are presented with 'this is what you get' without effective consultation can create anger, lack of trust and disputes between Indigenous families and groups.

Critical competencies required of APS staff identified through the Survey and Forum included a range of communication skills and behavioural characteristics: 'there is a major lack of understanding of and respect for Indigenous culturally-based ways of governing…and of the meanings of Aboriginal concepts and words that describe aspects of governance.'

There is also a need, as was discussed in the PM&C panel session, for bureaucracies and communities to understand development theory and best practice in order to gain a greater appreciation of how projects can be designed to better fit into the overall aspirations of communities.

To make the kinds of changes envisaged in the IAS, as Mr Richardson commented, there is an urgent need to develop a 'truly culturally proficient set of people, processes and decision-making ways within public administration'. He acknowledged that:

We can't underestimate the amount of serious systemic change within the bureaucracy to make this [IAS] work. It is absolutely critical that the lived experience of Aboriginal and Torres Strait people is informing the work that's happening within the public service. What we expect from APS staff and the systems and processes that all of those people have to work within are going to fundamentally drive whether this succeeds or not from a governance of government perspective.

Developing such cultural competencies in the APS, as Mr Moyle noted, is a major challenge for the bureaucracy:

The challenge in meeting the executive engagement commitments around the new arrangements is how we, collectively as a bureaucracy, can engage effectively with Aboriginal and Torres Strait Islander people, and work in partnership with their organisations and communities so that the real needs and aspirations of our people are being reflected in the construction, design and development of policies and programs for Indigenous people's needs.

The Forum also expressed concern that, regardless of any perceived relative stability in public administration, changes in government make a significant difference to its capacity to deliver: 'constant changes to staff in government departments means that initiatives get lost including relationships and champions and advocates of specific policies.' The loss of APS staff with recent budget cuts was also of concern if the IAS is to be implemented successfully:

In a climate of uncertainty in the public service, and an environment of big cut backs, I know a lot of Indigenous and non-Indigenous staff who are taking voluntary redundancies. With these changes you [PM&C] have outlined and the language of 'empowered communities', how are you going to have meaningful engagement when you are losing all this corporate knowledge and the long-term relationship building that has occurred with individuals and communities?

Some participants particularly emphasised the apparent decline in numbers of APS Indigenous staff. Mr Richardson responded that there are currently 3800 Aboriginal and Torres Strait Islander people in the APS, which represents 2.2 per cent of the total work force at 30 June 2014 against a target of 2.7 per cent by 2015.[81] This ratio could grow by default as non-Indigenous staff take up redundancies expected to be offered as a result of the current government's pursuit of smaller APS numbers.

While Mr Richardson noted the need to develop strategies around Indigenous employment, he also commented on the significant numbers of non-Indigenous staff in the APS with Indigenous engagement skills. Whether Indigenous or non-Indigenous, his view was that the capacity of APS staff needs to be developed

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[81] APS Commission, *Indigenous employment strategy 2012–16*, n.d., viewed 19 February 2015, <http://www.apsc.gov.au/publications-and-media/current-publications/indigenous-employment-strategy>.

according to responses to questions such as: 'What are we engaging for…service delivery or to support self-reliance?' Added to this, as Mr Moyle commented, governments need to ensure that the 'values, skills and lived experience of Aboriginal and Torres Strait Islander staff' are respectfully shared with non-Indigenous staff 'to help inform and shape policy and programs that meet the needs of Indigenous clients'.

13.6. Identified governance of government and industry research topics

The research topics identified in the Background Paper, Survey and Forum relating to governance of government and industry are summarised below. Although there was not a focus on private companies and industry in the Forum, several topics and comments are relevant to them. Topics include:

- mapping and analysing the kinds of relationships Indigenous people wish to have with influential external stakeholders
- analysing the nature, strategies, impacts and consequences of government's modes of governance in Indigenous affairs, including its changing power, policy, service delivery, funding institutions and goals across different jurisdictional levels
- analysing government sector and cross-sector governance such as health, natural resource management, government policy frameworks and program implementation, mining agreements and native title determinations
- the form and effect of public and private sector commitments and implementation as enablers or barriers to Indigenous governance
- developmental and participatory frameworks for enabling Indigenous capacity for self-governance including strategies for resilient governance and Indigenous confidence, and comparisons with international aid developmental frameworks
- the governance of effective partnerships between and amongst Indigenous groups and between them and local, state, territory and Australian Government staff and private industry
- the impact of the governance of governments at all levels on economic development
- a critique of the IAS and its implementation, including its implications for the governance of governments and Indigenous governance
- tracking past government philosophies, public administration and policy to create institutional memories and to hold governments and public administrators accountable
- the ways in which governments can be more flexible, including enabling modalities of reciprocal accountability and transparency at community levels

- land tenure reform and relationships with Indigenous governance outcomes, particularly in land and sea interests
- the nature of capability development required for the APS, including models of cultural competency in intercultural environments
- the impacts of the governance of governments and Indigenous governance on each other and outcomes
- ways in which governments can recognise and enable Indigenous government-to-government relationships
- the key local ingredients and priorities of Indigenous groups, organisations and governments for the successful governance of government.

14. Funding Research and Indigenous Governance Initiatives

Funding uncertainty affects many of the determinants of effective governance, including the ability to plan, comply with formal institutional requirements, develop and retain leaders, build capacity, conduct relevant and helpful research, provide ongoing training and develop tools and practical resources to support Indigenous governance. One Forum participant noted that, while the IAS initiatives are 'exciting and innovative', the concern is whether funding will be made available to educate and engage with communities about the initiative and to develop the necessary capacities of Indigenous people and government staff.

> *There is a need for ongoing and coordinated multi-year funding for organisations and groups to create their own governance development plans that they can implement over several years.*
>
> Survey respondent

A Survey response noted that 'lack of information and visibility of funding flows [both state/territory and Australian government funding] at the place-based levels' makes it impossible 'to know what's been effective and how to improve productivity in the system'. Departments were seen to be controlling small buckets of money for governance capacity-building and to be unwilling to relinquish control, ensuring that funding is never sufficient to 'do the job properly'.

There are also significant funding inequities within and across jurisdictions and Indigenous communities, including amongst RNTBCs. As Mr James noted at the Forum, whilst the Goods and Services Tax (GST) allocation in theory means that, regardless of where people live, they should have access to the same quality of service, this does not work 'even in theory' for local government – because although remote areas get some 'top up', it is not sufficient to allow the equalisation of services.

Attention was drawn to the work of Professor Mark Moran and Dr Doug Porter,[82] who recommend pursuing strategic visions over longer terms. Like these researchers, several Survey respondents urged a moving away from short-term funding cycles toward long-term investments in education, social capital and job opportunities. Many also noted that non-government funding can be more attractive, since, as one participant pointed out: 'we can take calculated risks but government money doesn't give you the freedom to take these risks.' However, finding non-government funds for Indigenous governance initiatives can be extremely difficult, and those who have tried have often been advised that these are the responsibilities of governments. For Indigenous groups, any long-term investment in the future may also mean, as one participant commented, 'convincing poor people without any form of income to invest for economic development and building social capital' rather than seeking immediate individual benefit.

The rationale for funding also needs to be closely examined. A Survey response identified that:

> …existing government funding modalities and approaches tend to be directed toward economic participation and corporate responsibility and compliance, undermining the governance of Indigenous organisations and obfuscating the importance of broader notions of governance and accountability – resulting in a lack of recognition of its importance.

Suggestions for changes to government funding models in Survey responses included the need for:

- funding for governance-building to be an integral part of any program initiative or negotiated native title agreements including the development and implementation of governance plans
- ownership of resources and funding through a central coordinating authority that can strategically target support and investment
- significant long-term pooled funds for major pilot projects that test out practices, tools and processes and report that information widely
- trialling new and innovative government funding modalities such as block funding and other more flexible and secure funding arrangements
- the re-orientation of funding to treat Indigenous organisations as organising nodes rather than grant receivers, allowing them 'to be more responsive and accountable to their communities'
- changes to the competitive tendering arrangements which impact on governance and service delivery outcomes.

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[82] M Moran & D Porter, 'Reinventing the governance of public finances in remote Indigenous Australia: reinventing the governance of public finances', *Australian Journal of Public Administration*, vol. 73, no. 1, 2014, pp. 115–127.

14.1. Funding the distinctive requirements of governance research

The quality of governance research was seen to be impacted by a number of funding issues, including that researchers appear to be 'tied far more tightly than in the past to government approved outcomes which can lead to pre-determined research agendas and findings'. Neither is there sufficient funding to implement the research methodologies which were recommended by Survey respondents and Forum participants, as discussed in Section 9.

Insufficient research funding prohibits the meaningful brokering of research partnerships, effective design and ethical approaches and the strategic translation of research into practical tools, and limits building community capacity to conduct its own research. As the Survey identified, the time and resources required for these methodologies is greater than in other research areas because:

- understanding Indigenous community relationships requires time for 'ethnographic observation – what people say is often different to what they do'
- there is a need to build trust and relationships over time
- there are logistical issues in dealing with remoteness and multiple visits to communities
- there is a need for consistent long-term involvement with the range of relevant organisations.

One Survey respondent suggested that a lack of funding for quality research on Indigenous self-determination and self-government could be a result of government paradigms which appear to advance inherently assimilationist policies. This was seen to be reflected in an emphasis on 'individual indices as the best indicators of policy success or failure (for example, closing the gaps)' and an apparent lack of interest in Indigenous-generated solutions. This perpetuates policy failure 'because [it] undermines the collective ground on which a great deal of Indigenous participation and brainpower could be organised'. This respondent also commented on the lack of prioritisation of research in government, corporate and Indigenous agendas.

14.2. Identified funding-related research topics

Many of the funding issues identified above require research. The Survey and Forum also identified that research is required for:

- resource governance, including the cultural, human, natural, economic, technological, financial and other resources and assets that Indigenous people need, have access to or control over; how resources are made available, governed and used; and the effects of that

- the impact of 'funding modalities' including 'block funding' on governance and service delivery outcomes and how they might enable improved governance and service delivery outcomes
- analysis of successful and unsuccessful IAS funding submissions, in terms of efforts to coordinate activities suggested in applications, economic development outcomes, and methodologies such as participatory development approaches
- identification of the incentives, disincentives and productivity issues in rational market responses, including in the native title space.

15. Evaluating Indigenous Governance and the Governance of Governments

A key question at the Forum was: 'How do you develop an evaluation framework that shows the benefits of effective governance?'

The need for improved evaluation approaches to Indigenous governance including to research was also raised at the Forum and through the Survey as an important public policy issue. Mr James (PM&C) noted that in some cases programs can have such unclear and vague objectives that sound performance assessment is very difficult. Developing effective evaluation frameworks was seen to require the integration of evaluation approaches into program design from the outset, including benchmarks for measuring and

> *The lack of evidence to demonstrate the link between governance and social and economic development outcomes makes it difficult to develop resources for improving governance arrangements.*
>
> Survey respondent

maximising the benefits of 'collective impact…along the way'. The emphasis on evaluation in the IAS also signals the need for realistic measurements of outcomes and impacts in relation to aims and objectives, with clear milestones and key performance indicators – however, these can be difficult to identify.

The Remote Service Delivery Evaluation mentioned earlier shows that outcomes can be place-based rather than jurisdictional, as Mr James commented at the Forum. And, as a Survey respondent pointed out, critical success and/or failure factors are not necessarily transferable – 'We don't all have mines next door.' Mr James noted that the Evaluation showed that the strategy was particularly effective in the regional operations centre in Broome in Western Australia, where there was a high level of cooperation between the state and Commonwealth government officers. In other examples from the Evaluation, early enthusiasm lost momentum, with complaints about the burden of reporting collectively on many actions which should be reduced to a smaller number of targeted concrete actions to follow up. The funding of some

local resource projects employing local people to do surveys was particularly successful.

The Survey and Forum both identified the importance of individual motivation and commitment to effective governance-building. Forum participants noted that this is usually 'the result of dedicated, hard-working and compassionate individuals' and their 'skills, personal characteristics and styles'. These include, as identified through the Forum and Survey, confidence and skills in areas such as communication, listening, public speaking, creative thinking, analysis and problem solving, relationship building, conflict management, diplomacy and resilience.

Questions of how evaluations should be approached were raised at the Forum in terms of the independence of findings and the social impact of evaluation approaches. Negative evaluation results can impact the likelihood of future funding and 'how evaluation is done' can cause conflicts and tensions which need to be managed. Whilst some thought that evaluation approaches should be developed with Indigenous peoples independently of government and users, others saw the benefit in developing them collaboratively. One participant argued that there is a need 'to rethink the value of external evaluation, while internal evaluation needs to be done better'.

Research is required to develop effective evaluation and monitoring approaches to Indigenous governance as it impacts on the overall success or failure of activities to identify and develop the kinds of resources which are needed.

15.1. Whose evaluation perspective?

Participants commented that basic questions about 'what good governance looks like' in the range of sectors, contexts and scales need to be explored through research. However, given the range of perspectives and the diversity of not only Aboriginal and Torres Strait Islander governance approaches but also those of governments, a number of different conclusions might be reached.

> *Claims to success are often based on…vague criteria rather than robust measurement of outcomes and how these can be attributed to particular governance approaches.*
>
> Forum participant

Examples were given at the Forum where Indigenous perspectives about legitimate governance did not always match the compliance requirements of regulators such as ORIC and the Australian Securities and Investments Commission. In one case, an organisation with governance practices that were seen by the community to be working on the ground was not, 'according to ORIC…ticking the boxes':

If you look at the example of a remote community in the Western Australia western desert, it is completely run by Aboriginal people. It functions under ORIC and the Australian Securities and Investment Commission and survives day to day. Why does it? They determined their board, their manager, they determined which government agencies they deal with, they determined whether they use the head body or not. If you have a look at the board, you'll find that they're all related. But if you took this to ORIC, the first thing they'd say is nepotism, that this organisation isn't successful against their criteria – but this overlooks what is successful about this organisation – nepotism, vested interest, conflict of interest are all challenged.

The individual approaches and attitudes of those working on governance initiatives can influence the success or failure of initiatives in terms of 'how governance is done', but they are difficult to integrate into evaluation approaches and to measure. Evaluating collective impact also presents a number of challenges in identifying and integrating the range of sectoral and industry evaluation methodologies and perspectives, including market-based and social measures. This requires the mapping of the wider governance environment and identifying the surrounding influential players, factors and relationships at regional, state, territory and national levels which impinge on local Indigenous governance. Such mapping would undoubtedly reveal many different assessments as to what is and is not working.

Some thought that the purpose of evaluations should be linked to fiscal considerations including demonstrating whether there is 'complete [financial] accountability' and 'an efficiency dividend' to attract further funding. As one participant described it, 'we need to be able to say to people for every $1.00 of public funding spent we get X value on it…Treasury doesn't want to know about opportunity costs. We need to build that into the way we do business…because government wants to see and invest in known outcomes.'

Ultimately, as one participant noted, 'no one asks the end user of Indigenous governance whether he or she is satisfied', and even identifying the end user can be difficult. 'Evaluating successful governance for whom?' asked another, including at what scale and ranges of impact and across what sectors.

15.2. Identified evaluation research topics

The Survey and Forum indicate a range of evaluation research topics for analyses and identification of innovative practices and approaches to the following:

- how traditional owners and native title holders see governance
- the relative benefits of independent and self-evaluation and whether they are mutually exclusive
- how to measure collective impact
- how to measure cost benefits

- quantifying the value of effective governance and identifying analyses that demonstrate longitudinal impacts and outcomes
- developmental and participatory evaluation approaches
- how to evaluate adaptive governance models
- the standards and measures by which governance 'success' is defined from a range of perspectives, contexts and scales, and meaningful criteria and principles for assessing effective and legitimate Indigenous governance
- a framework that shows the impacts of governance on outcomes including social and economic development
- the impact of governance capabilities on the effectiveness of services and programs and value for money
- measuring of the impact of governance training, tools and support on Indigenous governance
- the capability gaps between government rhetoric and the on-ground reality about 'what works'
- strategic risks associated with components of Indigenous governance.

16. Changing the Public Narrative of Deficit Discourse

Throughout the Forum a number of participants expressed the urgent need to change the deficit 'disadvantage' language in the public narrative around Indigenous people, which is particularly reflected in the title of the IAS. The power of discourse is such that it becomes embodied and taken on by Indigenous people themselves, particularly younger people. This deficit narrative is further compounded, participants recognised, as it is reflected in the negative representations of Aboriginal and Torres Strait Islander peoples, including their governance, which dominate the media.

> *I don't think I'm in need of advancement. That's such a deficit view of me, my community, that we are citizens minus and need to be brought up to citizens plus. Why can we as a nation not be considered as equals, as people who have requirements and needs of services that most citizens reasonably expect?*
>
> Forum participant

Some participants saw use of the term 'advancement' in the title of the IAS as reflecting assimilation policies of the past, when, as one Indigenous participant commented, 'they were fond of telling us that we are in need of advancement'. Rather he suggested:

Let's talk about Aboriginal and Torres Strait Islander people as people in need of a range of things, including good governance. Let's facilitate that, not on the basis that we can't govern ourselves because we are deficit people. There has been decades of

work in this area and the bureaucracy hasn't moved since the 1950s in the way they talk to us.

The three-pronged approach of government described in PM&C's presentations was seen at the Forum as 'reductionist' and as inappropriate 'pillars of government policy'. The message, a number commented, is one of 'lack': 'you don't go to school, you don't have a job and there's violence.' This was seen to flow from, as we discussed in Section 5.3, the historical responses of governments to address the 'Indigenous problem' in service delivery models. Some Survey and Forum respondents saw this response as Indigenous organisations simply 'fulfilling the purposes of government', 'bidding for funding according to the agenda of whatever government is in power' and 'succeeding or failing according to government decisions'.

This approach to policy was seen to be reflected, as a Survey respondent commented, in the 'ongoing failure of state governments to accommodate the recognition of native title and Indigenous peoples' rights, interest and expertise in managing their traditional territories', including recognising native title as tenure. Another Survey comment from an international perspective suggested that the reconciliation framework in Australia and Canada impacts on Indigenous governance as it 'promotes assimilation and sidesteps justice'.

16.1. Reviving the discourse of self-determination

It was suggested that a changed narrative would recognise the interconnections between self-determination, articulated at its highest level in the United Nations in terms of political objectives of nationhood and Indigenous community governance. It would include the power to make decisions about social, economic and cultural development: 'if we were making the decisions, we would have a different discourse.' Another respondent commented that Indigenous governance initiatives should 'recognise Indigenous nations or communities as political entities with jurisdiction and decision-making power over matters of major consequence for their own futures'.

An 'economic development path' was seen to be central to changing narratives, 'so you won't need to rely on the general political arrangements'. Such a path would also mean moving away from the idea, as one Survey respondent suggested, that the Indigenous issue is 'one of individual welfare, not collective aspiration' which denies 'Indigenous peoples any political status of significance, reducing them to mere asset holders and social service managers'.

A number of Forum participants suggested that a changed discourse should counter the common misrepresentation that self-determination has been tried and failed. One Survey respondent suggested that 'self-determination needs to be re-established as a *bone fide* policy position amongst all governments', commenting that it is one of the

six key determinants of good governance identified in the 'Overcoming Indigenous Disadvantage' reports.[83] Another suggested adapting the 'current policy of normalisation…so that it accepts diversity and alternate paths to equal citizenship'. Aboriginal histories could also be promoted as empowering: 'There are 20 years of progress in Indigenous governance that isn't recognised by government.'

It was noted that some communities have been exercising self-determination for some time – though 'maybe they don't fully understand that they are doing it'. At least some ILUAs under the NTA and the kinds of organisations and governance processes which are in place might be seen, as noted at the Forum, to be forms of treaties. The Torres Strait Regional Authority (TSRA) was given as an example of a self-government model with a more or less direct relationship with the Australian Government and the TSRA having the authority to make a range of decisions that other Indigenous organisations do not. However, as one participant cautioned, while the Torres Strait provides an example from which lessons can be drawn, it should not be seen as the 'high water mark'.

A number of other suggestions were made as to the foci of any changed narrative. These included: 'the need for restitution, expanding Indigenous land bases, and cultural restoration'; alternative ways of thinking and acting away from the dependence of Australian and Canadian economies on the resource extraction which has great impact, as it 'destroys the land and promotes global warming'; and a movement towards traditional foods and land-based lifestyles as a way of countering the health impacts of colonisation such as 'obesity, diabetes and other diseases' which are 'handicapping the ability of Indigenous nations to continue as autonomous and strong collectives'. Suggestions were also made about changing the narrative around climate change, which often engages with Indigenous peoples as 'vulnerable populations' rather than as tenured land owners in highly affected ecosystems with unique access and knowledge to inform monitoring, abating and climate adaptations.

Many participants considered a need for a public campaign and communication strategy to be funded through the PM&C Culture and Capability funding stream aimed at changing the deficit discourse. This might be supported by large companies such as BHP as well as RA, which are both already involved in the IGAs, and by others such as the Business Council of Australia and conservation groups. Enlisting the support of skilled journalists was considered particularly important. The possibility of changing the public narrative through the constitutional recognition campaign was

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[83] Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous disadvantage: key indicators 2011: report*, Productivity Commission, Melbourne, 2011, p. 830, viewed 30 September 2014, <http://www.pc.gov.au/__data/assets/pdf_file/0018/111609/key-indicators-2011-report.pdf>.

also raised, as was the National Centre for Indigenous Studies (at the Australian National University (ANU)) ARC project concerning the deficit discourse in education.

Targeted research was seen as important in identifying successes across sectors and promoting the findings in campaigns and in school curricula. Forum participants also suggested the need for understanding the factors undermining Indigenous sustainable development. Some noted the need to utilise opportunities for stronger expression of Indigenous voices, commenting that, whilst the IGAs offer some response to narratives of deficit, the voices of finalists need greater exposure.

Overall, the Forum identified the need for ongoing forums which promote broader understandings of governance and its implications for Indigenous outcomes and which involve a range of stakeholders, media, and governments, including regulators. Changing the name of the IAS policy to emphasise the strengths of Indigenous culture, traditions and experiences as a foundation for improving outcomes was suggested as a starting point.

17. Conclusion

The Survey and Forum produced an abundance of useful information, analyses and insights which we have condensed in this Report. In addition to capturing the comments, observations and suggestions respondents and participants raised, we have drawn together common themes and developed some suggestions and conclusions from the material provided. Whilst some baselines have been established in governance research and its practical application in Australia, there remain critical gaps in our understanding and in the relevant capabilities needed to support effective self-determined Indigenous governance-building.

The abiding lesson from the Survey and Forum is the strong commitment to evidence-based knowledge and analysis of Indigenous governance. Effective governance is acknowledged as being critical to sustaining Indigenous efforts to move from welfare dependence to economic activity, invigorate nation-building, ensure the maintenance of cultural and linguistic heritage and leave a legacy for the growing numbers of young Indigenous people.

While 'governance' continues to suffer from a reputation as a dry, compliance-based, form-filling, administrative burden, a broad cross-section of Indigenous leaders are increasingly engaged with governance as the vehicle for innovative ways to improve outcomes and deliver on Indigenous people's aspirations. As the Forum and Survey demonstrate, there is exciting work being conducted in relation to nation-building, regional alliances, and designing governance structures to increase the strategic effectiveness of particular groups and their wellbeing.

This work is taking place in a complex intercultural, socioeconomic and bureaucratic environment in which Indigenous organisations are embedded in communities at a range of scales. Survey and Forum participants noted that the authorising environments for Indigenous governance are amalgams of compliance, financial management, legislative and policy requirements, and Indigenous cultural traditions, priorities and practices. This makes single solutions and frameworks simplistic if not counterproductive.

Participants shared a breadth of insights and experiences in managing these dynamics including creating innovative solutions to inconsistencies, adapting practices to suit local circumstances and aspirations, training leaders in these skills, and researching the interlinked aspects of governance at a range of scales and in a range of sectors and locations.

Ultimately the evidence suggests that a developmental, participatory approach which is strength- and place-based will lead to better outcomes, especially if governance solutions are the product of informed choice and adapted to the range of interests of those who are participating as members of organisations. This work is incremental and takes time. There is no end-point goal of 'perfect' governance. Rather, governance is adapted to capabilities, context and circumstances. This means it may swing between effectiveness and dysfunction and that people – including governments – must be allowed to make and learn from their mistakes. The aim of governance-building then is to make these swings less destructive and disempowering and to enhance resilience.

Effective Indigenous governance requires cooperation and collaboration within and between Indigenous communities and organisations and their members, as well as governments and other stakeholders, ideally in coordinated 'whole-of-system' and 'whole-of-community' participatory development approaches over the short, medium and long term. Challenging as it may be, as this Report notes, these challenges should not preclude implementing the kinds of suggestions identified through the Survey and Forum in this Report, some of which are set out below.

Whilst there are exciting research initiatives and practical resources being developed, these are clearly insufficient to account for the numbers of Indigenous organisations and communities asking for comprehensive governance support and tools. Moreover, where there are existing initiatives, these are often poorly coordinated, inaccessible to others and rarely the subject of research documentation, which means there is limited transferability of successful strategies. Greater research coordination and collaborations are also necessary to avoid duplication of training and tools, and for targeted ethical research which engages Indigenous people and has practical application wherever possible.

Suggestions for ways to maximise opportunities particularly for Indigenous peoples to share knowledge and experience and to integrate social, economic and cultural

development opportunities and research priorities into the design of governance systems will require a direct, ongoing core investment in some or all of the practical initiatives proposed through the Forum and Survey as deserving of funding. These include:

- the development of a set of national Indigenous governance principles in collaboration with Indigenous organisations and communities which can be tailored to local interests and cultural priorities
- the development of an implementation, coordination and dissemination strategy to ensure the adoption and reflection of the national Indigenous governance principles in:
    - Indigenous governance-building approaches including the governance of governments at local, regional, state or territory and national levels
    - an accredited, competency-based national Indigenous governance curriculum, including in schools, which addresses not only compliance but also issues such as decision-making, conflict resolution and negotiation and is extended into universities
    - an Indigenous governance capabilities framework for Indigenous people and governments
    - participatory evaluation models that show the links between governance and outcomes
    - approaches to developing training and practical resources
- support for clearing house activities and their coordination (through a dedicated portal for example) in sharing Indigenous governance materials including training resources, tools, articles, research and stories
- support for a range of communication strategies and practice networks and regular local, regional, state or territory and national forums (such as an annual Indigenous governance conference) to provide opportunities for Indigenous people, including young people, to share governance experiences and solutions and to address the deficit Indigenous discourse
- governance diagnostic, planning and implementation tools developed in collaborations between Indigenous organisations and communities, governments, researchers and practitioners
- pooled funding approaches with the inclusion of governance-building as an integral part of any program initiative or negotiated native title agreements.

Participants at the Forum also made suggestions for follow-up forums. These included forums which:

- map out actual collaborations, partnerships and agreements, including between government agencies, and develop strategies to implement them
- involve collaborators, potential partners and regulators in listening to Indigenous voices

- facilitate the sharing of stories of success and failure amongst Indigenous peoples, including an annual Indigenous governance conference
- facilitate a high-level discussion for brokerage models and are directed at coordinating resources
- are specifically directed at collaboration around the future development of tools and training
- address the intersections of Indigenous governance with the governance of governments involving senior government staff responsible for specific outcomes
- address the intersection between organisations, community and cultural governance.

Many of the critical conditions and factors for effective Indigenous governance which emerged from the Forum and Survey can be facilitated through robust research collaborations and the Report identifies a number of potential research topics, practices and methodologies.

A strategic and innovative approach to resourcing Indigenous governance research, training and tools requires a commitment from government to fund the work across Indigenous Australia and to review its own practices with a willingness to rationalise and streamline initiatives for efficiency. The Survey and Forum revealed a wealth of knowledge and enthusiasm for growing governance expertise which can provide the basis for a dynamic Indigenous governance sector which integrally involves young Indigenous people – the fastest growing demographic feature of the Indigenous Australian population.

18. Appendices

18.1. Appendix A Preliminary list of Indigenous governance research initiatives and practical resources

Please note this is a working list. It has been compiled from a survey carried out in June 2014 and updated as much as possible. We are aware there are other initiatives to be added to this list and we welcome suggested additions and comments. Contact Toni Bauman at AIATSIS and/or Robynne Quiggin at AIGI (toni.bauman@aiatsis.gov.au or admin@aigi.com.au)

Indicative Australian Initiatives

Name	Governance capacity-building, research initiatives, tools and training	Web links
Aboriginal Peak Organisations Northern Territory (APO NT)	Aboriginal Governance & Management Program (AGMP) (2013–16): supporting the governance and management of Northern Territory Aboriginal organisations in a strengths-based, collaborative, action research approach, including: workshops; a Chief Executive Officer (CEO) and directors network for members to assist each other; demonstration sites of concentrated and sustained supports in several organisations; advice, resources and referrals to pro-bono partners and other relevant agencies; and desktop research to share on successful organisational practices and structures. The AGMP hopes to become a more permanent centre subject to funding.	http://aboriginalgovernance.org.au/
Australian Centre for Excellence for Local Government (ACELG)	Online community engagement toolkit for rural–remote and Indigenous local governments on how to do effective community engagement in development; drafts are available.	http://www.acelg.org.au/ http://www.acelg.org.au/publications/online-community-engagement-toolkit-rural-remote-and-indigenous-councils
Australian Charities and Not-for-profits Commission (ACNC)	ACNC Governance Standards Guidance (2013): a publication of governance tools and information.	www.acnc.gov.au
Australian Human Rights Commission (AHRC)	Aboriginal and Torres Strait Islander Social Justice Commissioner social justice and native title reports.	https://www.humanrights.gov.au/publications/aboriginal-and-torres-strait-islander-social-justice
Australian Indigenous Doctors Association (AIDA)	AIDA mentoring framework: aims to provide and promote strategies that will guide organisations to develop and implement sustainable mentoring programs that support Aboriginal and Torres Strait Islander medical students and doctors.	http://www.aida.org.au/mentoring.aspx

Australian Indigenous Governance Institute (AIGI)	AIGI is a recently established centre of knowledge and excellence supporting sustainable, effective and legitimate governance by Indigenous Australians on the ground. AIGI's Strategic Agenda includes: • provision of current best-practice information through and ongoing development of the Indigenous Governance Toolkit, a multi-media online resource in transition from Reconciliation Australia (see also entry following) • provision of customised capacity-building opportunities including workshops, master classes, facilitation, mentoring and coaching to support Indigenous organisations, communities and nations to build sustainable governance capacity • training such as 'the governance trainer' program • advocacy and policy development • collaborative research about 'on the ground' Indigenous governance to increase knowledge base available to Indigenous Australians and the people working with them • acknowledging and celebrating best-practice Indigenous governance by collaborating on Reconciliation Australia's Indigenous Governance Awards (IGAs) • sector wide collaboration and commitment to collective impact and partnering with private, public and not-for-profit sectors to achieve sustainable outcomes.	http://www.aigi.com.au/
AIGI & Reconciliation Australia (RA)	The Indigenous Governance Toolkit: refreshed in 2012–13 and in transition to AIGI, the Toolkit provides a comprehensive collection of free online information and resources to support governance development in Aboriginal and Torres Strait Islander nations, communities and organisations. The Toolkit includes research content, best-practice information, case studies, workbooks, policy-making tools, visual tools, video interviews with Indigenous leaders, groups and organisations, templates and checklists for self-evaluation of governance. The IGAs are held every two years by RA in partnership with BHP Billiton to identify, celebrate and promote effective Indigenous governance including Aboriginal and Torres Strait Islander people making and implementing decisions about their communities, lives and futures, demonstrating strong leadership and brave and creative thinking. There are two award categories: A Outstanding examples of Indigenous governance in Indigenous incorporated organisations B Outstanding examples of Indigenous governance in non-incorporated initiatives or projects.	http://www.reconciliation.org.au/governance/ http://www.reconciliation.org.au/iga/

Australian Indigenous Leadership Centre (AILC)	AILC training and capacity development includes: • Certificate IV in Indigenous Governance • Certificate IV Indigenous Leadership • Certificate IV in Governance • Certificate II Indigenous Leadership, including a range of non-accredited short courses on leadership such as national and regional women's, men's and youth's leadership programs, problem solving, above-line thinking, and negotiating. • advanced diploma leading to MA and PhD • diversity and mentoring courses (1, 2 or 3 days) • workforce planning and skills audits.	http://www.ailc.org.au/ Materials available at the courses
Australian Institute for Health and Welfare (AIHW) and Closing the Gap Clearinghouse	Improving governance performance through innovations in public finance management in remote Australia (2013–14). Evidence and information relating to leadership and governance-building, a research and evaluation register containing approximately 207 government reviews and evaluations relating to governance and 83 references and publications. Relevant publications include, for example: K Tsey, J McCalman, R Bainbridge & C Brown 2012, *Improving Indigenous community governance through strengthening Indigenous and government organisational capacity* and *Funding Indigenous organisations: Improving governance performance through innovations in public finance management*. J Hunt 2014, *Engaging with Indigenous Australia — exploring the conditions for effective relationships with Aboriginal and Torres Strait Islander communities*. M Moran, D Porter and J Curth-Bibb 2014, *Funding Indigenous organisations: improving governance performance through innovations in public finance management in remote Australia*.	http://apo.org.au/files/Resource/aihw_fundingindigenousorganisations_sep_2014.pdf http://www.aihw.gov.au/closingthegap/Results.aspx?bbl=Governance+and+Leadership http://www.aihw.gov.au/closingthegap/publications/ http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2012/ctgc-rs10.pdf http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2013/ctgc-ip5.pdf http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Our_publications/2014/ctgc-ip11.pdf
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) & Native Title Research Unit (NTRU)	Indigenous Facilitation and Mediation Project (IFaMP) (2003–06). Native Title Corporations (PBC and RNTBC) Project: • National PBC workshops for PBC directors, members and staff, providing an opportunity to network, share experiences and discuss key issues around PBC governance often in conjunction with the National Native Title Conference. • RNTBC national working group, a small group of committed people willing to work towards establishing a national peak body which recommended a focus on regional meetings and reformed at the 2013 National Native Title Conference.	http://pandora.nla.gov.au/tep/71514 http://aiatsis.gov.au/research-and-guides/prescribed-bodies-corporate

• PBC regional workshops in 2011, 2012 and 2013 (Cairns, Melbourne and Perth respectively) to support networking and promote dialogue between PBCs and their key stakeholders – namely state and territory governments.	http://nativetitle.org.au/docu ments/3%20Living%20with %20native%20title%20book %20interactive%20PDF.pdf
• Torres Strait Regional PBC workshops, planning and facilitation of four meetings and workshops in the Torres Strait between December 2007 and June 2009 focused on the role of native title in the region and the relationship with the community and other regional governance bodies, including the Torres Strait Regional Authority and the Torres Strait Island Regional Council.	
• National PBC Network and PBC Support Officers Network: two national networks – the first, for PBCs, aims to coordinate the flow of information to PBCs; the second, for NTRB/NTSP staff who work with PBCs, aims to support a community of practice in PBC capacity-building.	http://aiatsis.gov.au/sites/def ault/files/docs/research-and- guides/native-title- research/BJGOVNEWSLET TER1sm.pdf

http://www.aiatsis.gov.au/res earch/lw/documents/ktla.pdf |
• Bardi Jawi Governance Project (AIATSIS, Kimberley Land Council, Bardi Jawi RNTBC): communication and relationship-building, common ground exercises to help resolve intra-Indigenous governance disputes and mapping of interests.	
• Karajarri climate change adaptation and decision-making project (AIATSIS, Karajarri Traditional Land Association, Nulungu): whole-of-country planning, 'whole system in the room' techniques to resolve complex environmental governance decisions.	http://aiatsis.gov.au/sites/def ault/files/products/issues_pa per/gender_and_generation _in_native_title.pdf
• AIATSIS PBC Survey (2013), to capture information around the capacity, activities and sources of support for PBCs around Australia to inform policy (forthcoming).	http://aiatsis.gov.au/research -and-guides/prescribed- bodies-corporate
• PBC demographics research (2014–15): analysis of ORIC data to produce a demographic snapshot of PBC directors highlighting age and gender characteristics and exploring implications in context of native title system and broader Indigenous population and policy.	http://aiatsis.gov.au/sites/def ault/files/products/native_titl e_newsletter/aug14.pdf
• AIATSIS PBC funding and training guides: annually updated lists of sources of public and private funding and training of relevance to PBCs aiming to provide PBCs with a means to more easily find support.	http://aiatsis.gov.au/research -and-guides/agreement- precedents-knowledge- management-initiative

http://aiatsis.gov.au/bio/dr- lisa-strelein |
• PBC Toolkit (2014–15): a comprehensive information resource for PBC directors, members and staff. Currently being developed in collaboration with the North Queensland Land Council.	
• Knowledge Management Data Base: access to data on legal precedents concerning native title jurisprudence and agreement-making, as well as native title related corporate structures.	http://aiatsis.gov.au/research /research- themes/governance
• Capacity building and approaches to disputes:	http://ncis.anu.edu.au/peopl e/sullivan.php

	aims to inform the Representative title sector about innovative approaches to capacity-building in decision-making and dispute management in the Right People for Country program in Victoria. • Director of Research: various publications on native title governance, rights, agreement-making, tenure, structures of corporations and tax. Governance and Public Policy Research Fellowship (2001 ongoing): range of foci including: • the Indigenous not-for-profit sector, Australian government policy, the national Indigenous Reform Agreement, national partnership agreements and sustainable employment initiatives on Aboriginal lands (2001–13) • mapping Indigenous governance research and practical resource needs, consensus-building, collaborative management, capacity-building, dispute management and training approaches for PBCs, NTRBs (2013 ongoing).	http://www.aiatsis.gov.au/ntru/toni.html
Australian Institute of Company Directors (AICD)	Indigenous Governance Program: a six-module program specifically designed for Aboriginal and Torres Strait Islander organisations. Modules can be delivered separately or combined in interactive half-day workshops. The Company Directors Course, whilst not specifically designed for Indigenous boards or individuals, is more comprehensive in governance training and is recognised by a number of universities. Indigenous people have graduated from their courses. Professional Development Handbook: assists with planning and personalised development pathway. Director Resource Centre: includes information for directors and boards including for not-for-profit organisations which can be tailored and governance analysis tools (additional material available if a member of AICD). Board Ready Program: provides diversity scholarships for women.	http://www.companydirectors.com.au/Courses http://www.companydirectors.com.au/Courses/Professional-Development-Handbook http://www.companydirectors.com.au/Director-Resource-Centre/Governance-analysis-Tool http://www.companydirectors.com.au/General/Header/Media/Media-Releases/2014/Board-ready-scholarships
Australian National University (ANU), Centre for Aboriginal Economic Policy Research (CAEPR) & RA	The Indigenous Community Governance (ICG) Research Project (2004–08): a partnership between CAEPR and RA, to research Indigenous community governance with participating Indigenous communities, regional Indigenous organisations and leaders across Australia, capturing what works, what does not, and why. Over four years of intensive field research in partnership with 12 Indigenous groups, communities, regions and organisations across remote, rural and urban locations. Comparative methodology with a comprehensive field manual allowing for documenting of diverse solutions as well as a common set of systemic principles, values and norms. The ICG developed a substantial body of evidence, case studies,	http://caepr.anu.edu.au/governance/index.php http://caepr.anu.edu.au/StaffProfiles/hunt.php http://ncis.anu.edu.au/people/smith.php HTTP://caepr.anu.edu.au/StaffProfiles/Diane-Smith

	reports and analyses, including a major toolkit of electronic resources (see AIGI and RA). Resources include: an annotated bibliography, community governance-development case studies, 10 key message type tips, papers about policy, concept of governance, evaluation, methodology, community development practice, and governance capacity-building. Also community newsletters and visuals of organisational governance structures. See also J Hunt, D Smith, S Garling & W Sanders 2008, *Contested Governance: Culture, Power and Institutions in Indigenous Australia.*	http://press.anu.edu.au/titles /centre-for-aboriginal-economic-policy-research-caepr/c29_citation/
ANU, National Centre for Indigenous Studies (NCIS) & and others	ARC Linkage Grant: 'Return, reconcile, renew: understanding the history, effects and opportunities of repatriation and building an evidence base for the future' [LP130100131], involving the University of Melbourne, the University of Queensland, Flinders University, AIATSIS, Office for the Arts (Australian Government Department of Regional Australia, Local Government, Arts and Sport), Kimberley Aboriginal Law and Culture Centre, Ngarrindjeri Regional Authority (NRA), National Museum of Australia, University of Otago, Association on American Indian Affairs, Museum of New Zealand Te Papa Tongarewa, and Gur A Baradharaw Kod Torres Strait Sea and Land Council Torres Strait Islander Corporation.	
Australian Rural Leadership Foundation (ARLF)	Programs supporting Indigenous Leadership engage Indigenous participants through either the ARLF flagship leadership program (ARLP) or its short courses. Indigenous participants have been involved in the Torres Strait Islander Young Leaders' Program, the Telstra Foundation Program, TRAIL (Training Rural Australians in Leadership), Blackwood (client-based leadership program), TRAILblazers, Rural Industries Research & Development Corporation (RIRDC) Rural Leaders' Program and the Torres Strait Women's Program. Graduate Certificate of Australian Rural Leadership supported by James Cook University. One-on-one support for people from non-academic backgrounds who live in isolated parts of Australia to enable them to complete study and gain the award. Members of the alumni and graduates involved in supporting Indigenous Australians through various fields of endeavour.	http://rural-leaders.com.au/ Contact Jennifer Andrew http://rural-leaders.com.au/programs/au stralian-rural-leadership-program-for-established-leaders http://rural-leaders.com.au/programs/cli ent-specific-programs http://rural-leaders.com.au/programs/tra il-for-emerging-leaders http://rural-leaders.com.au/programs/tra il%3Cem%3Eblazers%3Ce m%3E-for-seasoned-leaders
Cape York Institute for Policy and Leadership (CYIPL) & others	Constitutional Reform proposals perfecting the nation's highest legal authority including by enshrining recognition of Indigenous people and languages. 2014 and 2015 submissions to the Joint Select Committee making the argument for a constitutional amendment to establish an Indigenous body to consult with and advise Parliament on laws and policies affecting Indigenous interests.	http://www.recognise.org.au/ wp-content/uploads/shared/uplo ads/have_your_say/28ca695 6db6961ba8ccf.PDF http://capeyorkpartnership.or g.au/wp-content/uploads/2015/01/Su bmission-to-Joint-Select-

		Committee_October-2014.pdf
		http://capeyorkpartnership.org.au/wp-content/uploads/2015/02/Supplementary-Submission-to-Joint-Select-Committee-January-2015.pdf
CIYPL, Qld Family Responsibilities Commission (FRC) & others	Cape York Welfare Reform (since 2008): tripartite partnership between Cape York regional organisations, aims to restore socially responsible standards of behaviour, local authority and wellbeing in four participating Cape York communities (Aurukun, Coen, Hope Vale and Mossman Gorge). The FRC is responsible for rebuilding and promoting respect for local authority through early intervention, outlining and reinforcing community agreed values and expected behaviours; determining appropriate actions to address dysfunctional behaviours; providing mentoring and support as well as integrated case management; and referring individuals to community support services and income management. Supporting parents and families are required to understand their responsibilities and to put the needs of their children first, get their children to school every day, meet their commitments at home and abide by the law.	http://www.cyp.org.au/cape-york-welfare-reform http://www.frcq.org.au/ http://www.datsima.qld.gov.au/publications-governance-resources/policy-governance/cape-york-welfare-reform
Charles Darwin University (CDU), Australian Centre of Indigenous Knowledges and Education (ACIKE)	Clarifying Roles and Responsibilities and Accountability Framework (2014 ongoing): planning workshop to clarify roles and responsibilities of two partner tertiary institutions followed by the development and implementation of an accountability framework.	www.cdu.edu.au/acike
CDU, Northern Institute & GroundUp	Governance and Leadership Development Strategy (2013–15): Indigenous governance and leadership development in five Northern Territory (NT) communities (Gapuwiyak, Milingimbi, Ramingining, Wurrumiyanga and Ntaria). Academic researchers and facilitators from CDU, the Tangentyere Research Hub, Rise Up and Merri Creek productions are working in remote NT communities to build up local governance and leadership. The research teams work both ways and from the ground up.	www.cdu.edu.au/centres/groundup/igld
Northern Research Futures (NRF) Collaborative Research Network	NRF is a multi-disciplinary collaboration to establish the important research architecture essential to meeting the national challenges associated with living sustainably in the remote tropic zone and the interfaces between community and environment.	http://www.cdu.edu.au/northern-institute/collaborative-research-network-program

Crime and Misconduct Commission (CMC 2002–14), Queensland, now Crime and Corruption Commission (CCC)	Responsible for <u>governance and accountability issues</u> in Queensland's Indigenous councils including capacity-building workshops and materials for Queensland's Indigenous councils (approx. 1999–2000).	http://www.ccc.qld.gov.au/ http://www.justice.qld.gov.au/corporate/justice-initiatives/crime-and-misconduct-commission
Commonwealth Scientific and Industrial Research Organisation (CSIRO)	<u>Office of Indigenous Engagement</u> helps deliver Indigenous engagement strategy with four goals of developing scientific opportunities, Indigenous employment, Indigenous education outreach and cultural learning and development. Supports all CSIRO scientists who wish to better understand ethical and cultural practices when working with or for Indigenous people and communities including guidance in use of traditional knowledge and identifies opportunities to employ Indigenous staff, cadets or trainees into projects. Complemented by an Indigenous staff forum, an engagement committee with representatives of all business units, and an external steering committee.	www.csiro.au/
CSIRO partnership with Wet Tropics Aboriginal people (& others including AIATSIS)	<u>National Environmental Research Program, Tropical Ecosystems Hub</u>: undertaking co-research with Indigenous peoples and protected area managers to further investigate the potential of Indigenous protected areas and other collaborative models and tools to engage Indigenous values and world views, and to identify the conditions under which these arrangements lead to effective protected-area joint management.	http://www.nerptropical.edu.au/
Department of Environment and Primary Industries (DEPI), Victoria	<u>Traditional owner governance</u> in the implementation of formal recognition agreements.	http://www.bing.com/search?q=Department+of+Environment+and+Primary+Industries,+Victoria&src=IE-TopResult&FORM=IE10TR
Department of Justice (DOJ), Victoria	<u>Threshold Guidelines</u> under the *Traditional Owner Settlement Act* Victoria (2013): a publication regarding the requirements including of Indigenous governance for entering into negotiations for land settlements arising out of a series of workshops with relevant stakeholders.	http://www.justice.vic.gov.au/home/your+rights/native+title/threshold+guidelines
Department of Local Government and Regions, NT	The NT government is committed to improved services in regional and remote areas of the NT and consulted in 2013 with communities and stakeholders. It published an options paper and a final consultation report.	http://www.localgovernment.nt.gov.au/lgr-home/local_government_reviews/review_of_regional_governance_2013
Empowered Communities	Indigenous leaders from eight regions (North East Arnhem Land in NT, Sydney and the Central Coast of New South Wales (NSW), the Murray Goulburn region of Victoria, the Cape York Peninsula in Queensland, the East and West Kimberley regions of Western Australia (WA) and the NPY lands in the Central Desert region that borders South Australia, WA and NT) collaborating to develop proposals for structural reforms. Aims to ensure more customised and coordinated government initiatives and provide greater empowerment of local Indigenous leaders over activities in their communities and that government investment is	http://cyi.org.au/empowered-communities http://www.dpmc.gov.au/indigenous_affairs/index.cfm

	informed by local needs and priorities. Includes initial discussion of flexible financial arrangements, accountability mechanisms and the ability to devolve decision-making to communities and regions. Processes for government working with Indigenous leaders on the best ways to devolve decision-making and allow communities to take greater control over issues that affect them and with the corporate sector (Jawun, Westpac etc) and how to best support local leadership and capacity-building in communities. See Wunan Foundation 2015, *Empowered Communities: Empowered Peoples Design Report*.	http://www.dpmc.gov.au/sites/default/files/publications/EC%20Report.pdf
Department of Premier and Cabinet, South Australia (SA)	Aboriginal Regional Authorities (ARA): regional approach to Indigenous governance commenced by SA Government in July 2013 concerning proposed Aboriginal Regional Authorities. A consultation paper and 20 submissions have been published.	http://dpc.sa.gov.au/aboriginal-regional-authorities http://dpc.sa.gov.au/sites/default/files/pubimages/documents/aard/ARA%20Consultation%20Paper%202013.pdf
Department of Premier and Cabinet, Victoria, Office of Aboriginal Affairs Victoria (OAAV)	Governance training, for Aboriginal organisations, 3-day workshop, also Certificate IV for Business (governance). Leadership development and capacity-building. Right People for Country (RPfC) Program (2009 ongoing): supports traditional owners to negotiate country, boundaries, group composition and representation agreements and assists traditional owner groups to gain formal recognition under the *Aboriginal Heritage Act*, *Traditional Owner Settlement Act* and *Native Title Act*. Support is provided to: prepare and plan for agreement-making; strengthen skills and confidence to negotiate, manage difference of opinion and reach agreements; meet together to visit country, share stories and knowledge, negotiate and make agreements; document agreements for traditional owner groups and future generations; and facilitate coordination and collaboration among key stakeholders to better support effective agreement-making. Activities and tools include growing the pool of Victorian traditional owners as facilitators and leaders in agreement-making, interest-based negotiation framework and negotiation skills training, facilitated consensus-building processes regarding group composition and representation, and resources about traditional owner led agreement-making.	http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/projects-and-programs/governance-and-training http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/projects-and-programs/right-people-for-country-project
Department of Premier and Cabinet, Victoria	Victorian Aboriginal Heritage Council (VAHC) governance initiatives and lessons in appointing Registered Aboriginal Parties (RAPs)	http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/victorian-aboriginal-heritage-council
Federal Court of Australia	Case study project in Indigenous dispute management (2003–06) with AIATSIS as chief investigator, '*Solid Work you Mob are Doing*'. Comparative case studies, drawing-out of commonalities and difference and practical advice. See also recommendations to the National Alternative Dispute Resolution Advisory Council (NADRAC).	http://www.ag.gov.au/LegalSystem/AlternateDisputeResolution/Documents/NADRAC%20Publications/solid-work-you-mob-are-doing.pdf http://www.ag.gov.au/LegalSystem/AlternateDisputeReso

		lution/Documents/NADRAC %20Publications/Indigenous %20Dispute%20Resolution %20and%20Conflict%20Ma nagement%20- %20NADRAC%20recomme ndations%20to%20the%20A ttorney- General%20of%20Australia. PDF
Federation of Victorian Traditional Owner Corporation (FVTOC)	<u>Alliance of Victorian traditional owner corporations</u> aiming to be a strong representative voice, committed to caring for country, increasing economic opportunities and broadening political engagement.	http://fvtoc.com.au/
Fitzroy Valley Futures Community Forum, Fitzroy Crossing Kimberley, WA	<u>Community wide governance decision-making forum</u> specifically focused on service delivery priorities and being a community decision-making interface for working with government.	http://www.fitzroyvaleymen. org.au/ai1ec_event/fitzroy- valley-futures-forum-on- 19th-of- september/?instance_id=
Flinders University	<u>Indigenous Strategy and Engagement, Office of Dean</u>: A new education program will assist South Australian State Government agencies and Aboriginal nations to work together with greater understanding to rebuild capable contemporary Aboriginal governing institutions. <u>Aboriginal Nation (Re)Building Curriculum</u>: An essential component of the South Australian Government's Aboriginal Regional Authority Policy announced in 2013. The government proposes to develop an Aboriginal Governance Recognition Act that values the unique cultural identity of Aboriginal nations and sets out guiding principles for cooperation between the government and Aboriginal communities.	http://flinders.edu.au/oise/odi se_home.cfm
Indigenous Business Australia (IBA)	<u>IBA offers</u>: financial advice, home and small business loans, traditional owner, native title and investment services, business development and assistance programs and workshops. 2013 *Growing with Governance Forum* <u>Indigenous Investment Principles</u>	http://www.iba.gov.au/ http://www.iba.gov.au/busine ss-ownership/ http://www.iba.gov.au/busine ss-ownership/into-business- workshops/ http://www.iba.gov.au/invest ments/case-studies/case- study-indigenous- investment-principles/ http://www.iba.gov.au/invest ments/our-investment- philosophy/our-investment- guiding-principles/
Indigenous Land Corporation (ILC)	<u>National Education, Extension and Training Pilot</u> (approximately 1999–2001): Prior to divestment of properties, the ILC would engage the recipient group in governance training. This included in some instances	http://www.ilc.gov.au/

	training in interpersonal skills such as team building, decision-making and conflict resolution through the use of experiential learning techniques.	
	T2E Training to Employment Program: delivers enterprise-based training in tourism and agriculture with a guaranteed job opportunity for all graduates.	http://www.t2e.org.au/Home
James Cook University (JCU)	Wet Tropics Indigenous Cultural Heritage Project: supporting Indigenous-led governance and strategy in progressing the relisting of the Wet Tropics for its cultural values. Northern Futures Collaborative Research Network: exploring broad themes of governance related to northern Australia, inclusive of Indigenous governance (see also Charles Darwin University). Grow North Cooperative Research Centre Proposal: supporting traditional owners to explore improved governance systems to progress their agricultural and pastoral development aspirations.	http://www.cdu.edu.au/the-northern-institute/collaborative-research-network-program http://www.agnorthcrc.com/
Justice Connect Not-for-profit (JCNP)	JCNP Governance Fact Sheets and legal information for community organisations: JCNP works with the corporate and community sectors to increase access to justice for the disadvantaged.	http://www.justiceconnect.org.au
Various tools, training and governance-building initiatives	PlanTrak: web-based tool which helps boards, managers and staff track implementation of plans including key performance Indicators and deliverables/milestones in a visual and easy way. Specially designed for community-based Aboriginal boards (and other non-government organisations (NGOs)), also applicable to larger organisations. Together Now; Making Cross-Cultural Partnerships Work: a two-day workshop with a strengths-based approach for Indigenous and non-Indigenous participants. Topics include: considering diversity, group and individual, world views, leadership in cross-cultural relationships, developing people-first behaviours and capabilities, stereotypes, strategies, etc. Governance training: video and cattle boss board game (1996). Financial literacy resources	http://www.moretonconsulting.com.au/content.php/category/id/76 learn2lead@optusnet.com.au http://trove.nla.gov.au/work/14429565?selectedversion=NBD12441378 www.littlefish.com.au

National Congress of Australia's First Peoples (Congress), Sydney	First Peoples Framework for Engagement (2011–12): commits the parties to work together to build a just relationship between Congress and government. The framework sets out the principles, values and responsibilities that will guide dialogue, actions and negotiations between Congress and government.	http://nationalcongress.com.au/ http://nationalcongress.com.au/engagement-framework/
	International rights: working in Australia and oversees to progress human rights with the aim of recognition, increased awareness and effecting positive change. Congress members presented to United Nations in 2014.	http://nationalcongress.com.au/international-rights/
	National Congress Health Leadership Forum (NHLF): Congress has teamed with eleven Aboriginal and Torres Strait Islander health groups to form the NHLF.	http://www.naccho.org.au/aboriginal-health/national-congress-health-leadership/
Native Title Bodies and Land Councils (to be advised)	Cape York Land Council (CYLC): • Community Relations Unit to ensure traditional owners are consulted and represented about all land and sea business on country. • PBC Support Unit to help meet their compliance requirements.	http://www.cylc.org.au/index.php/our-role-and-functions/community-relations-unit/?search_paths[]=&query=PBC+governance&submit=search http://www.cylc.org.au/our-role-and-functions/prescribed-body-corporate-support/
	Central Land Council (CLC) Community Development Unit: developing principles and processes that build self-reliance, strengthen communities and promote good governance through the participation of local people in designing and implementing their own development projects. There are four broad program objectives: • maximise opportunities for Aboriginal engagement, ownership and control, particularly in relation to the management of resources • generate service outcomes which benefit and are valued by Aboriginal people, including social, cultural and economic outcomes • build an evidence base for CLC's community development approach and its value in building Aboriginal capabilities • share lessons learned with other government and non-government agencies.	http://www.clc.org.au/articles/info/community-development http://www.clc.org.au/articles/info/review-gives-clcs-community-development-program-thumbs-up
	An independent evaluation was released in 2014.	http://www.clc.org.au/publications/content/independent-evaluation-of-the-central-land-councils-community-developm/
	CLC Lajamanu Community Governance Project: to develop and support local governance. Project steering group comprised the Australian and NT governments, RA and the Coordinator General of Remote Indigenous services and mentor group comprising governance experts. Slow developmental process to enable Warlpiri residents to think through options for re-establishing meaningful forms of governance from a grass roots cross-cultural perspective which articulates aspirations and diversity of community residents, provides for a strong community 'voice' and increased participation, recognises and builds leadership	http://www.clc.org.au/files/pdf/Community_Governance_project_Brief_FINAL_December_2010.pdf

	capacity, ensures government agencies' and other organisations' consultations and engagement are targeted and effective, and provides a model for successful and legitimate community governance that can be applied more broadly. Detailed paper on the project undergoing peer review at AIATSIS. Native Title Services Victoria (NTSV): • Country planning and governance support • Governance capacity-building for traditional owners.	http://www.ntsv.com.au/ http://www.ntsv.com.au/our-work/
Ngarrindjeri Nation	Ngarrindjeri Regional Authority (NRA): Research and Policy Planning Unit based at Flinders University. Kungun Ngarrindjeri Yunnan Agreement (KNYA) process, 'Listen to Ngarrindjeri people speak' also addresses contract agreements. The Ngarrindjeri Sea Country Plan (2006), or the Ngarrindjeri Nation Yarluwar-Ruwe Plan, provides ways to affirm contemporary nationhood and negotiate with Australian governments.	http://www.ngarrindjeri.org.au/ See for example: https://www.murraybridge.sa.gov.au/webdata/resources/files/Kungun_Ngarrindjeri_Yunnan_Agreement.pdf http://www.environment.sa.gov.au/about-us/aboriginal-partnerships http://www.environment.gov.au/indigenous/publications/pubs/ngarrindjeri-scp-2006-1.pdf
North Australian Indigenous Land and Sea Management Alliance (NAILSMA)	Indigenous-led not-for-profit company undertaking research and training to support Indigenous aspirations for land and sea management across north Australia. Example of challenge of building and maintaining a governance structure that brings together Indigenous groups across a large region. North Australian Indigenous Experts Forum provides advice to the Northern Australia Ministerial Forum on key strategic policy interests relevant to Indigenous people's aspirations for sustainable development. NAILSMA provides the secretariat for the Indigenous Experts Forum. Dugong and Marine Turtle Project brought together Indigenous communities, research, government and NGOs to deliver Regional Activity Plans developed by Indigenous groups (land councils, ranger groups and traditional owners). Plans were holistic and included wide range of sea country management activities beyond its day-to-day management. Project well reviewed by all, considered a landmark, and won several awards including national Banksia Foundation Award. Tracker Program designed to put the power of data back	http://www.nailsma.org.au/ http://www.nailsma.org.au/publications http://www.nailsma.org.au/hub/programs/north-australian-indigenous-experts-forum-sustainable-economic-development http://nailsma.org.au/saltwater-people-network/dugong-and-marine-turtle-project http://www.nailsma.org.au/h

	into Indigenous hands. Provides tools, training, technical supports to Indigenous rangers to assist them to deliver community-based management plans, engage in payment for service contracts, participate in regional, international, government etc. initiatives. Focus on providing culturally and scientifically robust tools. Won several awards including national Banksia Foundation Award.	ub/programs/i-tracker http://www.nailsma.org.au/hub/resources/publication/looking-after-country-nailsma-i-tracker-story
Notre Dame University, Nulungu Centre for Indigenous Studies, Broome	A range of Indigenous community research projects, some in partnership with the Kimberley Aboriginal Law and Culture Centre on cultural governance.	http://www.ndcis.org.au/
Office of Communities Aboriginal Affairs, NSW	OCHRE (opportunity, choice, healing, responsibility, empowerment): a NSW Government plan for Aboriginal affairs launched in April 2013. Several publications are available including the plan, an executive summary, a taskforce final report and a one year on brochure.	http://www.aboriginalaffairs.nsw.gov.au/ochre-interactive-map/
Office of Environment and Heritage, NSW	Expanding joint management in NSW under formalised governance arrangements to 25% of NSW parks system developing corporate plan and flow through planning and management in NSW Office of Environment & Heritage. The Strengthening Aboriginal Community Wellbeing Toolkit: a software-based support tool designed to help Aboriginal community groups to assess their current level of wellbeing and develop goals to improve wellbeing.	http://www.environment.nsw.gov.au/ http://www.environment.nsw.gov.au/nswcultureheritage/WellbeingToolkit.htm
Office of the Registrar of Indigenous Corporations (ORIC)	Range of training, information, guides and templates, including a healthy corporation checklist and training programs centered on the Registrar's commitment to increase corporate governance knowledge, skills, efficiency and accountability within corporations. Governance introductory workshops, training courses, certificates and diplomas including native title modules. Independent director's portal matching recruitment needs with job seeking directors is coming soon. Information and tools are available for corporations, NTRBs and PBCs such as Rule Books and guides.	http://www.oric.gov.au/ http://www.oric.gov.au/resources http://www.oric.gov.au/free-templates/healthy-corporation-checklist http://www.oric.gov.au/training/about-our-courses http://www.oric.gov.au/start-corporation/rule-book http://www.oric.gov.au/oric-oracle-august-2014-independent-directors-centre-spread http://www.oric.gov.au/publications/rule-book/guide-writing-good-governance-rules-pbcs-and-rntbcs
Productivity Commission	Overcoming Indigenous Disadvantage reports: governance and leadership governance related examples. 2011: six key determinants of good governance have been identified – governing institutions, self-determination, leadership, capacity-building, cultural match and resources – and illustrated using case studies. Examples drawn from the IGAs, from consultations by the Secretariat and studies	http://www.pc.gov.au/gsp/overcoming-indigenous-disadvantage/key-indicators-2011

	into governance.	http://www.pc.gov.au/resear ch/recurring/overcoming- indigenous- disadvantage/key-indicators- 2014/key-indicators-2014- report.pdf
	2014: Aboriginal and Torres Strait Islander Australians' economic and several health outcomes have improved over the longer term, justice outcomes continue to decline	
Queensland Aboriginal and Islander Health Council (QAIHC)	<u>Sustainable Governance Program</u>: leading the way for peak organisations in developing and delivering governance programs designed to strengthen and sustain best-practice governance principles for Aboriginal and Torres Strait Islander organisations.	http://www.qaihc.com.au/bus iness-units/sector- development/qaihc- sustainable-governance- program/
Queensland Resources Council (QRC)	<u>Memorandum of Understanding</u> between the Queensland Government and the QRC (on behalf of the resources industry) to increase Indigenous participation in the Queensland resources sector since 2008, including participation in the coal and coal seam gas sectors, has identified the need to develop governance and management capacity amongst the affected native title groups in the Surat Basin and Central Queensland. Progressing a proposal for providing governance capacity- building support late in 2015.	www.qrc.org.au/01_cms/det ails.asp?ID=3121
Redfern Foundation, NSW	<u>A small philanthropic trust</u> which is an example of a 'black/white' partnership which deliberately has recipient organisations as members of the board of directors. The Foundation supports Mudgin Gal Aboriginal Women's Corporation, the Tribal Warrior Association and Babana Men's Group with an annual grant.	http://www.redfernfoundation .org.au/
The Aurora Project	<u>Programs aimed at increasing capacity of NTRBs to support native title groups</u> including focused sessions on resources sector including: • Scoping Study into the training and support needs of PBCs Report submitted to FaHCSIA June 2010. • Pilot Workshops 2012: 'Understanding and managing native title for PBCs' (4-day) comprising 2-day 'Understanding future acts and ILUAs for PBCs' and 2-day 'Managing native title matters: group consultation and decision-making' in Cairns and Broome. • 'Structuring Entities to Achieve Group Aspirations': for staff designing native title corporations, 2-day workshop for NTRB staff, Coffs Harbour, 5–6 June 2014. • Community Development Projects: designing, implementing and monitoring projects, 3-day workshop for NTRB staff, Adelaide 22–24 July 2014. Using case studies to discuss development projects and community development theory, a focus on the monitoring and evaluation elements of program design. • 'Achieving Informed Consent': innovative methods for group engagement and conducting community meetings, 3-day	http://www.auroraproject.co m.au/native_title

	workshop for NTRB staff, Brisbane, 1–3 April 2014. • Agreement Making: various programs offered since 2009. • Resource Economics: a specialised program covering mineral, oil and gas economics, for NTRB staff, Alice Springs 6–7 June 2013. • Strategic Negotiation: offered on four occasions since 2010. Not offered in 2014. Interest-based negotiation skills development led by experienced mediators/negotiators. Offers theoretical framework and framework for preparing for negotiations as well as practical application with coaching over two-and-a-half days. • Conflict Management: offered as a stand-alone program on three occasions and then integrated into other programs (e.g. Management Development 2014), provides NTRB staff with framework and core skills development to engage with conflict and work in contested environments and to help reduce levels of conflict in native title work. Tools and practical resources including hand books, and fact sheets such as Aurora PBC Fact Sheet 'Legal Context for PBC Decision Making' (Fact Sheets also available on Future Acts, Right to Negotiate and ILUAs) and training manuals available at the courses. The Aspiration Initiative, an internships and an education program: includes academic enrichment camps for high school and scholarship and bursary programs for international study tours, postgraduate studies and executive development programs.	http://www.auroraproject.com.au/ntrb_resources http://www.auroraproject.com.au/PBCs_working_in_two_worlds http://www.auroraproject.com.au/aurorainternshipprogram http://www.auroraproject.com.au/ntrbscholarships http://theaspirationinitiative.com.au/ http://www.perkinstrust.com.au/ http://www.robertasykesfoundation.com/
University of Melbourne, School of Government, Melbourne Law School (MSoG)	Indigenous Nation Building: Theory; Practice and its emergence in Australia's public policy discourse (2014–16) is a project funded through an intra-university grant from Melbourne School of Government to Melbourne Law School; continues collaborative research begun in an earlier ARC Discovery Project grant hosted by the University of Technology Sydney. Among other efforts, the research engages two Indigenous nations in Australia, and adds a third, comparing self-governance strategies and progress. The project is conducted hand-in-hand with the ARC Linkage Project [LP140100376], hosted by University of Technology Sydney, which is a collaboration among seven universities and three Aboriginal nations. Advancing Indigenous Governance (2014–17): an initiative by MSoG to engage with important Indigenous nation-building developments and to coordinate and participate in extensive Indigenous self-governing research. MSoG's efforts raise the prominence of Indigenous governance (and government) by featuring it side-by-side with the	https://government.unimelb.edu.au/indigenous-nation-building https://government.unimelb.edu.au/indigenous-nation-building.

	school's academic focus on Australian and international governments.	
National Climate Change Adaptation Research Facility (NCCARF) & Department of Climate Change and Energy Efficiency (DCCEE)	National Indigenous Climate Change (NICC) Project: enabling Indigenous knowledge and decision-making systems to inform carbon offset, also involving other governance research including how Indigenous knowledge and values can be incorporated into coastal and freshwater water planning decisions and management.	http://www.indigenousclimatechange.com.au/casestudy6.aspx
University of Queensland (UQ)	Institute for Social Science Research (ISSR): UQ flagship institute for the social sciences with wide-ranging research programs including Australian Indigenous and international development context on decentralised governance, public finance reform and complex adaptive systems and increasing Indigenous participation in the resources sector. School of Political Science and International Studies (SPSIS): specialises in governance including mediation, facilitation, conflict resolution, culture, and peace-building in Aboriginal Australia and Indigenous governance generally. Projects include 'Toward integrated governance for improved Indigenous outcomes' (2012–13), funded by Institute of Urban Indigenous Health; and 'Advancing governance in community controlled Indigenous health, recalibrating corporate, community and government accountability'.	http://www.issr.uq.edu.au/ http://researchers.uq.edu.au/researcher/1093 http://www.polsis.uq.edu.au/index.html http://issr.uq.edu.au/staff/limerick-michael http://researchers.uq.edu.au/researcher/992 http://researchers.uq.edu.au/research-project/15268 http://naccocommunique.com/2012/07/02/governanceurgent-remedy-needed-for-aboriginal-community-healthcare/
UQ & University of British Columbia (UBC)	School of Political Science and International Studies (SPSIS) Natural Resources Stewardship and Governance in First Nations: current, advancing governance in community controlled Indigenous health: recalibrating corporate, community and government accountability; School of Political Science and International Studies.	
University of Sydney, National Centre for Cultural Competence (NCCC)	Developing and integrating cultural competence through innovative learning, teaching, research and engagement in the first instance from the standpoint of Aboriginal and Torres Strait Islander cultures. The program will be expanded to fully embrace the cultural diversity of the University, the region and the wider international community. Online teaching tools are also available such as a Kinship Module and Byalawa, a learning and teaching resource specifically designed to facilitate culturally-safe interviewing and case history-taking skills for students studying to be health professionals; adaptable for a diverse range of disciplines.	http://sydney.edu.au/nccc/ http://sydney.edu.au/kinship-module/index.shtml http://www.byalawa.com/
University of Technology Sydney (UTS),	Changing the Conversation: Reclaiming Indigenous Government (2010–14), ARC Discovery Project [DP1092654]: research collaboration between Gunditj	http://www.uts.edu.au/staff/alison.vivian

Jumbunna Indigenous House of Learning (JIHL) & Native Nations Institute, University of Arizona	Mirring Traditional Owners Aboriginal Corporation, NRA, Jumbunna JIHL and the Native Nations Institute at the University of Arizona. Intensive collaboration with two Indigenous nations in Australia engaged in practical tasks of governance and the expansion of de facto jurisdiction. Tested the applicability of nation-building concepts drawn in part from North American research.	
JIHL, MSoG and Native Nations Institute & others	Indigenous nationhood in the absence of recognition: Self-governance strategies and insights from three Aboriginal communities (2015–18) ARC Linkage Project [LP140100376]: research collaboration between three Indigenous nations (Gunditj Mirring Traditional Owners Aboriginal Corporation, NRA, and individuals and groups from the Wiradjuri Nation) with seven universities (JIHL, UTS; Native Nations Institute, University of Arizona; University of Melbourne; Flinders University; Charles Sturt University; ANU; RMIT).The project aims to strengthen Australian Indigenous communities by learning and sharing lessons about sustainable and effective Indigenous governance and identifying innovation in community governance. The project will test the usefulness of Australian governance assessment tools, foster Indigenous networks to share successful strategies and contribute to emerging theory of Indigenous nation-building.	http://www.law.unimelb.edu.au/index.cfm?objectid=985076F0-7E6E-11E4-8F050050568D27D4
University Victoria with OAAV & Consumer Affairs Victoria (CAV)	Managing in two worlds: three-day workshops at locations throughout Victoria tailored to strengthen Aboriginal community organisations through the development of management and governance skills of individual board members and key staff.	http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/projects-and-programs/governance-and-training
University of Western Australia (UWA), School of Indigenous Studies, Perth	The National Empowerment Project: a universal strategy to promote social and emotional wellbeing and reduce community distress and suicide in Aboriginal and Torres Strait Islander communities.	http://www.sis.uwa.edu.au/research http://www.nationalempowermentproject.org.au/

Indicative International Initiatives

Name	Governance capacity-building and research initiative and tools	Location
Banff Centre Indigenous Leadership and Management Programs, Alberta, Canada	The Banff Centre involves artists, leaders, and researchers from Canada and around the world participating in multidisciplinary programs. The Indigenous Leadership and Management Program offers a range of programs including: • best practices in Indigenous business and economic development • Indigenous leadership and management development • establishing institutions of good governance • strategic planning • women in leadership • inherent right to governance • governance for councils and boards to negotiation skills training. A Certificate of Indigenous Leadership, Governance and Management Excellence is awarded to people successfully completing six programs.	http://www.banffcentre.ca/indigenous-leadership/ http://www.banffcentre.ca/indigenous-leadership/programs/certificate.aspx#
Centre for First Nations Governance, Canada	Centre for First Nations Governance is a non-profit organisation that supports First Nations in effective self-governance. They develop and deliver self-governance workshops and forums in First Nation communities across Canada and are the only organisation in Canada dedicated strictly to First Nations governance. Their governance toolkit provides many best practice documents.	http://www.fngovernance.org/ http://www.fngovernance.org/toolkit
Dalhousie University & other institutions in Canada	The Poverty Action Research Project examines anti-poverty strategies in a small sample of First Nations across Canada, including the effects of government policy and the efforts of First Nations themselves. The project is in the data gathering and analysis phase. Its goal is to inform federal policy and First Nation development strategies.	http://www.edo.ca/downloads/the-poverty-action-research-project.pdf
Harvard University & Native Nations Institute, University of Arizona	The Harvard Project on Indian American Economic Development (1987–current): aims to understand and foster the conditions under which sustained, self-determined social and economic development is achieved among American Indian nations through applied research and service.	http://hpaied.org/
Nicola Valley Institute of Technology, British Columbia	Aboriginal Governance and Leadership Program (AGLP): aims to strengthen Aboriginal peoples' skills and abilities to govern, while grounded in the learners' traditional knowledge, leadership values, and community development interests.	http://www.nvit.ca/aboriginalgovernanceleadership.htm
University of Arizona	The Native Nations Institute for Leadership, Management, and Policy is part of the Udall Center for Studies in Public Policy at the University of Arizona. Founded in 2001, it is a self-determination, self-governance, and development resource for Native Nations. It engages in policy analysis,	http://udallcenter.arizona.edu/nations/ http://nni.arizona.edu/ http://udallcenter.arizona.ed

	research, curriculum development, executive education, non-for-credit distance-learning courses (the 'Rebuilding Native Nations' series which examines critical governance and development challenges) and degree programs (offered in collaboration with the Indigenous Peoples Law and Policy Program at the University of Arizona College of Law – see below).	u/personnel/scornell.php http://nni.arizona.edu/whoweare/jorgensen.php http://www.rebuildingnativenations.com/overviews.html http://nni.arizona.edu/resources/index.php
	Indigenous Governance in the CANZUS Countries: Comparing Strategies and Outcomes (2002 ongoing): largely in data gathering and analysis phase. Comparative analysis of contemporary Indigenous efforts to reclaim self-governing power in the United States, Canada, Australia, and Aotearoa/New Zealand, contextual conditions and differences that shape governance strategies and outcomes and on Indigenous responses to those conditions.	
	Strategic Analysis for Native Nations or SANN (1998) and Governance Analysis for Native Nations or GANN (2009): analytical tools for use with/by Native nations considering governing system reform. The SANN and GANN focus on the tribal jurisdictions in the United States but may be useful for Indigenous nations elsewhere. There is also an Australian version of the GANN. The SANN is publicly available; the GANN is proprietary.	http://nni.arizona.edu/whatwedo/parpubs.php www.igovdatabase.com
	Indigenous Governance Database: a vast, web-based collection of video, audio, and written resources on Indigenous governance with a primary focus on North America (but with gradually expanding materials from elsewhere, including Australia). Most materials can be downloaded free of charge.	http://nni.arizona.edu/whatwedo/research_health.php
	Beyond Health Care: Community, Governance, and Culture in the Health and Wellness of Native Nations: this project uses case studies to explore what Native Nations can do outside the health-care system, as conventionally conceived, to improve health and wellness. It examines factors (often known as 'social determinants') including the extent of practical self-determination, the organisation of governing systems, and cultural continuities. Aims to provide Native Nations with information and concrete strategies that have track records of success in improving Indigenous health outcomes. The project is in the final stages of data collection.	http://law2.arizona.edu/depts/iplp/
	Native Nations Institute & James E Rogers College of Law Continuing Education Certificate, Graduate Certificate, and Master of Professional Studies in Indigenous Governance: these three educational tracks, run jointly by the Indigenous Peoples Law and Policy Program in the College of Law and the Native Nations Institute in the Udall Center for Studies in Public Policy, are designed for working tribal professionals who face – often for the first time in generations – the practical tasks of governing nations	

	under conditions of self-determination. They cover such topics as Indigenous rights, nation-building, constitutions, law-making, justice systems, cultural property, intergovernmental relations, and comparative Indigenous governance across a number of countries. The intensive format combines brief on-campus sessions with online and other distance coursework. The overall program is three years old and has enrolled more than 70 students, most of them Indigenous, from seven countries.	
University of Victoria, British Columbia (UVIC) **UBC & University of Queensland, School of Political Science and International Studies (SPSIS)**	Indigenous Governance research: specialising in Indigenous leadership and governance, the restoration of land-based and water-based cultural practices, and community resurgence strategies. Natural Resources Stewardship and Governance in First Nations (current): advancing governance in community controlled Indigenous health: recalibrating corporate, community and government accountability.	http://web.uvic.ca/igov/index.php/faculty http://taiaiake.net/publications/ http://corntassel.net/articles.htm
University of Ottawa	Change and economic development in arctic Canada: identifying priorities for policy, governance, and adaptation (current): an examination of the limits of Canadian self-government policy in Nunavut and of the potential for Indigenous-led expansions of self-governing power. Is current Canadian policy simply a new form of colonisation? How might Nunavut counter those effects and pursue its own vision of governance? The project is just commencing.	http://www.espg.ca/research/coastal-communities-and-climate-change/
Waikato University, New Zealand, Faculty of Law **Maori and Indigenous Governance Centre, Te Piringa**	Maori and Indigenous Governance Centre: collaboratively researches governance nationally and internationally by undertaking longitudinal research, in consultation and partnership with profit and non-profit Māori and Indigenous organisations.	http://www.waikato.ac.nz/law/research/centre-for-maori-and-indigenous-governance/

18.2. Appendix B Forum flyer

Forum invitation

INDIGENOUS GOVERNANCE DEVELOPMENT
A FORUM TO MAP CURRENT AND FUTURE RESEARCH AND RESOURCE NEEDS

Dates: 29 – 30 July 2014
Mabo Room, Australian Institute of Aboriginal & Torres Strait Islander Studies (AIATSIS)

How can an Indigenous governance research agenda yield practical benefits, resources and insights?

How can research identify and share what is self-determining, innovative and promising in Indigenous Australian governance?

Aim

We are often working independently to design and implement Indigenous governance initiatives. This Forum will provide a unique opportunity to hear about current governance issues, research and resources, discuss and target your work to identified governance needs and gaps, and coordinate your work with others.

The Forum will develop a current snapshot of Indigenous governance research and related resources across the country in a range of sectors, identifying priorities and gaps.

Agenda

Sessions will focus on the current state of research and resources for Indigenous governance development, the related needs of Indigenous people, the work of governance training providers and, gaps and future practical research agenda.

Participants

Approximately 40 participants including researchers, representatives from Indigenous groups, communities and organisations, governance educators and training providers, policy makers and private sector leaders with an interest in Indigenous governance research and development.

Co-facilitators

Toni Bauman, AIATSIS Senior Research Fellow Governance and Public Policy, Diane Smith, Governance researcher and AIGI Board Member, and Robynne Quiggin, CEO AIGI.

Pre-workshop survey and briefing paper

- We will send out a short survey prior to finalising the agenda to ensure we capture the issues of most relevance to you.
- A background briefing paper will be provided to all participants before the workshop.

Communicating results

AIATSIS and AIGI will collate the survey material and workshop discussion into a short report that will be published on the AIATSIS and AIGI websites.

RSVP essential by **23 June 2014** to **Christiane.Keller@aiatsis.gov.au**; numbers are strictly limited to invited participants only, who will be required to complete the pre-workshop survey.

18.3. Appendix C Forum agenda

Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs

Date: 29–30 July 2014, Venue: Mabo Room, AIATSIS, Lawson Crescent, next to the National Museum, Canberra

Day 1: Tuesday 29 July 2014

Time	Sessions
8.30 am	Registration, tea and coffee, fruit and pastries available
9.00 am	*Session 1:* **Welcome, introductions, forum overview**
	Acknowledgement of traditional owners and welcome to AIATSIS Mr Russell Taylor, Principal AIATSIS
	Introductory remarks Professor Mick Dodson, Chair AIATSIS and NCIS and AIGI Board member Mr Jason Glanville Chair AIGI and CEO National Centre for Indigenous Excellence
	Facilitator introductions
	Aims of forum, outputs and overview of the Agenda
	Participant introductions
10.45 am	*Session 2:* **Issues for participants in Indigenous governance development, research and practical resources**
11.00 am	**Morning Tea**
11.15 am	*Session 2 (Cont'd):* **Issues for participants in Indigenous governance development, research and practical resources**
12.15 pm	*Session 3:* **The meaning and scope of Indigenous governance** **Overview of survey and issues in defining Indigenous governance** Dr Diane Smith
	Plenary Discussion
12.50 pm	**Lunch in foyer**

Day 1: Tuesday 29 July 2014 (Cont'd)

1.30 pm	*Session 4:* **Indigenous governance development: exchanging initiatives and issues**
	Panel Presentations Professor Daryle Rigney (Flinders University) Ms Zoe Ellerman (Cape York Institute) Ms Sally Smith (Right People for Country, Victoria) Professor Miriam Jorgensen (University of Arizona & University of Melbourne) Mr Geoff Scott (National Congress of Australia)
	Plenary Discussion
2.15 pm	*Session 5:* **Indigenous governance research: exchanging initiatives and issues**
	Issues from the survey Dr Diane Smith
	Panel Presentations Dr Lisa Strelein (AIATSIS)

Dr Alison Vivian (UTS)
Mr Matthew Campbell (Ground Up, CDU)
Ms Chrissy Grant (AIATSIS)

Plenary Discussion

3.10 pm	**Afternoon tea**
3.35 pm	*Session 6:* **What Kind of Applied Research can support Indigenous governance development?**
4.45 pm	*Session 7:* **Issues and priorities from Day 1**
5.00 pm	**Closing remarks and drinks, cheese and biscuits**

Day 2: Wednesday 30 July 2014

Time	Sessions
8.30 am	Tea and coffee, fruit and pastries available
9.00 am	*Session 8:* **Reflections overnight: emerging themes and issues from Day 1**
9.30 am	*Session 9:* **Supporting Indigenous governance development through training and practical tools** **Survey responses and issues** Dr Diane Smith **Panel presentations** Mr Anthony Beven (ORIC) Mr Murray Coates (AILC) Ms Robynne Quiggin (AIGI) and Ms Phoebe Dent (RA) Ms Philippa Pryor (Aurora) Mr David Jagger (APO NT) **Plenary Discussion**
10.30 am	**Morning Tea**
11.00 am	*Session 10:* **Accounting for Indigenous cultural priorities in governance tools and training and** **The elements of an Indigenous governance development curriculum**
12.10 pm	*Session 11:* **The policy environment for Indigenous Governance** **Issues identified in the survey** Dr Diane Smith **Indigenous governance programs and policy in the Department of Prime Minister and Cabinet** **Panel Presentations (to be confirmed):** Mr Brendan Moyle (Leadership and Capacity Development) Mr Geoff Richardson (Indigenous Workforce Strategies) Mr Matthew James (Evidence and Evaluation Branch Schools, Youth and Evidence Division) Ms Bronwyn Field (Stronger Futures in the Northern Territory (Governance)) **State and Territory policy and practice issues** **Plenary Discussion**
1.00pm	**Lunch in foyer**
2.00pm	*Session 12:* **Progressing the discussion and priorities**
3.15 pm	**Afternoon tea**
3.30pm	**Closing Remarks**
4.00 pm	**Workshop close**

18.4. Appendix D List of participants

Harry Appo	Local Government Support Officer, Support Unit, Department of Local Government and Regions, Northern Territory
Sally Barnes	Director of National Parks, Parks Australia
Jenny Bedford	Chief Executive Officer, Institute for Aboriginal Development (IAD) Aboriginal Corporation
Anthony Beven	Registrar of Indigenous Corporations, ORIC
Matthew Campbell	Research Coordinator, Tangentyere Council
Murray Coates	General Manager, Australian Indigenous Leadership Centre
Dr Valerie Cooms	Full-time Member, National Native Title Tribunal
Craig Cromelin	Chairperson & Councillor for the Wiradjuri region, NSW Aboriginal Land Council
Ned David	Chair, Torres Strait Islanders Regional Education Council
Phoebe Dent	Manager, Indigenous Governance Awards and Policy, Reconciliation Australia
Professor Mick Dodson	Chairperson, Australian Institute of Aboriginal and Torres Strait Islander Studies
Jason Eades	Chief Executive Officer, PwC Indigenous Consulting
Zoe Ellerman	Head of Policy and Research, Cape York Institute For Policy & Leadership
Bronwyn Field	Director, Stronger Futures in the Northern Territory (Governance), Department of the Prime Minister and Cabinet
Jason Glanville	Chief Executive Officer, National Centre for Indigenous Excellence; Chairperson, Australian Indigenous Governance Institute
Chrissy Grant	Independent Environmental Services Professional, Chairperson, Research Ethics Committee, Australian Institute of Aboriginal and Torres Strait Islander Studies
Professor Shane Houston	Deputy Vice-Chancellor, Indigenous Strategy and Services, Sydney University
Alina Humphreys	Senior Manager, Strategy & Policy, Australian Securities and Investments Commission
Dr Janet Hunt	Deputy Director, Centre for Aboriginal Economic Policy Research, College of Arts & Social Sciences, The Australian National University
David Jagger	Program Manager, Aboriginal Governance and Management Program, Aboriginal Peak Organisations NT (APO NT)
Matthew James	Assistant Secretary, Executive, Evidence and Evaluation Branch Schools, Youth and Evidence Division, Department of the Prime Minister and Cabinet
Professor Miriam Jorgensen	Research Director, Native Nations Institute, University of Arizona & Professor of Indigenous Governance, Melbourne School of Government, University of Melbourne
Magaret Kavanagh	Coordinator, Wiluna Regional Partnership Agreement, Western Australia
Professor Marcia Langton	Foundation Chair in Australian Indigenous Studies, University of Melbourne
Tony Lee	General Manager Community Programs, Nyamba Buru Yawuru Ltd

Lawrence McDonald	Assistant Commissioner and Head of the Secretariat for the Review of Government Service Provision, Productivity Commission
Brendan Moyle	Senior Advisor, Leadership and Capacity Development, Department of the Prime Minister and Cabinet
Michelle Patterson	Deputy Principal, Australian Institute of Aboriginal and Torres Strait Islander Studies
Trevor Pearce	Chief Executive Officer, First Nations Foundation
Kerry Pearse	Principal of Moreton Consulting
Bronwyn Penrith	Chair, Mudgin Gal Association
Philippa Pryor	Training and Professional Development Manager, The Aurora Project
Geoff Richardson	Assistant Secretary, Indigenous Workforce Strategies, Department of the Prime Minister and Cabinet
Professor Daryle Rigney	Dean, Indigenous Strategy and Engagement, Flinders University
Geoff Scott	Chief Executive Officer, National Congress of Australia's First Peoples
Jodie Sizer	Principal and Co-owner, PwC Indigenous Consulting
Sally Smith	Project Manager, Right People for Country Program, Office of Aboriginal Affairs Victoria, Department of Premier and Cabinet
Dr Lisa Strelein	Director – Research Strategy, Australian Institute of Aboriginal and Torres Strait Islander Studies
Dr Patrick Sullivan	Adjunct Professor, National Centre for Indigenous Studies (ANU), and Associate Professor Research, Nulungu Research Institute, University of Notre Dame (Broome)
Russell Taylor	Principal, Australian Institute of Aboriginal and Torres Strait Islander Studies
Alison Vivian	Senior Researcher, Jumbunna Indigenous House of Learning, University of Technology Sydney
Brian Wyatt	Chief Executive Officer, National Native Title Council

In Australia today there are an estimated 8000 to 9000 Indigenous organisations, many of which are incorporated under Commonwealth, state or territory legislation. Their governance work is often seen by Indigenous people as nation-building: an expression of self-determination and a way of reconceptualising relations with governments and asserting unique cultural traditions.

The effective governance of these organisations is critical to attracting funding, promoting sustainable economic activity and building resilient communities. It is now recognised that Indigenous governance and the governance of governments are intertwined and the latter is receiving greater critical scrutiny.

A growing number of research projects, governance building initiatives and practical resources are providing evidence of what works, what doesn't and why. But the opportunities to evaluate this evidence, consider strategic priorities and build collaborations are limited.

On 29–30 July 2014, AIATSIS and AIGI convened an Indigenous governance forum in Canberra to provide such an opportunity. In preparation, a survey of Indigenous governance research, practical resources and future needs was widely circulated. This report provides a synthesis of ideas, comments, issues and possibilities identified through the survey and the forum.

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