STRONG GOVERNANCE SUPPORTING SUCCESS

STORIES AND ANALYSIS FROM THE
2016 INDIGENOUS GOVERNANCE AWARDS

AUSTRALIAN
Indigenous
Governance
INSTITUTE

RECONCILIATION
AUSTRALIA

Acknowledgements

Foreword

The Indigenous Governance Awards (Awards) celebrate people who practise the longest continuous governance in the world. The longevity and success of these practices are remarkable. Yet, we've often been asked: why governance? Why is it that strong governance is worthy of recognition and a dedicated Awards program? It's because good governance is crucial to self-determination and to building and sustaining strong, healthy Aboriginal and Torres Strait Islander communities.

The Awards are underscored by the belief that Aboriginal and Torres Strait Islander people hold the key to positive social, political, cultural and economic prosperity, and that governance plays a key role in this process. The power of the Awards is to shift the focus from what does not work to what does. They showcase evidence that our people and organisations have the answers. They foster pride and confidence in the ability of Aboriginal and Torres Strait Islander organisations and communities to change our peoples' lives for the better, and they encourage mainstream Australia to adopt a new discourse focused on Aboriginal and Torres Strait Islander success.

The 2016 Awards received applications from 138 Indigenous-led incorporated organisations and informal groups, projects and initiatives—a record number. Despite differences in location, industry and community, this outstanding group of applicants have three things in common: their governance is healthy, they place culture at the centre of their operations and they are the heartline for their communities.

Publications sharing stories of success have been an integral part of the Awards since their inception in 2005. These publications provide a fantastic opportunity to gain insight into current best practice and the exciting innovations that Aboriginal and Torres Strait Islander people are making to their contemporary governance arrangements. Analysis of the 2016 Awards demonstrates the dominant role of governance in promoting Indigenous self-determination, cultural resilience and community development outcomes. Applicants are developing increasingly nuanced understandings of governance, and are using this new sense of control to rebuild their governance capacity and achieve their goals for self-determination.

Together, the applicants demonstrate that the best and most viable solution is Aboriginal and Torres Strait Islander self-determination. It is when the answers are designed and driven by Aboriginal and Torres Strait Islander people that positive change happens. Positive change occurs when partners work in cooperation, not competition; when our communities are empowered to be leaders, not recipients; and when solutions are built by, and reflect the priorities of, those who face the problems.

I would like to congratulate each of the Awards applicants. You are an inspiration to other Aboriginal and Torres Strait Islander organisations and communities and you are creating a better future for all Australians. With organisations and projects like yours leading the change, our vision for a better and more successful Australia can be realised. You are the vanguard of Indigenous success.

Professor Mick Dodson AM
Chair, Indigenous Governance Awards
Deputy Chair, Australian Indigenous Governance Institute

Publishers

The Australian Indigenous Governance Institute (AIGI) is an Indigenous-led national centre of governance knowledge and excellence. We envision a future Australia in which Indigenous nations can pursue and exercise their right to self-determination and economic development through strong self-governance. We know that practical, effective and culturally informed governance is the building block for delivering real change.

AIGI seeks to realise this change by assisting Indigenous nations—whether their members live in remote, rural or urban settings—in their efforts to determine and strengthen their own sustainable systems of self-governance. We are passionate about working alongside Indigenous nations to develop their communities, restore economic prosperity, improve the daily lives of their families, inspire the leadership of youth, and bring a renewed sense of cultural integrity and wellbeing to their people.

AIGI fulfils this vision by operating as a national centre of governance excellence to connect Indigenous peoples in Australia to world-class governance practice, informing effective policy, providing accessible research, disseminating stories that celebrate outstanding success and solutions, and delivering professional training and development programs to meet the self-determined governance needs of Indigenous peoples.

Reconciliation Australia was established in 2001 as the national expert body on reconciliation in Australia. We are an independent, not-for-profit organisation that promotes and facilitates reconciliation by building relationships and respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

Our vision is for a just, equitable and reconciled Australia. Our purpose is to inspire and enable all Australians to contribute to the reconciliation of the nation.

Our vision of national reconciliation is based on five interrelated dimensions, as outlined in Reconciliation Australia's landmark report *The State of Reconciliation in Australia*: race relations, equality and equity, unity, institutional integrity and historical acceptance. These five dimensions do not exist in isolation; they are interrelated and Australia can only achieve full reconciliation if we progress in all five.

Reconciliation Australia established the Indigenous Governance Awards in partnership with the BHP Billiton Foundation in 2005 to celebrate and promote effective governance in Aboriginal and Torres Strait Islander organisations. Reconciliation Australia has run the Awards biennially since then, co-hosting them with AIGI for the first time in 2016.

Major Supporters

BHP Foundation

The BHP Billiton Foundation works in partnership with others to address some of the world's most critical sustainable development challenges. Through its programs, it seeks to raise the bar, find new solutions and set new standards for the future. The Foundation has three Global Signature Programs that are designed to enhance the contribution of the global resources sector to the United Nations Sustainable Development Goals. These programs have bold ambitions:

- to harness the transformative power of natural resource wealth for sustainable and inclusive human development

- to drive new ways of conserving and sustainably managing natural environments for the benefit of future generations

- to harness the potential of disadvantaged young people to access quality education and build more inclusive societies.

These programs are complemented by the Foundation's Country Programs, which support national development priorities in Australia, Canada, Chile and the United States.

Indigenous governance is a critical element of the Foundation's work in Australia. Inherent in the reconciliation dimensions of equality, equity and unity is Aboriginal and Torres Strait Islander peoples' right to self-determination. The Foundation believes that self-determination is ultimately about two simple things: choice and voice. Communities being empowered to make informed choices about their own futures and having a greater voice in decisions affecting them. The Indigenous Governance Awards are a clear demonstration of the outstanding outcomes that occur when this happens.

Annamila

The Annamila Foundation is proud to support AIGI and fund its core operations. The partnership with AIGI helps Annamila realise its vision for a more just and creative Australia. At its heart, the Annamila relationship with AIGI is about Aboriginal and Torres Strait Islander peoples taking greater control of their own lives—an aspiration that Annamila shares passionately.

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Abbreviations and Acronyms

ACA Act	*Aboriginal Councils and Associations Act 1976*
AHV	Aboriginal Housing Victoria
ABS	Australian Bureau of Statistics
ACNC	Australian Charities and Not-for-profits Commission
ACNC Act	*Australian Charities and Not-for-profits Commission Act 2013*
AIGI	Australian Indigenous Governance Institute
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
CATSI Act	*Corporations (Aboriginal and Torres Strait Islander) Act 2006*
CAAPS	Council for Aboriginal Alcohol Program Services
DGRs	Deductible Gift Recipients
FPDN	First People's Disability Network (Australia) Limited
IAS	Indigenous Advancement Strategy
IUIH	Institute for Urban Indigenous Health
KJ	Kanyirninpa Jukurrpa
MBS	Medicare Benefits Schedule
MWRC	Marninwarntikura Fitzroy Women's Resource Centre
MDWg	Mirima Council Aboriginal Corporation
NFP	Not-For-Profit
ORIC	Office of the Registrar of Indigenous Corporations
PBI	Public Benevolent Institution
SNAICC	Secretariat of National Aboriginal and Islander Child Care
WYDAC	Warlpiri Youth Development Aboriginal Corporation
Western Desert Dialysis	Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation

Opposite: Martu rangers use both traditional knowledge and contemporary natural resource management to look after their Country, an area about twice the size of Tasmania. Pictured: Kanyirninpa Jukurrpa ranger, Levina Biljabu. Image taken by Ben Deslandes and supplied by Kanyirninpa Jukurrpa.

Executive Overview

Indigenous culture continues to be seen as the foundation for building strong contemporary governance arrangements.

>80%

93% of incorporated applicants and 88% of informal groups embed culture in their governance arrangements and organisational practices.

Applicants demonstrate impressive governance resilience and a genuine commitment to seeing things through.

73%

73% of incorporated applicants have been trading for at least 20 years. Even in the unincorporated category, two projects have been operating since the 1990s.

The diversity of applicants' incorporation status suggests that, where they can, Indigenous groups continue to maintain control over the decision to incorporate under particular forms of legislation.

50%

Only half of incorporated applicants are registered under the Office of the Registrar of Indigenous Corporations (ORIC). The remaining 50% are registered under a range of other federal, state or territory incorporation legislation.

Charitable status starts to matter more when a group seeks to diversify income and move away from government funding.

93%

93% of incorporated applicants are registered as charities with the Australian Charities and Not-for-profits Commission (ACNC).

Applicants' decision to register as a charity, and the complex compliance and reporting obligations for charities regulated by both ORIC and the ACNC, indicates a serious effort by incorporated applicants to maximise self-determination in a context of federal funding uncertainty.

Double Regulation

The lack of clarity around regulatory requirements for Indigenous corporations registered with both ORIC and the ACNC leads to double regulation. Unlike other organisations, Indigenous charities incorporated under the *Commonwealth Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) are required to operate within the regulatory requirements of both ORIC and the ACNC.

Diversification has been a significant priority for incorporated organisations in the last three awards cycles. Several explanations can be offered: to reduce reliance on external funding, ensure ongoing viability in times of changing external conditions, increase the flexible use of funds for self-determined purposes and maximise impact.

-56%

The number of applicants receiving government funding more than halved between 2012 and 2016 (a decrease of 56%). There has been a corresponding upward trend for incorporated applicants to generate revenue through partnerships and a gradual increase in the percentage of applicants generating their own income.

Applicants use the principle of subsidiarity to ensure the people most impacted by decisions have a greater say in the decision-making process. Subsidiarity facilitates the representation of different interest groups in decision-making and ensures that decisions are made in line with community need.

80%

80% of incorporated applicants reserve positions on their governing body for Elders, Traditional Owners, Aboriginal and Torres Strait Islander women, youth and future leaders, language groups and families.

Applicants consider conducting research and using their own data to be an important aspect of organisational sustainability and governance resilience.

1 in 5

At least one in every five incorporated applicants collect data on their programs, projects and services. This kind of data builds upon existing Indigenous capabilities and knowledge, has direct practical application, and represents collective identities, rights and priorities.

Overarching Narratives of Indigenous Governance

The 2016 Awards conversation is distinguished by a number of overarching narratives.

CULTURE: THE THREAD WEAVING THROUGH GOVERNANCE

Applicants to the 2016 Awards continue to reinforce a central point about Indigenous ways of governing that has been raised from the very beginning of the Awards—namely, that Indigenous culture continues to be seen as the foundation for building strong contemporary governance arrangements.

Yet, embedding culture into governance is not as simple as it sounds and some solutions work better than others. The Awards provide a window into the many creative and innovative ways that culture is being embedded into the governance of Indigenous-led organisations, projects and initiatives. Applicants are experimenting with ways to align their cultural priorities, values and deep relationship principles with their governance arrangements. Some solutions involve integrating cultural practices into organisational structures, policies and procedures. Other solutions involve the appointment of cultural advisory committees or staffing roles, or using the principle of subsidiarity in decision-making processes. A range of culture-smart solutions are explored in more detail in Section 2.1 of the full report.

> 'In our organisation culture is everything! Everything we do and the way we do it is around Aboriginal culture.'
>
> **Minimbah Preschool Primary School Aboriginal Corporation**
> **Category A Shortlisted Applicant**

> 'Our unique culture is the thread that weaves its way through our entire operation and keeps us focused on our core values.'
>
> **Ungooroo Aboriginal Corporation**
> **Category A Shortlisted Applicant**

Not all innovations are successful. The important point from applicants' stories is that people keep working to get the cultural alignment and credibility of their governance 'right'. Applicants' stories also reinforce the fact that culturally informed governance solutions are not final. Organisations are successful because they review, renew and reshape their governance solutions as circumstances change. The very strong implication is that Indigenous culture cannot (and should not) be artificially quarantined outside of governance arrangements. Indeed, when that occurs, cultural legitimacy is put at risk.

PROFESSIONALISM AND PERFORMANCE

Comparative analysis continues to demonstrate the powerful role of effective and culturally legitimate governance in promoting Indigenous self-determination, cultural resilience and community development outcomes. What stands out about the 2016 Awards is that applicants have developed increasingly professional approaches towards governance and strive for continuous improvement. The conversation around Indigenous governance is becoming more nuanced and sophisticated, and applicants are using this increased sense of control to rebuild their governance capacity and work towards a self-determined development agenda.

> 'Arrayed around the table at any MPRA meeting is often in excess of hundreds of years of local experience in Indigenous governance.'
>
> **Murdi Paaki Regional Assembly**
> **Category B Winner**

Professionalism and performance are best illustrated in conversations around the selection of governing body members. Applicants are becoming more strategic in the selection of their decision-makers and there has been a significant increase in the expectation that members of the governing body will not only be informed about local culture and community, but also will also have prior governance experience, have completed governance training and be willing to participate in further governance training. One in five incorporated applicants use a board skills matrix to inform the recruitment of governing body members, and these formal requirements work as a mechanism to facilitate succession planning and balance the mix of skills, knowledge, experience, personal attributes and other relevant criteria on the governing body.

GOVERNANCE FOR DEVELOPMENT OUTCOMES

The 2016 Awards conversation stands out for its focus on self-determined governance for self-determined development. Applicants describe themselves as governors and developers in their own right, and are more focused on who they govern for and why. They direct our attention to what is working, and focus on the kinds of capacities that empower

Indigenous agency and choice. As such, the 2016 Awards are a treasure trove of rich information about how Indigenous organisations, projects and initiatives are advancing their governance to achieve self-determined development outcomes.

In this conversation, development simply refers to the ability of an organisation or group to generate change that makes life better in ways that people want. Development is sustainable when it meets the needs of the present without compromising the ability to provide for the needs of future generations. As articulated throughout the full report, development takes a variety of forms for 2016 Awards applicants. For some applicants, development is about meeting a community need around health, housing, employment or land management. For others, development is about increasing self-generated income and expanding business strengths in new markets. Development can also mean strengthening cultural vitality and collective identity, or governing the creation, collection, ownership, management and application of data.

MAXIMISING SELF-DETERMINATION

Applicants to the 2016 Awards are distinguished by their efforts to maximise self-determination in a context of major political change and funding uncertainty. These efforts are best illustrated in the diversity of applicants' incorporation status, pursuit of diversified income and the decision of some applicants incorporated under the CATSI Act to register as charities despite the issue of double regulation.

Incorporation is voluntary for some Indigenous groups but compulsory for others. Factors influencing incorporation for Indigenous groups include determinations under native title, royalties or land access arrangements and, more recently, the introduction of incorporation requirements under the CATSI Act to receive federal government funding through the Indigenous Advancement Strategy. Despite pressure to incorporate under a particular form of legislation, only six out of 30 incorporated applicants are incorporated under the CATSI Act. As such, the diversity of applicants' incorporation status suggests that, where they can, Indigenous groups continue to maintain control over the decision to incorporate under particular forms of legislation for their own purposes.

Entities regulated under ORIC (including CATSI organisations) face the potential for double regulation if they are also registered as charities. ORIC also has special regulatory powers which are more expansive in some areas than the Australian Securities and Investments Commission (the corporations regulator). This issue is explored in more detail in Sections 3.1.1, 3.3.2 and 3.1.3 of the full report. Despite the increased administration duties, reporting obligations and compliance costs for charities incorporated under the CATSI Act, it is interesting to find that *all six applicants* incorporated under the CATSI Act are also registered as charities with the ACNC. In fact, the great majority of incorporated applicants (28 out of 30) are registered as charities with the ACNC. One possible explanation is that having a charitable status makes an organisation more attractive to funders and, as such, starts to matter more when a group seeks to diversify income and move away from government funding. The high proportion of charities within applicants to the 2016 Awards indicates a serious effort by applicants to maximise self-determination in a context of federal funding uncertainty. Further research would be required to better understand how CATSI corporations are navigating increased administrative and compliance obligations.

LEARNING FROM MISTAKES

Governance is not all plain sailing and all organisations have a lifecycle of ups and downs, good times and hard. There will always be times of difficulty, and lessons to be learned from these experiences. The Awards applicants have many valuable lessons to share about why some organisations make it and others do not. The factors that help organisations to thrive are often to do with the overall effectiveness, resilience and sustainability of their governance.

'We have decided to apply to the 2016 Indigenous Governance Awards not because we think we have all the answers, but because we would like to pass on the story of our journey.'

**Central Australian Aboriginal Congress
Category A Shortlisted Applicant**

Effective governance is about working out the balance between the need for continuity and consolidation on the one hand and renewal and innovation on the other. Stories from the 2016 Awards suggest that a different balance is required at different times and in different contexts. There is a growing awareness among applicants of the value of strategic planning, action, monitoring, review and learning to inform future strategic planning. Alongside their strategic planning, applicants have tailored a variety of processes to evaluate, monitor and review their work to ensure it remains relevant and responsive to ever-changing priorities, goals and actions. Applicants tailor these processes to suit their goals and the needs of their members, community and industry, any associated compliance obligations, the size of their programs and the number of staff. Together, Awards applicants confirm that groups that adapt and flourish over the long-term are groups that are innovative and adaptive in their governance capacity, structures and processes.

Emerging Trends

A number of principles and practices have emerged as potential trends to observe in future Indigenous Governance Awards. These trends are presented below in no order of priority.

CULTURAL SAFETY AND CULTURAL SECURITY

Cultural safety and cultural security have emerged as strategic concepts for applicants to the 2016 Awards and are linked to the overall responsibility of governing. All shortlisted applicants made a connection between their governance and vision to provide Indigenous peoples with access to culturally safe and secure spaces, programs and/or services. Fifteen applicants explicitly used the terms 'cultural safety' and 'cultural security' to discuss how their governance is informed by culture-smart governance solutions.

Cultural safety and cultural security are generated and governed through policies and practices within Indigenous communities and organisations, as well as in relationships with external government organisations. The 2016 Awards suggest the beginning of a potential trend. It will be interesting to observe if there is an increased emphasis on cultural safety and cultural security in future discussions of Indigenous governance.

DIVERSIFICATION: FUNDING, INCOME AND PARTNERSHIPS

Diversification has been a significant priority for the past three cohorts of Awards applicants. Nearly three-quarters of the 2016 incorporated applicants reported diversification as part of their financial plan, continuing the trend set by 80% of incorporated applicants in 2014 and 63% of incorporated applicants in 2012. Applicants seek to diversify for multiple reasons, including to reduce their reliance on external funding,

> 'Cultural safety enables everyone to live and express their cultural identity that is respected and valued in the workplace … cultural safety is a process and achieving it requires an acceptance and respect of cultural and individual difference.'
>
> **Secretariat of National Aboriginal and Islander Child Care**
> **Category A Shortlisted Applicant**

enhance stability in times of external political change, increase the flexible use of funds for self-determined purpose and maximise their impact.

Between 2012 and 2016, the number of incorporated applicants sourcing funding from government more than halved (a decrease of 56%). This is significant, but also consistent with the accelerating upward trend for incorporated applicants to generate income through partnerships with organisations in the not-for-profit and private sector (an increase of 40% between 2012 and 2016). Applicants have been consistent in generating their own income, with just over half of all incorporated applicants (17 out of 30) generating income through commercial activities, fundraising, rental revenue and membership fees. These findings are explored in more detail in Section 3.1.8 of the full report.

Interestingly, applicants to the 2016 Awards discussed financial and funding-related challenges less than applicants in 2014 (a 33% decrease among incorporated applicants and

> Analysis reveals a significant decrease in applicants receiving government funding, a gradual increase in self-generated income and an accelerating trend towards income generation through partnerships.

a 17% decrease among informal groups). Given that funding restrictions and program hyper-change within government remains, this may indicate that Indigenous organisations have been effective in their strategies to diversify their funding bases and consequently feel less uncertain about, and less dependent on, government funding.

> Applicants frequently state their preference for entering into funding agreements with like-minded and culturally secure funding bodies to support their own financial sustainability and self-determined goals and priorities.

SUBSIDIARITY

The principle of subsidiarity emerged as a strategic concept for applicants to the 2016 Awards. Although applicants do not often use the term to describe their governance arrangements, the principle of subsidiarity clearly informs how applicants select their decision-makers and hold them accountable. A high proportion (80%) of all applicants apply the principle of subsidiarity in decision-making processes by reserving decision-making power for the people most affected by decisions: Aboriginal and/or Torres Strait Islander people, future leaders, family and/or language groups, Indigenous women and youth, Elders and Traditional Owners. Decision-making power is also reserved for people on the basis of their specific skills and experience, with the number of positions varying according to the size and demography of the organisation, project or initiative. In this way, subsidiarity informs the representation of different interest groups in the decision-making process, ensures decision-making processes align with Indigenous

cultural values, and supports the authority and legitimacy of decisions made. Subsidiarity and consensus decision-making are both unique to Indigenous modes of governance and are explored in further detail in Section 5.1.2 of the full report.

The majority of applicants always use or prefer to use consensus approaches to decision-making. This mode of decision-making is reported to be an important method to maintain harmonious relationships and build legitimacy for the decisions

THE ROLE OF EFFECTIVE INDEPENDENT NON-INDIGENOUS DIRECTORS

The role of independent non-Indigenous directors has emerged in a number of applicant responses and, as such, is a potential trend to observe in future Awards. Almost one-quarter of incorporated applicants supplement the expertise on their governing body by appointing non-Indigenous specialist directors, while maintaining an Aboriginal and/or Torres Strait Islander majority. While all directors (independent or not) have the same legal duties, non-Indigenous directors often have additional responsibilities such as completing cultural competence training and engaging in two-way mentoring with Indigenous colleagues. Often, these directors do not have voting rights and, for some agenda items, are asked to leave the room. One applicant employs external advice to hold non-Indigenous specialist directors to account.

DATA GOVERNANCE

The increase in Indigenous data governance is a trend to emerge from the 2016 Awards cohort. At least 20% of incorporated applicants work independently or in innovative partnerships with universities, research institutes and state governments to collect data on their programs, projects and services. Applicants undertake research for a number of purposes, including to evaluate the effectiveness of programs, projects and services; to ensure programs, projects and services are culturally informed and responsive to the needs of their community members and clients; to justify further funding and support; to contribute to the broader evidence base in their industry sector of operation; for advocacy purposes; and to mobilise their members. Applicants report looking for data that are produced locally, capture local priorities and concerns, and are culturally informed and meaningful. These data build upon existing Indigenous capabilities and knowledge, have direct practical application, and represent collective identities, rights and priorities.

'We know and can prove that our mob are healthier [and] happier than those people who do not have our supports. We know this through qualitative interviews, through blood results and attendance rates on dialysis.'

Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation

Category A Winner

The rise in community-led research initiatives may be informed by the same Indigenous concerns and priorities that have given rise to the global Indigenous data sovereignty movement, which is gaining considerable momentum in Australia. Further research would be required to examine the relationship that exists between Indigenous-led research initiatives in Australia and this global Indigenous movement, specifically, how Australian initiatives are informed by the global movement. In the meantime, it is clear that applicants see the conduct of

their own research and using the resulting data as an important part of organisational sustainability and governance resilience.

Increasing numbers of applicants understand self-determination in terms of setting the agenda for their industry sector through advocacy. There has been a 26% increase in incorporated applicants and a 22% increase among informal groups reporting this theme of self-determination.

SEEING THINGS THROUGH

Almost two-thirds of incorporated applicants were established in the 1980s and 1990s and have been in operation for over three decades. Two applicants from Category B have been trading as unincorporated entities since the 1990s, which is significant considering the flexible and time-specific nature of unincorporated initiatives, which are often established, dissolved and reshaped in response to short-term community needs. These applicants demonstrate self-determination, impressive long-term governance resilience and adaptability, and a genuine commitment to seeing things through.

COMMUNITY ENGAGEMENT

Applicants outline several principles that guide their engagement with Aboriginal and Torres Strait Islander communities, including self-determination, informed participation, respect, trust, fairness and reciprocity. Through these diverse approaches, ongoing and effective community engagement serves a number of purposes. For example, it ensures that governance arrangements are informed by Indigenous cultural priorities and values, and are aligned with local self-determined community needs. It also facilitates a sense of local ownership over programs, projects and services, thereby contributing towards local self-determination.

Other Key Research Findings

In addition to the overarching narratives of Indigenous governance and emerging trends, we are proud to share several key research findings from the 2016 Indigenous Governance Awards. Key findings are presented below in no order of priority.

TWO-WAY LINK: CULTURAL SECURITY AND INDIGENOUS EMPLOYMENT

Culturally safe and secure work-places are seen as helping to attract Indigenous directors, CEOs, staff, clients and program participants, which, in turn, helps to make work-places culturally safe and secure. Applicants to the 2016 Awards suggest that this enhanced sense of cultural safety and security enables them to work towards their goal of providing Indigenous people with access to culturally informed services.

INVESTMENT IN AN INDIGENOUS WORKFORCE

One in every three applicants prioritise the employment and retention of Indigenous people to ensure their governance arrangements are accountable to community and informed by Indigenous cultural priorities and values. This represents a 25% increase among informal groups and an 8% increase among incorporated applicants between 2014 and 2016. Applicants have designed a range of policies and procedures to attract and retain suitably qualified Indigenous people, aiming to build their talent pool for long-term sustainability. Applicants do not often draw a distinction between the employment of local Indigenous people versus Indigenous people from other regions.

CURRENT AND FUTURE LEADERSHIP FOR GOVERNANCE

Any substantial long-term change must be led by dynamic and passionate leaders. Applicants demonstrate a clear commitment to supporting and developing leadership through the provision of training and development opportunities to members of their governing bodies, staff and future leaders. Applicants most often describe future leaders in inclusive terms, supporting the view that everyone can be a leader. Applicants rarely frame future leaders in gendered and generational terms; when they do, future leaders are usually described as Indigenous women and young people. The most common method used to support future leaders is experiential learning, which is all about learning by doing and understanding, enhancing skills and building self-confidence.

INCLUSIVE COMMUNICATION

The most common medium of communication is electronic media, reported by 25 out of 30 incorporated applicants and five out of eight informal groups. Applicants publish information on their websites about latest developments, events, projects, partnerships and research. Some have also established a regular social media presence on platforms such as Facebook, YouTube, Twitter, Instagram and LinkedIn. Social media is reported to be particularly useful for engaging youth in applicants' activities. The move away from communication on noticeboards and hard copy documents to communication through electronic media is a trend to observe in future Indigenous Governance Awards. It will be interesting to see how effective electronic media is in keeping members, clients, program participants and other stakeholders well informed over time.

Three incorporated applicants formed partnerships with sports clubs as part of their communication and engagement strategies. These partnerships enable applicants to promote greater awareness of their organisation, its programs and their social message.

WOMEN IN GOVERNANCE

Applicants emphasise the key role of Indigenous women in governance, as well as the unique challenges faced by women in leadership positions. It is clear that the strength of Indigenous women lies in their unique knowledges, and value systems. Where appropriate, acknowledging matrilineal societies can also be a source of strength for Indigenous women. However, historical notions of race and gender continue to intersect, disadvantaging Indigenous women in various ways. Applicants are increasingly looking for ways to make culturally safe spaces for Indigenous women in leadership positions, including reserved positions on governing bodies, mentoring, promoting strategies for self-care and working respectfully around cultural boundaries.

PLANNING, MONITORING AND EVALUATION PROCESSES

There has been an increased focus on internal monitoring, review and evaluation processes for incorporated applicants and informal groups. Between 2014 and 2016, there was a 42% increase in informal groups and a 14% increase in incorporated applicants using these processes.

The use of reporting (both internally and externally) as a review mechanism is a strong trend identified in the 2016 Awards applicant cohort. There has been an increase of 34% among informal groups and 15% among incorporated applicants using this process between 2014 and 2016.

The increased use of reporting as a review mechanism may indicate an opportunity for funding bodies and partner organisations to work constructively with applicants to align reporting processes with applicant and community priorities.
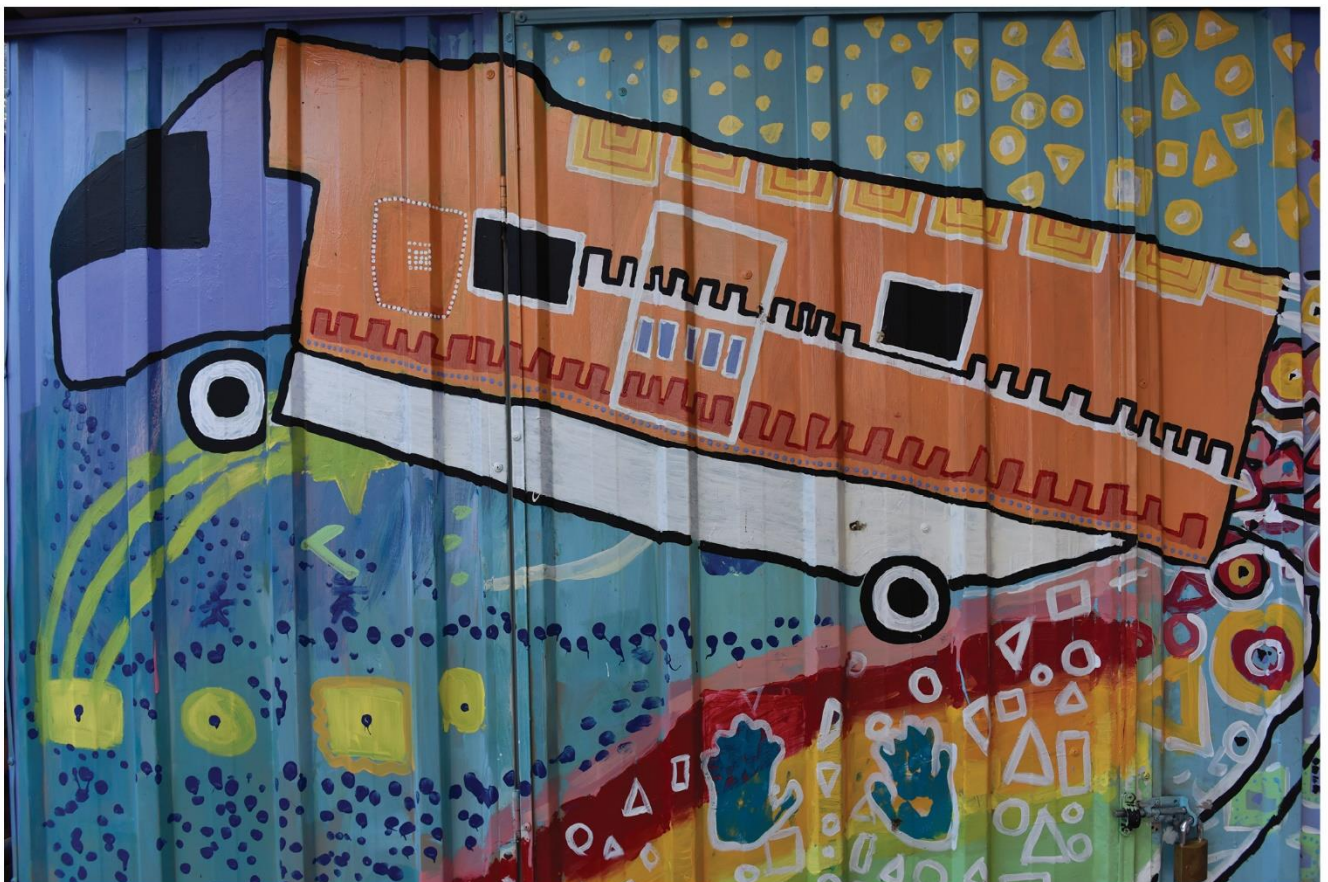
Mural of the Purple Truck at Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation, painted by the grandchildren of dialysis patients.

Opposite: Muru Mittigar staff members Joshua Nicholls (front), Richard Duarte (left) and Karl Wickey (back) with child participating in an Aboriginal cultural experience run by the organisation.

Introduction

Mounting evidence from the United Nations Development Program, World Bank, Harvard Project, Indigenous Community Governance Project and Australian governments indicates the powerful role of effective governance in promoting Indigenous self-determination, cultural resilience and community development outcomes.[1] Still, the question remains: what kind of governing capabilities, models and processes work best to transform hard-won Indigenous rights into improved lived realities? Applicants to the Indigenous Governance Awards provide us with some answers.

1.1   The Indigenous Governance Awards 2016

The Indigenous Governance Awards (Awards) were established by Reconciliation Australia in partnership with the BHP Billiton Foundation in 2005. Some of the directors of the Australian Indigenous Governance Institute (AIGI) have been involved in the Awards since their inception. The Awards were first co-hosted with AIGI in 2016. Taking place every two years, the Awards celebrate and promote effective and legitimate governance in Aboriginal and Torres Strait Islander–led incorporated organisations and informal groups, projects and initiatives. They not only provide excellent insight into current best practice, but also into some of the exciting innovations that Indigenous peoples in Australia are making to their contemporary governance arrangements.

The 2016 Awards received a record number of applications: 104 from incorporated Indigenous organisations (Category A) and 34 from informal Indigenous groups, projects and initiatives (Category B). Applicants were required to complete a questionnaire evaluating the effectiveness of their governance across six key areas (see Section 1.4.3: Data Collection). A Review Committee assessed all applications and shortlisted 30 Indigenous-led incorporated organisations and 10 Indigenous-led informal groups, projects and initiatives. After long deliberation, the committee selected nine finalists across the two application categories (seven finalists in Category A and two finalists in Category B). The final judging process was conducted by a group of experienced eminent Australians.

Following this rigorous process, Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation (Western Desert Dialysis) was selected as the winner of the Category A award for incorporated organisations, and Murdi Paaki Regional Assembly was chosen as the winner of the Category B award for non-incorporated projects. Kanyirninpa Jukurrpa was highly commended in Category A for its work strengthening Martu people's connection with Country and leadership capacity, and Ara Irititja was highly commended in Category B for its dedication to digitally archiving culturally significant materials from the Anangu Pitjantjatjara Yankunytjatjara lands. For the first time in the history of the Awards, a special Award of Recognition was presented to Tranby National Indigenous Adult Education and Training for its resilience and commitment to its purpose since 1957.

In total, $60,000 prize money was distributed through the Awards. The winner in each category received $20,000 and highly commended organisations were awarded $10,000 each. In addition, all nine finalists were partnered with a high-profile corporate organisation, which provided mentoring and assistance in an area identified by the finalist for 12 months. All applicants to the Awards received feedback from the Review Committee on their governance as outlined in their applications, which presented a great opportunity for applicants to receive professional advice and reflect on their organisational governance arrangements. Applications from successive Awards cycles demonstrate that the process of applying to the

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[1] The United Nations Development Program (2009) argues that the capacity for governance is at the heart of sustainable human development and a prerequisite for effective responses to poverty, livelihood, environmental and gender concerns. For useful summaries of Australian research see CAEPR and Reconciliation Australia (2004), Scambary (2013), Smith, Bauman and Quiggin (2014); internationally, see Blaser, Feit and McRae (2004), Jorgensen (2007), Sundaram and Chowdhury (2012), Helliwell et al. (2014), Pelaudeix and Basse (2018), and Riggirozzi and Wylde (2018).

Awards can be a capacity building process in itself if done collectively by the group. Some have described it as 'a complete governance check'.

1.2 Indigenous Governance: What Is It and Why Does It Matter?

The concept of governance has become a major topic of discussion among Indigenous peoples in Australia over the last 15 years.

The term 'governance' has been employed internationally for several decades in discourse surrounding global politics and aid, and in those contexts has often been aligned with 'western democratic, neo-liberal economic ideas of what is supposed to constitute "good" governance' (Hunt and Garling 2006, 3), which is 'usually compliance with regulations, financial accountability issues, and technical standards of measurement' (Smith, Bauman and Quiggin 2014, 6). The complexity of *Indigenous* governance is difficult to contain within a simple definition. While 'culture' is often used to describe how Indigenous governance is 'different', *all* modes of governance are culturally informed. It is the intercultural environment in which Indigenous governance operates in Australia that makes Indigenous governance unique and dynamic. Today, Indigenous governance arrangements are required to be accountable to Australian legislative, corporate and government funding policy demands, as well as to Indigenous law, social and cultural priorities.

According to former Indigenous Social Justice Commissioner Mick Gooda (AHRC 2012, 90):

> While Indigenous peoples have governed ourselves since time immemorial in accordance with our traditional laws and customs, when we speak of Indigenous governance we are not referring to the pre-colonial state. Rather, we are referring to contemporary Indigenous governance: the more recent melding of our traditional governance with the requirement to effectively respond to the wider governance environment.

Indigenous governance is innately interlinked with the concept of self-determination. Self-determination means Aboriginal and Torres Strait Islander peoples and communities having meaningful control over their own lives and cultural wellbeing. This includes genuine decision-making power and responsibility about what happens on Aboriginal and Torres Strait Islander peoples' lands, in their affairs, in their governing systems and in their development strategies. In this sense, we can understand Indigenous organisations and initiatives as vehicles of self-determination; they form the structures through which Aboriginal and Torres Strait Islander peoples manage and exert authority over their own affairs and develop culture-smart solutions to social, economic and political issues.

1.3 Strong Governance Supporting Success

Applications to the Indigenous Governance Awards are a treasure trove of rich information. AIGI and Reconciliation Australia are proud to share this report, which presents an overview of key findings and emerging trends from the 38 shortlisted applicants to the 2016 Awards. This report is based upon responses provided by shortlisted applicants to the Awards questionnaire, and parts of this discussion are informed by a comparative view of the 2012, 2014 and 2016 applicant cohorts.

'We have decided to apply to the 2016 Indigenous Governance Awards not because we think we have all the answers, but because we would like to pass on the story of our journey.'

Central Australian Aboriginal Congress
Category A Shortlisted Applicant

The value of this report is manifold. It serves a number of important purposes, including:

- to encourage and highlight effective and legitimate Indigenous governance
- to create networks and support ongoing collaboration and mentoring opportunities within and between Indigenous organisations and groups
- to contribute towards the ongoing development of professional training programs and resources
- to lead policy debate and effective policy towards Indigenous governance

- to inform and provide ideas for the design of governance arrangements and solutions in other contexts including in corporate Australia.

The format of this report is structured in a similar way to the Awards application form, which is structured around six key elements of practically effective and culturally legitimate Indigenous governance. The structure of this report is as follows.

CRITERIA 1: CULTURE: THE THREAD WEAVING THROUGH GOVERNANCE

This section identifies several prominent ways in which applicants' governance structures and operations are informed by culture-smart solutions.

CRITERIA 2: INDIGENOUS GOVERNANCE MODELS

This section provides a summary of demographic information about shortlisted applicants to the 2016 Awards. It explores how applicants organise their governance arrangements, shape their governance arrangements, select their leaders and hold their leaders accountable.

CRITERIA 3: SELF-DETERMINATION AND LEADERSHIP FOR GOVERNANCE

This section outlines how applicants understand and demonstrate self-determination, and how applicants support and develop leadership within their organisations, projects and initiatives.

CRITERIA 4: GOVERNANCE EFFECTIVENESS: DECISION-MAKING, POLICYMAKING AND COMMUNICATION

This section explores how applicants address some of the factors outlined in previous criteria that influence their effectiveness. In particular, it focuses on how applicants make informed and meaningful decisions, and how applicants adapt to change through policy development and review processes. This section also examines how applicants communicate with their staff, members and stakeholders, and how applicants manage internal and external disputes.

CRITERIA 5: STAYING ON TRACK: PLANNING, EVALUATION AND ACTION

This section examines how applicants plan, self-evaluate and get feedback from members to promote renewal and put their plans into action.

CRITERIA 6: GOVERNANCE EFFECTIVENESS, RESILIENCE AND SUSTAINABILITY

This section outlines how applicants govern to achieve their overall vision and priorities, and deal with change and big challenges. It explores the governance areas that applicants identified as having scope for improvement if outside support were available. This section also presents an overview of applicants' self-nominated successes and how they got there.

All six criteria are conceptually and practically interrelated and the findings should be read as such. In cases in which clear similarities and differences are identified between the criteria, caution should be exercised. Conclusions should not be drawn in isolation. External factors that determine governance practices should also be taken into account. This report draws from national and international conversations around Indigenous governance to offer possible explanations for the emergence of key trends and issues.

This report is not intended to provide an exhaustive overview of current Indigenous governance arrangements across Australia; neither are the findings to be interpreted as recommendations. AIGI has not conducted an independent assessment of the standards or quality of the governance arrangements presented within this report. Rather, this report presents a broad snapshot of applicants' governance practices with the aim of informing and engaging others in Indigenous governance.

Effective Indigenous governance is a dynamic condition, not static. Incorporated organisations and informal groups, projects and initiatives must respond to external events and changing conditions, and so their governance may at times need to be adapted and fine-tuned. As a result, it is important to note that all information is current as of August 2016. Further longitudinal, comparative and collaborative research is necessary to gain a more comprehensive understanding of Indigenous governance across Australia.

1.4   Research Methodology

Before providing a review of how applicants practise the six key elements of effective and legitimate Indigenous governance, it is important to outline the research methodology.

1.4.1   Method and Design

A mixed methods research methodology was employed to collect, analyse and integrate data relating to the 2016 Awards applicant cohort. This methodology involved a combination of three different types of data:

Qualitative data	Long-form responses by applicants to open-ended questions on the application form for which no pre-defined answers were given.
	Examples of long-form responses were included to illustrate how different strategies work in practice and to showcase innovative governance solutions.
	Direct quotes were included to highlight applicants' own perspectives, views and priorities in their own words.
Quantitative data	Long-form responses were coded and classified into a category or multiple categories. The number of responses for each question and category were tallied to create quantitative data.
	Quantitative data were used to develop a figure for appropriate questions. Each figure represents the range of responses (categories) for the number of applicants.
	Quantitative data were used to compare the responses of relevant Category A and Category B applicants, and to identify if governance strategies differed at different stages of incorporation.
Comparative data	To allow for valid comparison between applicant cohorts, the method used to code applicant responses in 2016 replicated the method used to code applicant responses in 2012 and 2014.
	Depending on the availability of data, figures were developed to represent and compare the range of responses for applicant cohorts in 2012, 2014 and 2016.

The use of qualitative, quantitative and comparative data enabled the researcher to examine the data from different vantage points and with different methods and techniques. In this way, a mixed method research methodology enabled the researcher to identify consistencies, emerging trends and issues within and between applicant cohorts.

1.4.2   Population and Sampling

Aboriginal and Torres Strait Islander organisations that applied to the 2016 Awards formed the research population. Applications were open to incorporated Indigenous organisations (Category A) and informal

Indigenous groups, projects and initiatives (Category B) that were majority (more than 51%) Indigenous governed and led.

In total, 138 application forms were received across Category A and Category B. Applicants represented a diverse geographical spread of Indigenous organisations and initiatives working in multiple industry sectors in urban, regional and remote areas of mainland Australia. More demographic information about the 2016 applicant cohort is provided in Section 3.1: Profile of Applicants.

A Review Committee assessed all applications against set criteria and awarded each applicant a score. Applicants were assigned a rank order based on accumulated scores and the 40 top-ranked applicants were selected for inclusion in the sample population. Initially, the sample population included 31 applicants from Category A and nine applicants from Category B. However, two shortlisted applicants did not consent to participate in the research and were not included in the final sample population. The final sample population comprised 38 applicants (30 applicants from Category A and eight applicants from Category B), representing 27.5% of the total applicant population.

1.4.3   Data Collection

Data were collected from application forms submitted to the 2016 Awards. The application form contained a questionnaire that asked applicants to describe their approach and reflect on their own experiences across six key areas of governance:

1. Indigenous Governance Model: How the applicant's governance model is designed and structured to reflect the needs of members to adapt to local circumstances and to suit the organisational purpose.
2. Innovation: How the applicant demonstrates innovation and ingenuity in its governance development and response to local conditions and circumstances.
3. Effectiveness: How effective the applicant is in solving problems, dealing with disputes and achieving positive and measurable results for its community.
4. Self-Determination and Leadership: How the applicant strengthens self-governance and self-determination, decision-making and leadership both internally and externally.
5. The Role of Culture: How the applicant operates to reflect and strengthen the culture of its community or region.
6. Future Planning, Sustainability and Governance Resilience: The applicant's ability to face challenges and adapt to changing circumstances.

Each section contained a series of open-ended questions. No pre-defined answers were given and applicants were free to write responses of unlimited length. Applicants were also given the opportunity to attach supporting documents. Completed application forms ranged from seven to 51 pages in length.

There were some differences between the application forms in Category A and Category B. These forms are viewable on AIGI's website (www.aigi.com.au).

Responses to the 2016 Awards application forms were coded into two separate Excel Workbooks. The first Excel Workbook recorded qualitative data: each applicant's full response to each question in the application form. The second Excel Workbook recorded quantitative data: each applicant's response classified into a category or multiple categories. Applicant responses that did not fall into the categories allocated in 2012 and 2014 were classified into additional categories on the basis of a common theme. The remaining responses were classified into a category titled 'other'.

1.4.4   Data Analysis

The first and second Excel Workbooks were reviewed to ensure that applicant responses were coded correctly. Following this process, the number of responses for each question and category in the second

Excel Workbook were tallied. The tallied responses were used to develop a figure for each question that represented the range of responses (categories) for the number of applicants in 2016. Depending on the availability of data, figures were also developed to represent the range of responses for applicant cohorts in 2012 and 2014. Percentages were used to compare responses across the 2012, 2014 and 2016 applicant cohorts.

1.4.5   Informed Consent

The applicants in 2016 were asked if they were willing to participate in further reporting by AIGI. The question read:

> Last year, the Australian Indigenous Governance Institute compiled information from the applications into a report called *Our Way Governance*. This year, we would like to gather similar information in order to share stories of success and lessons learned. Is your organisation willing to participate in this reporting?

As previously discussed, applicants who did not consent to participate were not included in the data set. In addition, direct quotations and examples relating to confidential or sensitive material have been de-identified throughout the report.

1.5   Caveats to Keep in Mind

A number of caveats should be kept in mind while reviewing this analysis of the 2016 Awards. Caveats have been categorised into two broad categories: caveats that apply to the Awards sample population and caveats that apply to this report.

1.5.1   Sample Population

It is important to acknowledge the factors that affect how well the sample population represents the overall population (i.e., how well the 38 shortlisted applicants represent all practitioners of Indigenous governance across Australia). The size of the sample population affects the amount of information available and determines how valid and reliable the findings are for the overall population.

First, it is important to note that this research is based on self-selection sampling—applicants chose to apply to the Awards of their own accord. As a result, there is likely to be some degree of self-selection bias, which may lead to an exaggeration of some findings and/or silence about problematic internal issues.

It is also important to emphasise that the sample population is not statistically significant. The 38 shortlisted applicants represent about 1% of the total number of Indigenous corporations registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* at 30 June 2016 (2781 corporations in total), and there are at least as many Indigenous corporations registered under other state, territory and federal legislation (AIGI 2017d). Further, this number does not include the thousands of informal groups that may have deliberately chosen not to go down the road of legal incorporation. In short, the 30 applicants in Category A and eight applicants in Category B cannot be considered to represent all practitioners of Indigenous governance across Australia. However, these applicants *can* be considered to be taking part in a conversation about Indigenous governance—and it is this conversation that the Awards and this report are most interested in.

Neither does the sample population in 2016 represent an equivalent percentage to the sample populations in 2012 and 2014. Figure 1 illustrates that the sample population in 2012 represented 54% of the total applicant population, the sample population in 2014 represented 53% of the total applicant population and the sample population in 2016 represented 27.5% of the total applicant population. The differences between the sample population and the total applicant population in 2012, 2014 and 2016 make it difficult to make valid comparisons between each applicant cohort. However, the complexity and diversity of Indigenous governance both within and between each applicant cohort make comparison difficult even *with* equivalent sample sizes. For this reason it is important to emphasise that when comparisons are made

between applicant cohorts, discussion is based upon a comparison of three different *conversations* around Indigenous governance, rather than three different sets of methodologically comparable data.

Figure 1: Numbers of applicants to successive Indigenous Governance Awards

Year	Total number of applicants	Number of applicants in sample size	Sample size as a percentage of total applicant population
2012	107	58	54%
2014	113	60	53%
2016	138	38	27.5%

1.5.2 Strong Governance Supporting Success

These methodological challenges have informed the visual representation of data throughout this report. As previously discussed, tallied responses from applicants to Category A and Category B were used to develop figures to represent the range of responses to each question. Figures for applicants to Category B have been removed to avoid misrepresenting the significantly small sample size (i.e., eight applicants). Caution should be exercised when interpreting figures representing applicants to Category A, who are best understood as contributing to a conversation around Indigenous governance rather than being statistically significant. Direct quotes have been included throughout the report to highlight applicants' own perspectives, views and priorities, and to invigorate the Indigenous Governance Awards conversation.

As with all conversations, the Indigenous Governance Awards conversation is characterised by silences, overlaps, pauses and gaps. In this context, it is important to acknowledge the challenge applicants face in describing their lived experiences of governance in one application form. It is also important to acknowledge the possibility that applicants have not commented on *all* of their governance practices in response to each question. However, rather than undermining the research findings, these silences, overlaps, pauses and gaps reveal the relative importance of different aspects of governance to applicants.

On a practical note, it is important to acknowledge the factors that may have influenced how applicants responded to the Awards application form. These include the application process itself (i.e., whether the application was submitted via email or as a hard copy rather than online), whether the application was completed collectively as a group or by one person, the time and energy available to complete the application form, the structure of the application form and the way in which each question was framed. A further challenge is that, without a single individual asking the questions (i.e., face-to-face), each applicant may have interpreted the questions differently.

Opposite: Uncle Eric Murray participating in the Mallee District Aboriginal Services Elders painting program.

Strong Governance Supporting Success

Criteria 1: Culture
The Thread Weaving through Governance

Applicants to the 2016 Indigenous Governance Awards reinforce a central point about Indigenous ways of governing that has been raised from the very beginning of the Awards—namely, that Indigenous culture continues to be seen as the foundation for building strong contemporary governance arrangements. However, embedding culture into governance is not as simple as it sounds, and some solutions work better than others. The Awards provide a window into the many creative and innovative ways this is happening. A great deal of effort is being put into experimentation to align deep cultural priorities, values and relationship principles with organisational governance arrangements. Some solutions involve integrating cultural practices into structures, policies and procedures. Other solutions involve the appointment of cultural advisory committees or cultural liaison staffing roles. Still others use the principle of subsidiarity in decision-making processes.

Why is it that Indigenous peoples keep coming back to their culture when talking about and doing the work of governance? Culture is the system of beliefs, behaviours, traditions, laws, technology, values, knowledge and meaning shared by a particular group of people that forms the foundation for the way they live. Through reproducing a shared culture, people are able to build a sense of common identity and belonging, communicate with each other, understand their responsibilities to each other, behave in an accepted way and do things together towards common ends (AIGI 2017a).

Every society's and nation's way of governing draws on their underlying cultural values, norms and institutions (i.e., their systems of rules for how things are supposed to be done). Sometimes this is evident in formal governing structures, written laws and procedures; however, just as often, the cultural basis of governing can only be experienced through the informal, invisible and subtle ways people lead, make decisions and behave with each other. Both aspects are evident in the cultures of governance for Indigenous organisations and initiatives.

> 'In our organisation culture is everything! Everything we do and the way we do it is around Aboriginal culture.'
>
> Minimbah Preschool Primary School Aboriginal Corporation
> Category A Shortlisted Applicant

> 'Our unique culture is the thread that weaves its way through our entire operation and keeps us focused on our core values.'
>
> Ungooroo Aboriginal Corporation
> Category A Shortlisted Applicant

Such cultures of governance are not static. Aboriginal and Torres Strait Islander peoples have an ancient and unceded jurisdiction of sovereign governance based on a rich culture of laws, ceremonies, traditions, knowledge, structures and practice. Handed down over thousands of years, this culturally based jurisdiction is today being adapted and rebuilt as a strong platform for effective and legitimate governance. Not surprisingly, culture is being integrated into new organisational and collective structures in many diverse and innovative ways to strengthen the sense of shared identity and common purpose. A wide range of solutions are documented in all of the following Awards criteria.

> 'Arrayed around the table at any MPRA meeting is often in excess of hundreds of years of local experience in Indigenous governance.'
>
> Murdi Paaki Regional Assembly
> Category B Winner

Criteria 1 identifies several prominent ways in which applicants' governance structures and operations are informed by culture-smart solutions and considers the emergence of 'cultural safety' and 'cultural security' as a governance concern for many applicants.

2.1   Culture-Smart Solutions

The intercultural environment in which Indigenous governance operates in Australia is what makes it unique and dynamic. Today, Indigenous governance arrangements are required to be accountable to Australian legislative, corporate and government funding policy demands, as well as to Indigenous law, social and cultural priorities.

The 2016 Awards applications confirm the ingenuity and experimentation Indigenous peoples are using to design solutions that inject cultural legitimacy into their governance. 'Culture-smart' governance solutions are governance solutions that are workable and credible *because* they are determined locally, capture local members' priorities, resonate with their cultural values and relationships, and can also be practically implemented. They have the potential to mobilise support from group members, boost internal accountability and legitimacy, and enhance the overall performance of an organisation or project. In such ways, culture is a governance strength, not a problem (as governments and industry sometimes imply). Overall, the result is that culture-smart solutions are seen to be legitimate at the local level. This approach to governance builds upon existing local Indigenous capabilities and expertise, and strengthens collective identities and rights.

Applicants outlined a number of ways in which their governance structures and operations were informed by culture-smart governance solutions. Their stories reinforce the fact that such solutions are not final. Organisations are successful *because* they review, renew and reshape their governance solutions as circumstances change.

The 2016 Awards demonstrate that culture is being embedded into all aspects of applicants' organisations and projects: from their constituting documents, structures and internal policies, through to programs, events, vision statements and community engagement. The East Gippsland Aboriginal Health Consortium, Djillay Ngalu, expressed a view shared by many applicants with their comment that:

> The Djillay Ngalu Consortium embraces cultural identity as a strength that then informs the way that we do business, the way we work with our communities and the way that we develop our programs and deliver services to the mob.

Applicants provided a range of examples of how they reflect Indigenous culture in their governance and operations. These are presented below under the following themes:

- organisational and project values
- Indigenous leadership
- cultural safety and cultural security frameworks
- investment in Aboriginal and Torres Strait Islander staff
- cultural awareness and induction
- cultural protocols and advisors
- cultural governance advisors
- community engagement
- strengthening collective cultural identity.

'We recognise that the journey to recovery and self-determination will only be successful if we incorporate a great and real appreciation for our cultural traditions and beliefs. We create and structure our working environment and programs around Indigenous knowledge and worldviews.'

Marninwarntikura Fitzroy
Women's Resource Centre
Category A Finalist

2.1.1   Organisational and Project Values

Values are the principles, standards or qualities that are considered worthwhile, desirable, useful or important by a group of people. There are many different types of values that come into play in the governance context (e.g., cultural, ethical, financial, moral, economic, political and social) and they may vary greatly between organisations and projects (AIGI 2017c).

Approximately 40% of all applicants described how the values of their organisation or project aligned with Indigenous cultural values. These kinds of values were incorporated into operational policies and

processes, and plans and constitutions, which in turn defined internal behaviour and work expectations, ways of engaging and communicating with members, and external business and stakeholder relationships.

Cultural values were often enshrined in the governance documents and internal policies of incorporated organisations, and in the vision statements and purpose of informal groups. Many applicants designed their Rule Book to ensure accountability not only to Australian legislative, financial and policy demands, but also to Indigenous cultural ways of doing business and making decisions. Some went further and developed specific 'governance charters' that set out their commitments to governing in a certain way, often linked to cultural roles, responsibilities and expectations. Other applicants described an ongoing review of policies and processes to check for their alignment and consistency with cultural practices and values.

> 'Kura Yerlo Incorporated has a Guiding Principle—this is the foundation for the way we do everything and it states: "Aboriginal Culture at the heart of all we do." It is reflected in our Values, Strategic Directions, Business Action Plans and Improvement Plans. It is reflected in our processes for meetings and gatherings where we always commence by acknowledging "Kaurna Country" and conduct a minutes silence. We also utilise Kaurna Elders to provide formal "Welcomes". It is reflected through the Aboriginal people we employ and have on our board in terms of what they bring and wish to share regarding their cultural backgrounds. It is how we market and promote ourselves to our community that we serve and the wider community.'
>
> Kura Yerlo Incorporated
> Category A Shortlisted Applicant

2.1.2 Indigenous Leadership

Indigenous leadership was reported by applicants as an important way in which they sought to reflect Indigenous cultural values and ways of doing things. In fact, applicants assessed the suitability of their leaders for governing by identifying a number of qualities, skills and characteristics necessary to be effective and credible (see Section 3.2.2: Directors' Required Knowledge and Skills). Almost two-thirds of all applicants considered the depth of an individual's experience and cultural understanding within the local community as extremely important factors for being able to govern. The reputation of staff and directors within the surrounding community was also important. Aboriginal and Torres Strait Islander leadership was often discussed alongside several other areas of expertise and skills, which will be explored in further detail below.

Our comparative analysis suggests that Indigenous leadership has grown in importance for incorporated applicants (from 24% of incorporated applicants in 2014 to 60% of incorporated applicants in 2016). While the sample size is small and diverse as a result of being based on self-selection, it suggests that organisations are paying greater attention to ensuring their governing leaders are doing a good job, and have a solid range of skills and experience to do so.

> 'The ACT and region comprises a contemporary, urban regional Aboriginal and Torres Strait Islander Community [that], in the main, identifies personally as Ngunnawal, Walgalu or Wiradjuri. The cultural norms and values incorporated into Winnunga's business practices are such that the Winnunga Board is composed entirely of local Aboriginal members who reside within the Community.'
>
> Winnunga Nimmityjah Aboriginal Health
> Service Category A Shortlisted Applicant

Being able to fairly represent, 'work for' and communicate widely with Indigenous community members in a way that is seen to be culturally 'proper' appears to be becoming an important topic in the governance conversation of applicants. Organisations and members are expecting their leaders not only to talk the 'governance talk' but also to do the job to a high standard.

2.1.3 Cultural Safety and Cultural Security Frameworks

Cultural safety and cultural security emerged as strategic concepts for applicants to the 2016 Awards. These are linked to the overall responsibility of governing. All shortlisted applicants made a connection between their governance and vision to provide Indigenous peoples with access to culturally safe and secure spaces,

programs and/or services. Out of a total of 38 applicants, 10 explicitly used the term 'cultural safety' and five explicitly used the term 'cultural security'.

The Australian Human Rights Commission (AHRC 2011) defines a culturally safe and secure environment as one in which 'people feel safe and draw strength in their identity, culture and community'. The Secretariat of National Aboriginal and Islander Child Care (SNAICC) supplement this definition with their vision of cultural safety as outlined in their Cultural Safety Action Plan. For SNAICC (2014), cultural safety is a process of:

> Respectful internal and external relationships between Aboriginal and non-Aboriginal people that values cultural knowledge, experience and advice … Cultural safety enables everyone to live and express their cultural identity that is respected and valued in the workplace.

SNAICC's vision of cultural safety is underpinned by the following values and principles:

1. Building trust, respect and mutual understanding for good working relationships.
2. Recognition of the many complexities in the environment of an Aboriginal organisation.
3. Commitment to self-determination for Aboriginal and Torres Strait Islander peoples.
4. Recognition of the impact of dispossession, colonisation, removal of children from their families and other laws, policies and practices on Aboriginal and Torres Strait Islander peoples and communities.
5. Respect for diversity of Aboriginal and Torres Strait Islander cultures and peoples.
6. Respect for non-Indigenous cultures and peoples.
7. Valuing knowledge, experience and expertise of Aboriginal and Torres Strait Islander staff.
8. Listening with an open mind and heart to hear the perspective of others.

> 'Cultural safety enables everyone to live and express their cultural identity that is respected and valued in the workplace … cultural safety is a process and achieving it requires an acceptance and respect of cultural and individual difference.'
>
> Secretariat of National Aboriginal and Islander Child Care (SNAICC) Cultural Safety Action Plan Category A Shortlisted Applicant

> 'Cultural security is incorporated into our everyday work. We understand that delivering services for Aboriginal and Torres Strait Islander peoples is best achieved by an agency with culture strongly embedded in all levels of its operations.'
>
> Aboriginal Family Law Services (WA) Category A Shortlisted Applicant

In their Indigenous Governance Awards application, Magabala Books quoted Bruce Pasco who, at the 2015 National Book Festival in Washington DC, described how cultural safety and security feel in the context of an Indigenous publishing house:

> Magabala sells 15% less books than Penguin does, but I'm prepared to wear that loss because to work with Aboriginal editors, Aboriginal booksellers, Aboriginal publicists … it's a joy and a huge relief, because I don't have to explain my culture every five minutes of the day. If I write something about culture in a book, I don't get grilled about it.

Indigenous peoples in Australia have long regarded their collective cultural identities as a source of strength and rights in intercultural contexts. The understandings of cultural safety and cultural security presented above support the right and freedom of Indigenous peoples to be able to negotiate and govern the diverse conditions of their collective cultural identity. The 2016 Awards applications suggest that cultural safety and cultural security are about having the power to make self-determined decisions and solutions that address contemporary experiences of cultural insecurity and entrenched socio-economic disadvantage. The emphasis is on enabling Indigenous culture to live, change and develop for today's purposes, as aptly described by the Muru Mittigar Aboriginal Cultural and Education Centre:

> Traditional and contemporary 'culture' forms a normal part of our mode of operation and is not over-prescribed to individuals in a regimented or inflexible way. Authentic culture allows individuals and the community to identify and celebrate its culture as it wishes … at a time and method of their choosing, to be most effective to them in order to operate, participate, and remain resilient in their day to day environment.

Cultural safety and security are generated and governed through policies and practices within Indigenous communities and organisations, as well as in relationships with external governments, industry and non-government organisations. Incorporated applicants and informal groups designed a range of policies and

practices that appear to encourage cultural safety and security within their internal operating environment. The following examples are discussed below:

- the active employment and retention of Indigenous staff
- requirements for staff and volunteers to undertake cultural awareness or competency training
- the design and implementation of cultural protocols
- the appointment of cultural advisory committees or staffing roles to give the board and senior management advice on cultural considerations
- ongoing and effective community engagement
- initiatives targeted specifically to the idea of strengthening cultural vitality and collective identity.

Further research is required to unpack these concepts for Indigenous organisations, projects and initiatives, and the extent to which they are relevant for how people go about governing. The 2016 Awards suggest the beginning of a conversation and it will be interesting to observe if there is an increased emphasis on these ideas in future discussions of Indigenous governance.

2.1.4 Investment in Aboriginal and Torres Strait Islander Staff

One in every three applicants prioritised the employment and retention of Indigenous staff as an important way to ensure their governance arrangements were informed by Indigenous cultural values and priorities. This represents a 25% increase among informal groups and an 8% increase among incorporated applicants between 2014 and 2016. Applicants did not often draw a distinction between the employment of local Indigenous peoples versus Indigenous peoples from other regions.

Applicants identified several reasons for employing Indigenous peoples as governing directors, CEOs and senior staff. Often it was felt that Indigenous directors, CEOs and staff ensured that the organisation or project was connected and accountable to community. It was also felt that Indigenous directors, CEOs and staff were able to ensure that language and cultural priorities remained embedded and relevant across the whole organisation and its functions.

At least 25% of all applicants framed Indigenous employment as a culture-smart method to ensure their organisation and/or project was culturally vibrant and secure. A possible trend to emerge from the 2016 applicant responses was the two-way link being made between Indigenous employment and cultural security. Specifically, culturally secure workplaces were seen to help attract Indigenous directors, CEOs, staff and program participants, which contributed to greater cultural resilience and security within workplaces. This is exemplified in Aboriginal Housing Victoria's statement that:

> Since July 2014, we have significantly increased the number of Aboriginal staff. This figure is also reflected in our management team, which also comprises 50% Aboriginal staff. This is a reflection of our commitment to self-determination and the employment of Aboriginal people to provide culturally safe services to our tenants.

From this perspective, applicants suggested that an enhanced sense of cultural security enabled them to work towards their goal of providing Indigenous peoples with access to culturally informed services. The Council for Aboriginal Alcohol Program Services (CAAPS) articulated this vision:

> Culture is threaded through the way we run our organisation from the strategic planning processes, to the CEO's position description as well as the intent to provide cultural security to staff and clients by ensuring a high proportion of our staff are Aboriginal, especially those who work in client facing support roles.

'We also apply cultural security to our employment and retention of Aboriginal staff … The Aboriginal Family Law Services (WA) has a strong commitment to providing the best quality services to its target group, and this requires a commitment to the recruitment and appointment of Aboriginal staff to key positions.'

Aboriginal Family Law Services (WA) Category A Shortlisted Applicant

Therefore, the more Indigenous peoples in the organisation or project, the greater the sense of cultural strength and security; the greater the sense of cultural security, the more Indigenous peoples are attracted to working in or using the services of the organisation or project.

The two-way link between Indigenous employment, cultural safety and cultural security was identified as having a number of benefits for Indigenous staff. Policies and procedures designed to support the social and cultural priorities of Indigenous staff were often specifically outlined in employment contracts and included:

- active and targeted recruitment of Aboriginal and Torres Strait Islander staff
- inclusion of cultural leave for ceremonial purposes or family matters
- flexible working arrangements for those who have the care of family members.

CAAPS outlined enterprise agreements with these qualities:

CAAPS is a family focused therapeutic service and that family focus extends to our staff teams as well. We ensure in the development of our contracts of employment and our policy that staff can access time when it is required to attend to cultural or family matters. We do this by:

- inclusion of cultural leave for ceremonial purposes in our employment contracts
- leave to attend to sorry business
- leave for those who are [affected] by family or domestic violence [that] does not impact personal leave accrued (it is tragedy that so many of our people are impacted by the prevalence)
- flexible working arrangements for those who have the care of family (often they are grandparents caring for grandchildren).

The two-way link between Indigenous employment, cultural safety and cultural security was also reported to have benefits for clients and program participants. Applicants highlighted the role of culturally proficient Indigenous staff in forging connections between programs and community members, and in providing best-quality services to them. Western Alliance: Aboriginal Ability Links NSW described how the employment of local Indigenous peoples as 'Linkers' enabled the alliance to speak 'from' as well as 'to' the surrounding community. Western Alliance described Linkers as the locally based first point of contact for Aboriginal people with disabilities:

Linkers work with people with disability, their families and carers to help them plan for their future, build on their strengths and skills, and develop networks in their own communities … Linkers also work with local communities to help them become more welcoming and inclusive of people with disability … Linkers are Aboriginal and that in itself is powerful. They understand how to go into other people's communities in a respectful way; to find the right channels, speak to Elders and build rapport.

The Aboriginal Family Law Services (WA) described another way in which employing local Indigenous staff contributed towards cultural safety and security:

The employment of local staff brings inherited networks and relationships with community members and organisations—both Aboriginal and others with whom we partner in order to facilitate safety for clients and their families.

From this perspective, the rich professional and personal networks of Indigenous directors and senior staff provide a form of cultural capital that can be used to form strategic partnerships with other organisations and community members. According to the Aboriginal Family Law Services (WA):

Our staff have existing professional and personal connections [that] can be brokered to allow our service inroads to services for the purpose of referrals and case coordination; to access Aboriginal communities; and to inform strategic partnerships with either service providers or community members for the benefit of service users.

Increased employment opportunities for local Aboriginal and Torres Strait Islander people also had benefits for the surrounding community. The Puuya Foundation described benefits connected to the creation of local employment and development opportunities:

> Our employment policy not only focuses on local employment and development but is also designed to ensure that local employment opportunities are created. For instance, the board made a distinct decision not to employ an outside qualified person as manager of the Kuunchi Kakana Centre but to develop a local person and grow the centre at the pace of developing the staff.

In this context, applicants noted the significant benefit of helping to create a local economy for their communities by investing in local Indigenous staff, as opposed to fly-in fly-out employment models. Benefits for the surrounding community also included a sense of 'ownership' of the organisation, project or program, which further contributed to perceptions of its legitimacy and helped ensure governance arrangements were informed by local cultural priorities and values.

One-third of all applicants were proud to describe their organisations and projects as strong representatives of the whole community they served—as role models of the philosophy of Aboriginal 'community control'. A variety of membership and constitutional rules were strategically used to support this goal, such as requiring that:

- An individual is eligible for appointment as a director if they are an individual who is a member or the organisation; an Aboriginal and Torres Strait Islander person; and at least 18 years of age.
- A majority of directors of the corporation must be individuals who are Aboriginal or Torres Strait Islander people.
- Independent (non-member) directors hold an advisory capacity and are not provided voting rights.
- To be eligible for membership, an individual must reside in the region.

'Our organisation has the capacity and experience to manage an Aboriginal workforce; we understand the differences in family structures and the different obligations some family members may face as a result. Managers have competence in managing issues such as cultural leave, conflicts of interests that arise due to culture and work-life balance. We understand how to apply our policies and procedures in an equitable way to ensure that Aboriginality is not a barrier to employment with our service.'

Aboriginal Family Law Services WA
Category A Shortlisted Applicant

'The IUIH embodies the principles and philosophies of Community Control, reflecting the typical characteristic of a Community Controlled agency in its structure, including:

- It is an incorporated Aboriginal organisation.
- It was initiated by a local Aboriginal community.
- It is based in a local Aboriginal community.
- It is governed by an Aboriginal body which is elected by local Aboriginal community.
- It delivers holistic and culturally appropriate health services to the community that controls it.'

Institute for Urban Indigenous Health
Category A Shortlisted Applicant

Applicants also designed a range of policies to attract and retain suitably qualified Indigenous staff, aiming to build their talent pool for long-term sustainability. Twenty-two out of 30 incorporated applicants designed formalised requirements for the board chair and CEO to be of Aboriginal or Torres Strait Island descent, ensuring that cultural identity and accountability were the basis for the leadership and decision-making processes at the very top levels of the organisation or project. For example, the Aboriginal Family Violence Prevention and Legal Service Victoria stated:

> Our organisation is governed by an Aboriginal board of directors and led by an Aboriginal CEO ensuring our work is both connected to and accountable to community and cultural needs and that these needs remain embedded with organisational strategic development practices and processes.

2.1.5　Cultural Awareness and Induction

The role of cultural awareness training for a culturally safe and secure environment has emerged as a potential trend to observe in future Indigenous Governance Awards.

At least one-third of all applicants required their staff and volunteers (both Indigenous and non-Indigenous) to complete cultural awareness or competency training to expand their understanding of Indigenous ways of doing, knowing and being. As Indigenous organisations often work in complex intercultural and multi-linguistic environments, cultural awareness training was most often a formal requirement for new staff as part of their induction. This cultural induction was often delivered by a local Indigenous facilitator and involved structured discussions around the diverse culture, language, social organisation and community life of the organisation. These training programs introduced new staff to a range of culture-smart protocols that supported respectful working relationships in multilingual and cross-cultural environments. Ongoing cultural awareness training was provided throughout many terms of employment.

> 'It is paramount, being in [such a] culturally rich, diverse and multilingual environment … that all staff, Indigenous and non-Indigenous, receive cultural training. MWRC values the lessons that can be learnt across cultures. The reality of the working environment is that all staff work in two worlds and must spend time understanding the valuable histories and knowledge of both cultures.'
>
> Marninwarntikura Fitzroy
> Women's Resource Centre (MWRC)
> Category A Finalist

Provision of cultural awareness training to non-Indigenous staff was seen as particularly important to the cultural safety and cultural security of the organisation for its members, clients, program participants and other staff. Further research is required to understand this trend. Conversely, it was also seen as important to provide governing board members and leaders with professional development and training in mainstream areas of corporate governance so that they could operate across multiple cultures of governance (see Section 4.2: Current and Future Leadership for Governance).

Applicants to the 2016 Awards expanded the meaning of cultural awareness to include 'cultural competence'. Cultural proficiency or competence refers to a defined set of skills, knowledge, values, principles and behaviours that enable people to work effectively in cross-cultural situations, and to plan, support, improve and deliver services in a culturally respectful and informed manner.

The overall cultural competence of an organisation or project was seen to be a key factor in establishing and maintaining legitimacy within the community and members it served. CAAPS explained:

> Cultural competency is reflected through our delivery of services over an extensive period of time. Our cultural competency informs everything we do that is reflected in the values we embrace and operating principles that we demonstrate through our work. We show this through our behaviours, our attitudes, the policies we put in place, and our structure that enables us to work effectively in a cross-cultural environment.

Cultural competency training often involved the understanding and demonstration of Indigenous ideas and values of respect, and was built into practical mechanisms for implementing related cultural protocols within an organisation or project.

2.1.6　Cultural Protocols

The design and implementation of cultural protocols was highlighted by at least 11 applicants as an important basis for informing their daily practices, including governance. These protocols often contributed to an enhanced sense of cultural legitimacy and strength. Common examples included:

- Decision-making: The use of consensus-based decision-making through ongoing conversation and consulting and/or privileging the voice of Elders, Traditional Owners and other Indigenous knowledge holders.

- Inclusive communication: Conducting bilingual board meetings (in both English and local Aboriginal languages); ensuring that official governance and other documents are translated into both English and local Aboriginal languages and making use of visual icons and infographic formats.
- Traditional Owners: The need for respect for the cultural authority of Elders and Traditional Owner groups within the operational region and, conversely, not making decisions that could undermine or wrongly impinge on the cultural authority and autonomy of Traditional Owner groups.
- Gender roles and responsibilities: The appointment of a male and female chairperson on boards and as CEOs and/or staff to reflect the gendered nature of Indigenous knowledge systems and membership base; provision for men and women to sit separately during meetings of organisations in remote locations.
- Sorry Business: The requirement that facilities be closed down when an Elder or community member passes away to show respect to the family and to give staff the opportunity to carry out their cultural responsibilities. Sorry Business sometimes overrides other matters and tasks scheduled for the day, and is often posed as a cultural right. This notwithstanding, it can be challenging to governance and organisational effectiveness.
- Avoidance relationships: Establishing procedures and guidelines to help navigate and accommodate cultural avoidance among staff, including task allocation and service design and/or delivery.
- Welcome to Country: Inviting a local Elder to perform a welcome to Country and/or acknowledgement of Country at events and board meetings.
- Design elements: The use of visual representations of culture in architectural and interior design to display governance and signal how organisations wish to be regarded by the wider community and public. For example, applicants used cultural artwork and language in organisational logos, communication materials and publications, staff uniforms and office space to give, in the words of KARI Aboriginal Resources Incorporated, 'a distinctly Indigenous feel and look'. This 'art of governing' appears to be a fundamental strategy used by Indigenous organisations and projects to convey core cultural messages about how and why they do their work.

'It can be challenging as a female CEO and a female chairperson around navigating the cultural protocols of supporting the Zebra Finch Aboriginal Men's Group and Men's Business. We are sensitive to this; therefore, we offer an alternative through utilising the services of male board members or engaging an independent consultant.'

Kura Yerlo Incorporated
Category A Shortlisted Applicant

'Respect for culture is embedded in the way we work, in the publishing decisions we make, and in the way we work with our creators. Our books celebrate and value cultural, historical and contemporary truths and we are dedicated to ensuring that the diversity of Aboriginal cultures and experience is respected and understood. Cultural considerations and protocols are observed and understood in a way that does not occur in [many] other publishing houses.'

Magabala Books Aboriginal Corporation
Category A Shortlisted Applicant

Interestingly, at least 20% of applicants designed their physical space to actively promote a sense of cultural security around the way they operated. For example, the Puuya Foundation embedded local language and culture into the design of the Kuuchi Kakana (KK) Centre:

The physical space is set up to reflect Lockhart River culture—including cultural spaces in play areas, local art and undertaking activities in accordance with tradition. In addition we are currently designing the landscape of the KK Centre to incorporate bush foods, traditional humpies and inclusion of a cultural dance area.

2.1.7   Cultural Governance Advisors

Several applicants supplemented their provision of cultural awareness and proficiency training by embedding culture-smart practices in more formal and comprehensive frameworks to support governance. These frameworks often involved the appointment of cultural advisory committees or staffing roles, and were established to give the board and senior management advice on cultural considerations.

Sixteen applicants described the role of Elders as especially critical to cultural ways of governing and working in their organisations or projects. These applicants sought innovative way to involve Elders, Traditional Owners and other Indigenous knowledge holders into a range of governing-related mechanisms—for example, as directors, representatives in advisory groups and councils for consultation on key cultural issues. Applicants spoke of the central role of Elders in mentoring, cultural transmission and continuity, and at least seven applicants established formal mechanisms, such as a Council of Elders or Elders in residence programs. Kanyirninpa Jukurrpa (KJ) explains:

> KJ was established first and foremost as a Martu cultural organisation. Martu cultural values are critical to how programs are run and how the organisation operates. This is nowhere more apparent [than] by the involvement of Martu Elders as cultural advisors to the board as well as to individual ranger teams working in communities ... The Elders see their role as providing cultural authority and guidance, ensuring that people are safe and do not visit closed sites, and passing on knowledge and teaching the younger generations ... Their position and status has been reinforced by the Martu Leadership Program [that] involves Elders wherever possible as mentors to the group activities ... KJ's objectives are achieved by working in a manner that is Martu-focused and recognises and reinforces Martu values.

From this perspective, applicants asserted that privileging the voice of Elders and Traditional Owners in decision-making processes increased the legitimacy of applicants' decisions and actions in community. According to the Seabrook Aboriginal Corporation:

> Our Elders are our most respected people in our community and we rely on their wisdom to help us understand our long history of culture and to mentor our youth moving forward with the overall objective of preserving our cultures and values.

The 2016 Awards suggests that the role of Elders has increased for informal groups (from 12% in 2014 to 43% of informal groups in 2016). The role of Elders has stayed relatively constant for incorporated applicants. This may be a product of the sample population, or it may indicate a growing effort by applicants to ensure that their governance arrangements incorporate culturally based forms of authority.

Alternatively, applicants appointed advisory committees or staff to support cultural security. For example, SNAICC appointed a cultural safety manager who was responsible for internal cultural safety measures and ensuring the organisation's cultural integrity with all external engagement. In addition, SNAICC established a cultural safety implementation working group and used its board members as cultural mentors.

Applicants also devised a range of culture-smart protocols to support internal mentoring relationships between Indigenous and non-Indigenous staff. Indigenous board members and staff were encouraged to act as informal cultural advisors to non-Indigenous board members and staff, and vice versa. Applicants described mentoring relationships as having a positive effect on inclusive decision-making and organisational culture.

'To prioritise Aboriginal cultural leadership through the organisation, we also have an Aboriginal Staff Advisory Committee [that] directly advises the CEO on all cultural matters … This group has a focus on providing input for the continual improvement of Congress' services and programs with an emphasis on cultural safety. They support and ensure that the executive management is informed and mindful of operational cultural knowledge and "on the ground" issues. The group reports directly to the CEO.'

Central Australian Aboriginal Congress
Category A Shortlisted Applicant

2.1.8 Community Engagement

Ongoing and effective community engagement was seen to serve several important purposes for incorporated applicants and informal groups. One-third of incorporated applicants described community engagement as an important method to ensure their governance arrangements reflected Indigenous cultural values and gained cultural legitimacy. Community engagement was described as being beneficial in building strong relationships with members, clients, program participants, stakeholders and the wider community. Applicants also described the role of community engagement in supporting their own capacity to deliver projects and programs in line with community needs.

> 'AHV has a long term commitment and investment in building relationships with Aboriginal communities and building cultural capacity through a range of community and cultural events that help enhance the level of community participation.'
>
> Aboriginal Housing Victoria
> Category A Shortlisted Applicant

Community engagement occurred through three main processes: consultation with community, participation of the organisation in community and participation by community members in the organisation.

Applicants outlined several principles that guided their engagement with Aboriginal and Torres Strait Islander communities, including self-determination, informed participation, respect, trust, fairness and reciprocity. In other words, consultation with community was of a particular kind. It

> 'Elders morning teas—these are held quarterly and enable Ungooroo and its staff and members to communicate directly through the local elders ensuring that initiatives meet not only the immediate needs of the community but satisfy cultural protocols.'
>
> Ungooroo Aboriginal Corporation
> Category A Shortlisted Applicant

was not conducted as tokenism or rubber stamping for decisions that had already been made. Rather, it was about getting a real feeling for members' views, and securing feedback and informed decisions from them.

Applicants conducted ongoing consultation with their program participants and wider communities for a number of reasons, including:

- to identify needs and service requirements
- to include members of the target group in the design and delivery of a new program
- to gauge program effectiveness and potential changes
- to inform strategic and operational planning.

Community engagement also occurred through regular contact with community members, in particular, through hosting cultural events, morning teas, inclusive well-advertised programs and community gatherings. Active participation in events such as NAIDOC Week, National Reconciliation Week and Sorry Day increased applicants' visibility and kept them well informed about emerging issues and needs within the local community. These important strategies were used by applicants to participate in the surrounding community and to encourage community members to participate in their organisation or group.

Ungooroo Aboriginal Corporation described how staff participation in community events facilitated a sense of community ownership over the organisation and its programs, which enhanced its legitimacy within the surrounding community:

> Staff are encouraged to participate in cultural events, particularly ones that involve ceremony and family obligations. Not only does this strengthen our links to traditional culture but also encourages family and community members to be a part of and contribute to the culture of our organisation. This creates a threefold cord between Ungooroo, staff, and community with the common link being culture. This contributes to a strong organisation, strong families and strong communities.

These forms of community engagements enabled applicants to gain feedback on their activities. Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria) used this method:

> FVPLS Victoria uses its community events, such as community legal education and early intervention and prevention workshops, to report and gain feedback on its activities. The organisation sends out newsletters and maintains a website with current information.

> 'We are committed to consulting with Aboriginal people and communities to ensure that we can achieve our vision.'
>
> Aboriginal Housing Victoria Category A Shortlisted Applicant

Through such diverse approaches, community engagement and participation enabled applicants to better align their organisational governance, direction and priorities with community need. The Puuya Foundation provided an innovative example of a culture-smart approach for this purpose:

> Our Learning Circle program has been instrumental in developing leadership and facilitating partnerships where the insight and advice of the community plays a critical role in determining the priorities and activities of the Puuya Foundation. This allows the community to identify areas of concern and opportunity and receive the support needed to take action.

The Puuya Foundation employed a number of culture-smart principles to ensure their engagement with community members was effective and credible:

> The Puuya Foundation respects the importance of the oral tradition and has used Learning Circle conversations to share ideas, information and generate action in Lockhart. The Learning Circles provide an inclusive and collaborative action-focused group conversation between local Indigenous leaders and workers, government, policymakers, service providers and business. The Learning Circle conversations (held over some three hours and with participants seated in the round) create engagement through the oral tradition and respect ATSI [Aboriginal and Torres Strait Islander] cultures such as sharing story. Everyone has equal opportunity to offer ideas, experiences and opinions, which leads to agreed actions for change. From these conversations, participants create cross-cultural understanding and reach a shared agreement.

At the time of making their application, the Puuya Foundation had hosted six Learning Circle conversations with more than 150 people in attendance. According to surrounding Lockhart River Community leaders, this form of community engagement:

> Has transformed relationships, built confidence, and created new ways of learning and working. These new ways, shown in the Learning Circles, honour the values and Indigenous perspectives and recognise culture and spirituality.

> 'Through applying "puuya" the Foundation and the community identifies the positives in the community and creatively builds on these strengths, supports ideas, strengthens culture and develops capacity at the same time.'
>
> Puuya Foundation—Lockhart River Category A Shortlisted Applicant

The use of culture-smart principles for community engagement also allowed applicants to embed Indigenous cultural values into the design of their projects and initiatives. For example, Aboriginal Housing Victoria (AHV), a not-for-profit registered Aboriginal Housing Association providing appropriate, affordable housing and support to low-income Aboriginal and Torres Strait Islander peoples across Victoria, explained that:

> AHV is developing a set of housing design principles that are culturally responsive. The current housing standard[s] reflect those of government and do not address culture or reflect the aspirations of tenants and the wider Aboriginal community.

AHV engaged Indigenous Architecture and Design Victoria to conduct community workshops across metropolitan and regional Victoria to 'develop a clear path forward in delivering new and improved approaches to future housing'. These workshops involved:

> Discussion and activities focusing on sustainable design options, housing types and mix, visual/aesthetic … attributes, appropriate material [selection] and ways to connect to County and culture.

> Discussions from community workshops in Melbourne, Bairnsdale, Warrnambool and Mildura were used to design and trial alternative Indigenous housing in a Melbourne suburb.

'Our project … is an outstanding example of how contemporary technology can seamlessly blend with ancient traditions to create a tool that can be instrumental in safeguarding culture and maintaining identity.'

Ara Irititja Project
Category B Highly Commended

2.1.9   Strengthening Collective Cultural Identity

At the heart of the governance of many organisations and projects were initiatives and ways of working targeted specifically to the idea of strengthening cultural vitality and collective identity. This concept was captured in a number of ways by applicants who spoke of 'safeguarding', 'revitalising', 'sharing' and 'preserving' culture, 'cultural resurgence', 'cultural transmission' and 'passing on knowledge'. Applicants made direct connections between their governance and their vision of keeping culture strong into the future.

Some applicants' organisational purpose was clearly defined in this way. This was the case for language and cultural centres such as Mirima Council Aboriginal Corporation, community-controlled service providers such as the Seabrook Aboriginal Corporation and digital archiving systems such as the Ara Irititja Project.

'Our culture is our biggest asset and something we have a lot of pride in. Seabrook is here for the benefit of the local Noongar people and for the preservation of our culture. Our long term plans revolve around preservation of our culture and traditional ways of doing things.'

Seabrook Aboriginal Corporation
Category A Shortlisted Applicant

For other applicants, the protection and strengthening of Indigenous cultures was one component of a broader organisational purpose to support and promote cultural identity and resilience and, in turn, community wellbeing. This was the case for schools and colleges such as the Minimbah Preschool Primary School and other community organisations such as the Marninwarntikura Fitzroy Women's Resource Centre. Their initiatives supported the recording and transmitting of traditional knowledge, intergenerational learning and creating strong cultural identity, especially among the younger generations.

Opposite: Marnin Studio supports women to turn their art practices into a source of income while providing skills transfer and therapeutic aid. Pictured: Former manager of Marnin Studio Brooke Small (left) and artist Aisha Oscar (right).

Criteria 2: Indigenous Governance Models

Governance capabilities are essential to deliver genuine decision-making power to Indigenous peoples, and to being able to transform hard-won Indigenous rights into improved lived realities.

Criteria 2 provides a summary of demographic information about applicants to the 2016 Awards. In addition, this section examines how applicants organise and shape their governance arrangements, select their leaders and hold their leaders accountable.

3.1   Profile of Applicants

This section considers the similarities and differences between applicants to the 2016 Indigenous Governance Awards under the following themes:

- incorporated models (category a shortlisted applicants)
- unincorporated models (category b shortlisted applicants)
- charitable status
- decade of establishment
- industry sector of operation
- location by state, territory and remoteness
- urban, regional and remote spread
- sources of income
- number of staff
- number of members.

3.1.1   Incorporated Models (Category A Shortlisted Applicants)

Indigenous organisations and initiatives are not all governed the same way. Legal incorporation under the various Australian legislative regimes requires organisations to meet particular governance conditions. By contrast, when people initiate informal 'non-incorporated' ways of organising themselves to get things done collectively, they can determine their own governing arrangements and accountabilities.

> Applicants in Category A included Aboriginal Associations, Indigenous Corporations, Public Companies, Private Companies, Body Corporates, Trusts and Cooperative Societies.

Incorporation is voluntary for some Indigenous groups but compulsory for others.[2] Indigenous groups can choose to incorporate under a combination of different state, territory and federal legislation. Each type of incorporation legislation comes with specific reporting obligations and legal responsibilities and is regulated by a specific regulatory body.

Figure 2 illustrates the different types of incorporation legislation under which applicants in Category A were registered. Fifteen applicants were incorporated under federal legislation and were regulated by the Office of the Registrar of Indigenous Corporations (ORIC) through the *Aboriginal Councils and Associations Act 1976* (ACA Act) or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). The remaining 15 applicants in Category A were incorporated under other federal, state or territory legislation and were regulated by the Australian Securities and Investments Commission (ASIC) or relevant state and territory incorporation laws.

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[2] Incorporation is mandatory in the case of native title, royalties and land access arrangements and, more recently, the introduction of incorporation requirements under the CATSI Act to receive federal government funding through the Indigenous Advancement Strategy.

The Awards questionnaire did not ask incorporated applicants to specify the number of years between their establishment and incorporation. However, six incorporated applicants identified a period of three to 12 years between the formation of their organisation and their decision to incorporate.

Figure 2: Types of corporate entities (2016 incorporated applicants)
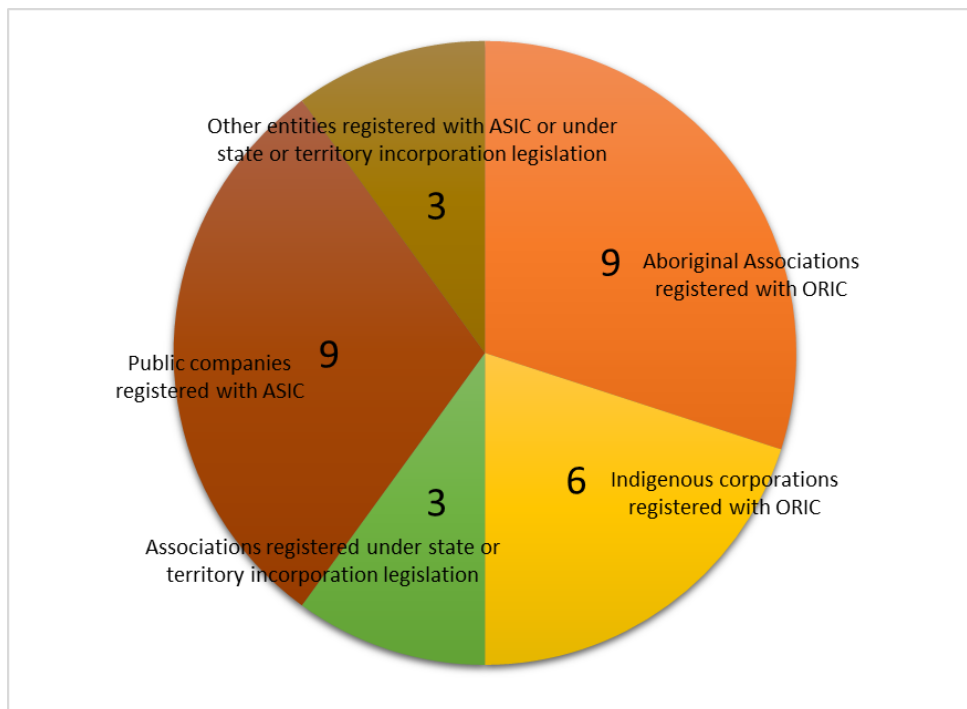
The decision of an Indigenous group to incorporate under a particular form of legislation depends on individual circumstances. Table 1 outlines the potential benefits and disadvantages of registration under the CATSI Act in comparison with the Commonwealth *Corporations Act 2001*. For applicants to the 2016 Awards, one significant factor influencing this decision was the introduction of incorporation requirements to receive federal government funding through the Indigenous Advancement Strategy (IAS). From 1 July 2014, all Indigenous organisations receiving grants of $500,000 (GST exclusive) or more in any single financial year under the IAS were required to incorporate under the CATSI Act. Indigenous organisations that were already incorporated under the Corporations Act were exempted from this requirement (PMC 2015).

The mandate to incorporate to receive federal government funding resulted in two incorporated applicants transferring their organisation's existing registration to a corporation registered under the CATSI Act within the last four years. One-third of incorporated applicants planned to hold a special general meeting to discuss proposals to reincorporate under the CATSI Act in the near future.

One potential disadvantage of registering under the CATSI Act is the special regulatory powers of ORIC, which are more expansive in some areas than the corporations' regulator ASIC (see Table 1). However, despite pressure to incorporate under a particular form of legislation, only six out of 30 incorporated applicants were incorporated under the CATSI Act. As such, the diversity of applicants' incorporation status suggests that, where they can, Indigenous groups continue to maintain control over the decision to incorporate under particular forms of legislation for their own purposes.

Table 1: Registration under the CATSI Act versus the Corporations Act

	Potential benefits of registering under the CATSI Act may include:
1.	Indigenous corporations registered under the CATSI Act can currently access higher amounts of government funding to deliver programs under the Indigenous Advancement Strategy than Indigenous corporations registered under the Corporations Act.
2.	CATSI Act corporations can access client assistance, support and information and training programs offered by ORIC.
3.	Members of a corporation registered under the CATSI Act can choose, when they register the corporation, not to be liable for the debts of the corporation. Similarly, for a company limited by guarantee under the Corporations Act this liability is generally only $10 per member.
4.	The constitution of a corporation registered under the CATSI Act can take into account Aboriginal or Torres Strait Islander customs and traditions. However, there are some rules that must still be followed. Therefore, while it can be more flexible, the CATSI Act still requires quite a strict level of corporate governance. A company limited by guarantee generally has more strict governance requirements; however, if it is registered as a charity with the Australian Charities and Not-for-profits Commission, it will have significant flexibility in relation to conduct of meetings.
5.	It is free to register as an Aboriginal and Torres Strait Islander corporation under the CATSI Act. Under the Corporations Act there is a fee.
	Potential disadvantages of registering under the CATSI Act may include may include:
1.	If the organisation wants to register as a charity, the CATSI Act has not been amended to operate in synch with the Commonwealth *Australian Charities and Not-for-profits Commission Act 2013* (ACNC Act). By contrast, the Corporations Act has, to a large extent, been amended to achieve this.
2.	ORIC has special regulatory powers that are more extensive in some areas than the regulatory powers of ASIC in relation to Corporations Act corporations. This can be both advantageous and disadvantageous.
3.	Anecdotally, there are low levels of awareness about the existence of ORIC registered companies in the Australian public.

3.1.2 Unincorporated Models (Category B Shortlisted Applicants)

Applicants in Category B were more informal groups of people who had united to get specific things done together, and who may have deliberately chosen not to go down the road of legal incorporation. Unincorporated applicants included a consortium of community-controlled health providers, associations of land councils, volunteer organisations, peak governance bodies, partnership committees, working parties and projects directed by incorporated organisations.

The Awards questionnaire did not ask applicants to explain their decision to incorporate or remain non-incorporated. However, one applicant in Category B explained their decision to remain unincorporated in terms of a lesson learned from the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2004. This applicant succeeded a Regional Council that ceased operations as part of the abolition of ATSIC. For this applicant, the closure of regional councils signalled the loss of another representative structure through which Indigenous peoples could advocate for their interests. According to this applicant, 'not being incorporated means … [we] can never be dissolved by an act of Parliament or have an administrator appointed to tell the region's Indigenous peoples what to do'. In this context, an unincorporated status can enable Indigenous groups to operate outside the mandate of government and remain accountable to their communities.

The decision by non-incorporated groups to incorporate and the pros and cons of incorporation has not been explored in detail in previous analyses of the Indigenous Governance Awards. This is a potential area to explore further in future applicant cohorts.

3.1.3   Charitable Status

The majority of incorporated applicants (28 out of 30) were recognised by the Australian Taxation Office (ATO) as charities with the Australian Charities and Not-for-profits Commission (ACNC). The majority of these charitable institutions (23 out of 28) were registered in the charity subtype of public benevolent institution (PBI) and endorsed as deductible gift recipients (DGRs) by the ATO. Almost half of the incorporated applicants (13 out of 30) self-identified as not-for-profit (NFP) and 14 incorporated applicants self-identified as Aboriginal community-controlled NFP organisations.

Applicants to Category B were not required to specify their charitable status, despite the fact that unincorporated associations can register as a charity with the ACNC. The decision by unincorporated groups to register as a charity is a potential trend to observe in future Indigenous Governance Awards.

The decision of an Indigenous corporation to register as a charity depends on individual circumstances. According to the ACNC (n.d.-e), the main benefits of a charitable status include being able to:

-   apply for charity tax concessions
-   apply for additional tax benefits as a PBI, health promotion charity or charity for the advancement of religion
-   apply for certain categories of DGR status
-   receive a range of other concessions, benefits or exemptions available to charities under Commonwealth law
-   appear more attractive to funders.

Corporations recognised as charities by the ATO before 3 December 2012 were automatically registered as charities with the ACNC. If not automatically registered as a charity, corporations were responsible for their own registration.

Charities have ongoing obligations to maintain their registration; these include notifying the ACNC of certain changes, reporting each year and complying with specific governance standards. Some charities' obligations to the ACNC replace their obligations to other government regulators (e.g., charitable companies no longer need to report to ASIC). However, as noted by the ACNC (n.d.-a) some charities continue to have obligations to other Commonwealth, state, territory or local government regulatory bodies.

> Charities incorporated under the CATSI Act have experienced a dramatic increase in their administrative and compliance obligations.

Entities regulated under ORIC (including CATSI organisations) face the potential for double regulation if they are also registered as charities. As noted in Table 1, one potential disadvantage of incorporation under the CATSI Act is that it has not been amended to operate in synch with the

ACNC Act. The lack of clarity around regulatory requirements for corporations regulated under both ORIC and the ACNC has effectively led to a double up of regulation; rather than reporting to one regulatory body, charities incorporated under the CATSI Act are required to operate within the regulatory requirements of *both* ORIC and the ACNC.

Despite the increased administration duties, reporting obligations and compliance costs for charities incorporated under the CATSI Act, it is interesting to find that *all six applicants* incorporated under the CATSI Act were also registered as charities with the ACNC. In fact, as previously noted the great majority of incorporated applicants (28 out of 30) were registered as charities with the ACNC. One possible explanation is that having a charitable status makes an organisation more attractive to funders and, as such, starts to matter more when a group seeks to diversify income and move away from government funding. From this perspective, the high proportion of charities within applicants to the 2016 Awards indicates a serious effort by applicants to maximise self-determination in a context of federal funding uncertainty. Further research would be required to better understand how CATSI corporations navigate increased administrative and compliance obligations to both ORIC and the ACNC.

3.1.4   Decade of Establishment

As shown in Figure 3, the majority of incorporated applicants (18 out of 30) were established in the 1980s and 1990s, and had been in operation for over three decades. The increase in Indigenous organisations from 1970 onwards reflects the rights gained from the Aboriginal civil and land rights movement of the 1960s and 1970s.

> 73% of incorporated applicants have been in operation since the 2000s, demonstrating impressive long-term sustainability and adaptability.

Four out of eight informal groups were established in the 2010s, and had been in operation for less than four years. This reflects the flexible and time-specific nature of unincorporated initiatives, which are often established, dissolved and reshaped in response to short-term community needs. Significantly, two applicants from Category B have been trading as unincorporated entities since the 1990s. These applicants demonstrate self-determination, impressive governance resilience and a genuine commitment to seeing things through.

Figure 3: Decade of establishment (2016 incorporated and unincorporated)

2016 total number of incorporated applicants = 30
2016 total number of unincorporated applicants = 8
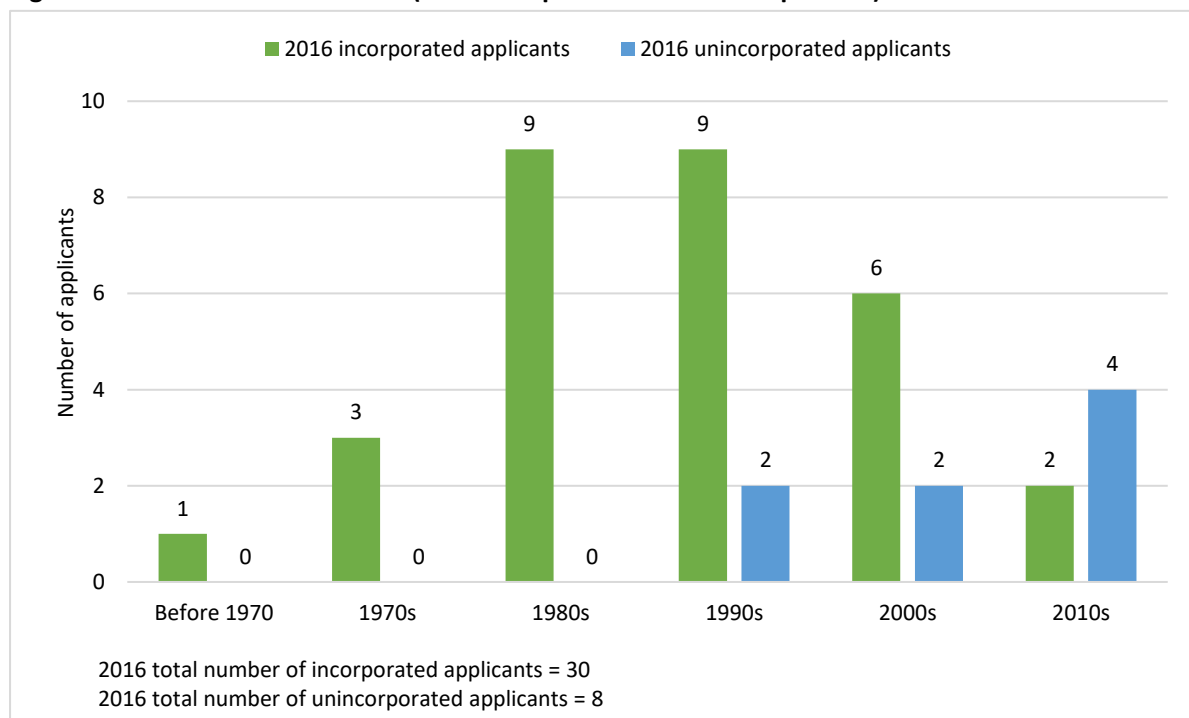
3.1.5   Industry Sector of Operation

Applicants operated across a range of industry sectors, demonstrating the contribution of successful Indigenous organisations across Australian society. Fourteen shortlisted applicants worked across multiple industry sectors. Applicants were asked to provide a priority classification according to the sector in which they conducted the majority of their work. For example, Winnunga Nimmityjah Aboriginal Health Service described themselves as an Aboriginal community-controlled primary health care service that prioritised the recruitment, training and retention of Aboriginal and Torres Strait Islander staff, but was categorised into the 'health' sector rather than the 'employment/economic development' sector.

Figure 4 illustrates the sector in which applicants self-described as conducting the majority of their work. The most common industry sector among incorporated applicants (10 out of 30) and informal groups (three out of eight) was the health sector. Other significant sectors of operation included the youth, children and families sector (five out of 30 incorporated applicants), housing and community development sector (five out of 30 incorporated applicants) and local government sector (two out of eight informal groups).

Applicants in each industry sector included:

Health sector:	Aboriginal and Torres Strait Islander community-controlled health services and providers of services that support social and emotional wellbeing.
Employment and economic development sector:	Indigenous contracting and consulting services, and applicants that created new jobs, developed workplace skills training and increased sustained employment opportunities for Indigenous people.
Youth, children and families sector:	Providers of early childhood services, out of home care programs, family violence prevention programs and crisis response facilities.
Arts, culture and heritage sector:	Aboriginal-led theatre companies, language and culture centres, and online digital archiving systems.
Housing and community development sector:	Providers of affordable, secure housing and residential accommodation for Indigenous people, and applicants working with Indigenous people at the local level to improve quality of life in communities.
Native title and land management sector:	Conservation groups and applicants that support Indigenous people to look after culture and Country.
Local government sector:	Community and regional peak representative bodies and working parties that came together to design and implement Reconciliation Action Plans.
Legal sector:	Aboriginal Family Law Services, Aboriginal Legal Services and applicants that undertook policy and law reform work and provided culturally appropriate legal services to Indigenous people.

A new industry sector was included in the 2016 analysis, reflecting the ongoing diversification of the Awards applicant pool: education. Two applicants (a preschool and primary school, and a Registered Training Organisation) conducted the majority of their work in the education sector, providing education for Aboriginal and Torres Strait Islander children, adults and families.

Figure 4: Industry sector of operation (2016 incorporated and unincorporated)

Legend:
- 2016 incorporated applicants
- 2016 unincorporated applicants

Industry sector	2016 incorporated applicants	2016 unincorporated applicants
Health	10	3
Economic & employment	1	0
Youth, children & families	5	1
Arts, culture & heritage	3	1
Housing & community development	5	0
Native Title & land management	1	1
Local Government	0	2
Legal	3	0
Education	2	0

2016 total number of incorporated applicants = 30
2016 total number of unincorporated applicants = 8

3.1.6   Location by State and Territory

Applicants were located in all Australian states and territories except Tasmania (Figure 5). This geographic spread is consistent with the 2012 and 2014 applicant cohorts. The majority of applicants in 2016 were located in the Northern Territory, followed by New South Wales and Western Australia. It is unclear why there was less representation from South Australia and Queensland, and no representation from Tasmania.

In 2016, over 60% of the Aboriginal and Torres Strait Islander population lived in New South Wales and Queensland; therefore, this geographical spread among applicants would appear to reflect current population demographics (ABS 2016).

Figure 5: Map of location by state and territory (2016 incorporated and unincorporated)
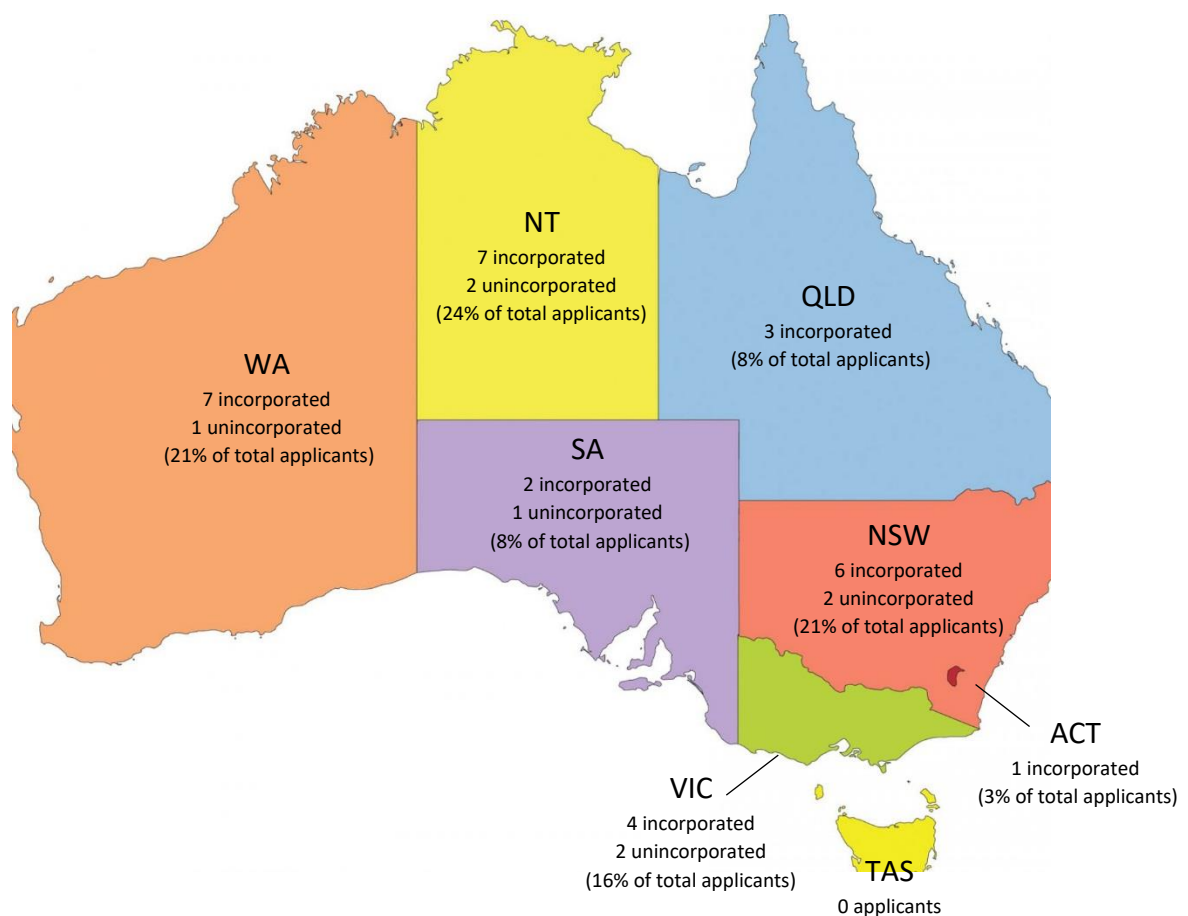
3.1.7   Urban, Regional and Remote Spread

As shown in Figure 6, applicants were distributed relatively evenly across urban, regional and remote areas of mainland Australia. Location by region was identified via the Australian Standard Geographical Classification–Remoteness Area (ASGC-RA 2006) system developed in 2001 by the Australian Bureau of Statistics (ABS). This system classifies data from each census district into broad geographical categories defined in terms of 'remoteness'. The ABS defines 'remoteness' as 'the physical distance of a location from the nearest Urban Centre (access to good and services) based on the population size' (DoH, n.d.).

Figure 6: Location by remoteness (2016 incorporated and unincorporated)

2016 total number of incorporated applicants = 30
2016 total number of incorporated applicants = 8
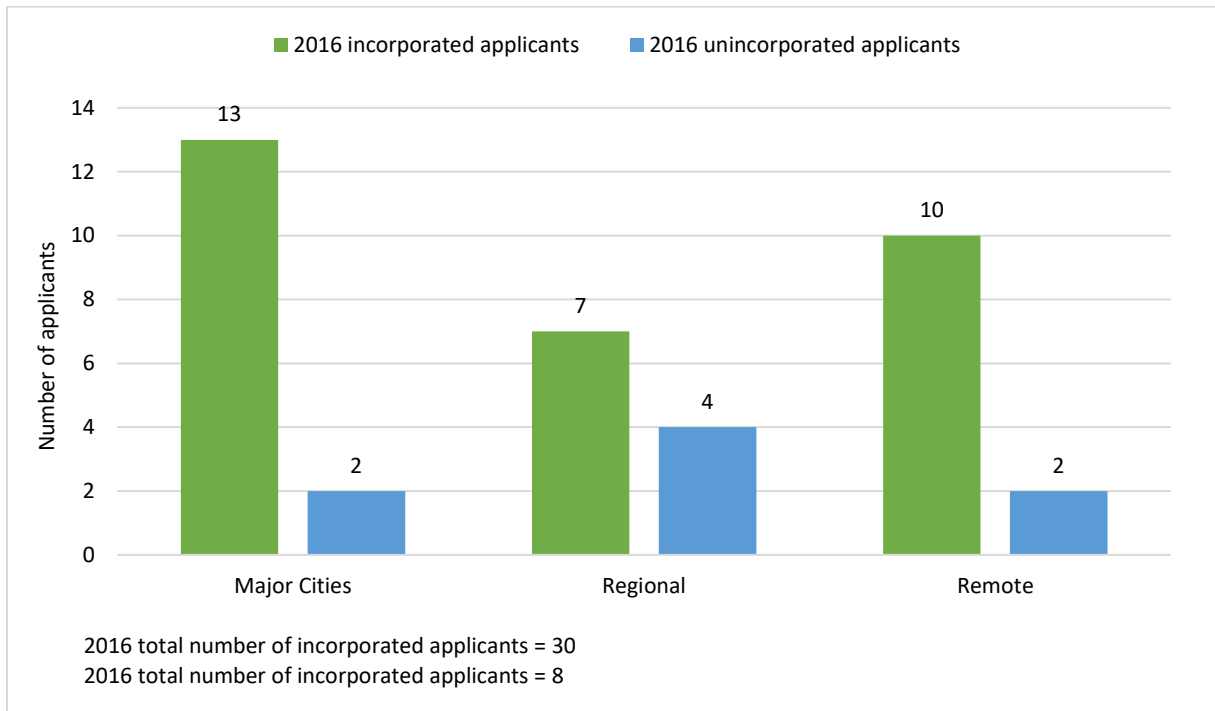
3.1.8   Sources of Income

Figure 7 suggests that incorporated applicants had diverse income sources, continuing the trend towards diversification identified in the 2014 Awards analysis.

Figure 7: Sources of income (2012, 2014 and 2016 incorporated)

2016 total number of incorporated applicants = 30
2014 total number incorporated applicants = 41
2012 total number of incorporated applicants = 41
NOTE: Applicants could provide more than one response.
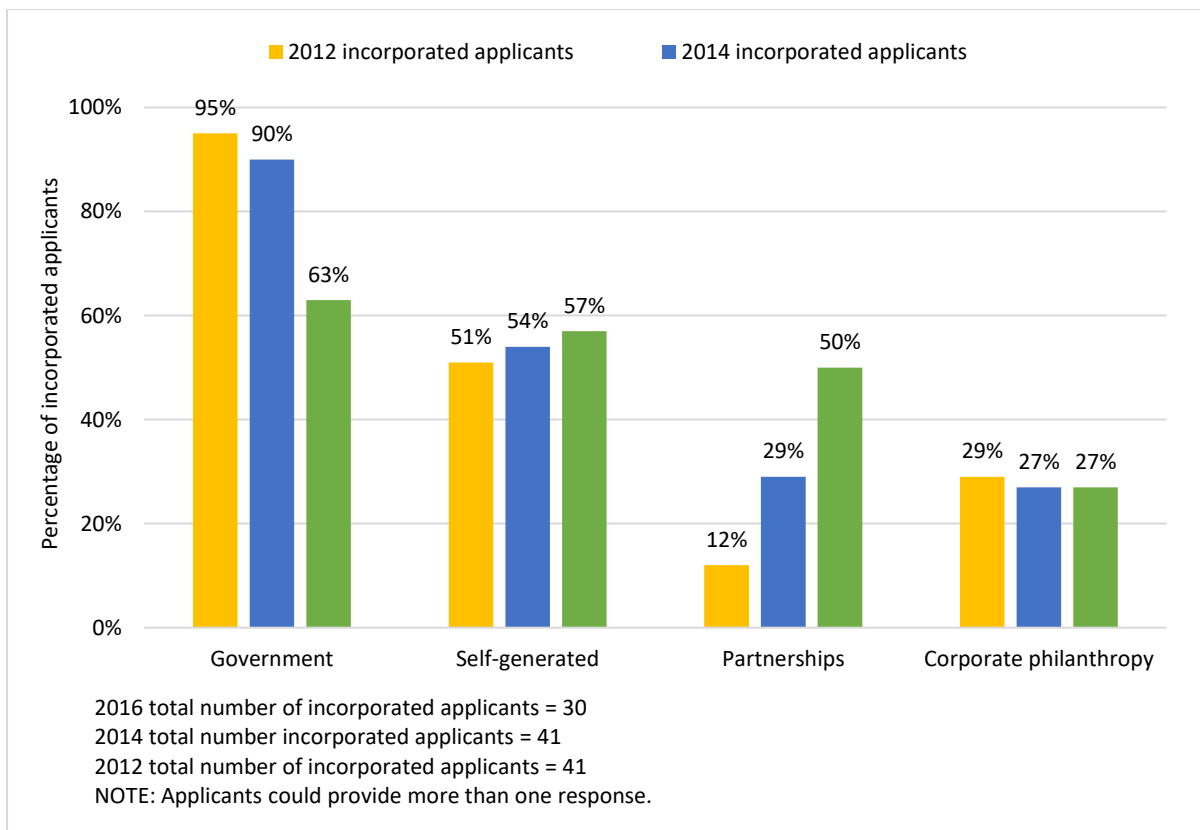
Incorporated Models (Category A Shortlisted Applicants)

While government funding remained a key source of income for many incorporated applicants (19 out of 30), Figure 7 suggests there has been an overall decline in government funding since 2012; in 2012, 95% of incorporated applicants sourced funding from government, compared with 90% of incorporated applicants in 2014 and 63% of incorporated applicants in 2016. Applicants in 2016 frequently expressed concern about the financial stress, instability and disruptive impact of short-term government funding cycles, departmental territorialism and ever-changing policy priorities. However, the fact that government funding remained a key source of income suggests that many incorporated applicants continue to deliver services and programs funded by government.

The second most popular source of income for incorporated applicants was self-generated. Just over half of all incorporated applicants (17 out of 30) generated their own funds through activities. These included rental revenue obtained from owned and leased land and housing; commercial activities such as land management services, cultural workshops, tours, fee-for-service programs and the sale of artwork; and fundraising activities and membership fees.

> Over three times the number of incorporated applicants generated income through partnerships in 2016 in comparison with 2012.

Figure 7 suggests an accelerating upward trend for incorporated applicants to generate income through partnerships: from 12% of incorporated applicants in 2012, to 29% in 2014, to 50% of incorporated applicants in 2016. Partnerships were most often formed with non-government organisations, research institutes, schools, charities and community organisations.

One explanation for the decrease in government funding, gradual increase in self-generated income and accelerating trend towards partnerships is the level of uncertainty regarding federal funding in the wake of the IAS in 2014–2015. The majority of grants from the government funding round reportedly went to non-Indigenous groups and peak NGO sector organisations that were not Indigenous-led, leaving many Indigenous organisations reflecting on their long-term approach and sustainability (Henderson 2015). Encouragingly, new targets detailed in the federal Indigenous Procurement Policy in 2015 require more services for Indigenous communities to be delivered by local Indigenous organisations. The decrease in government funding, gradual increase in self-generated income and accelerating trend towards partnerships is a trend to observe in future Indigenous Governance Awards.

> 'There has been a trend for Commonwealth and Territory procurement and funding processes to increasingly fund large non-Indigenous NGOs and privately owned for-profit organisations at the expense of community controlled Aboriginal organisations.'
>
> Category A Shortlisted Applicant

Australian philanthropy has a noted propensity to underinvest in Indigenous-led initiatives (AIGI 2017g). Analysis reveals that about one-quarter of incorporated applicants (27%) received income from the corporate philanthropy sector. These findings are consistent with the 2012 and 2014 applicant cohorts. They also make sense in the context of previous research, which shows that, in 2011, only 7% of philanthropic spending was directed towards Indigenous programs and only a fraction of those were Indigenous-led (The Christensen Fund, Rio Tinto Aboriginal Fund and Greenstone Group 2010). Timely and focused philanthropic investment in Indigenous peoples across various sectors, through vast geographical locations and under diverse circumstances will lead to substantial political, social, legal and environmental advancement.

Unincorporated Models (Category B Shortlisted Applicants)

Analysis suggests that informal groups had less diverse income sources than incorporated applicants and that every Category B applicant received at least some of its funding from government. Funds received by

informal groups from government were often auspiced by other Aboriginal organisations in the region who might also have provided secretariat support to the informal group, initiative or project.

Analysis also suggests that trends observed among incorporated applicants (i.e., decrease in government funding, gradual increase in self-generated income and accelerating trend towards partnerships) is the reverse for informal groups. The absence of philanthropic support for non-incorporated applicants may suggest a lack of interest within the corporate sector for funding local community-based initiatives. Together, these findings may have serious implications for the use of funds to support Indigenous self-determined objectives and priorities, and will be necessary to explore with future unincorporated applicant cohorts.

3.1.9   Number of Staff

The number of staff reported by incorporated applicants ranged from one to over 100. One-third of incorporated applicants (10 out of 30) employed 1–20 staff members, and almost one-quarter of incorporated applicants (7 out of 30) employed more than 100 staff members. The CATSI Act classifies the size of an Indigenous corporation according to its income, assets and number of staff in a financial year. A small corporation has fewer than five staff, a medium corporation has between five and 24 staff and a large corporation has more than 24 staff in a single financial year (ORIC 2015). Using the metric established by the CATSI Act in relation to number of staff, the majority of incorporated applicants were relatively small and considerably large, with less medium-sized organisations (Figure 8). Category B applicants were not required to specify the number of staff members.

Figure 8: Number of staff (2016 incorporated)

2016 total number of incorporated applicant responses = 30
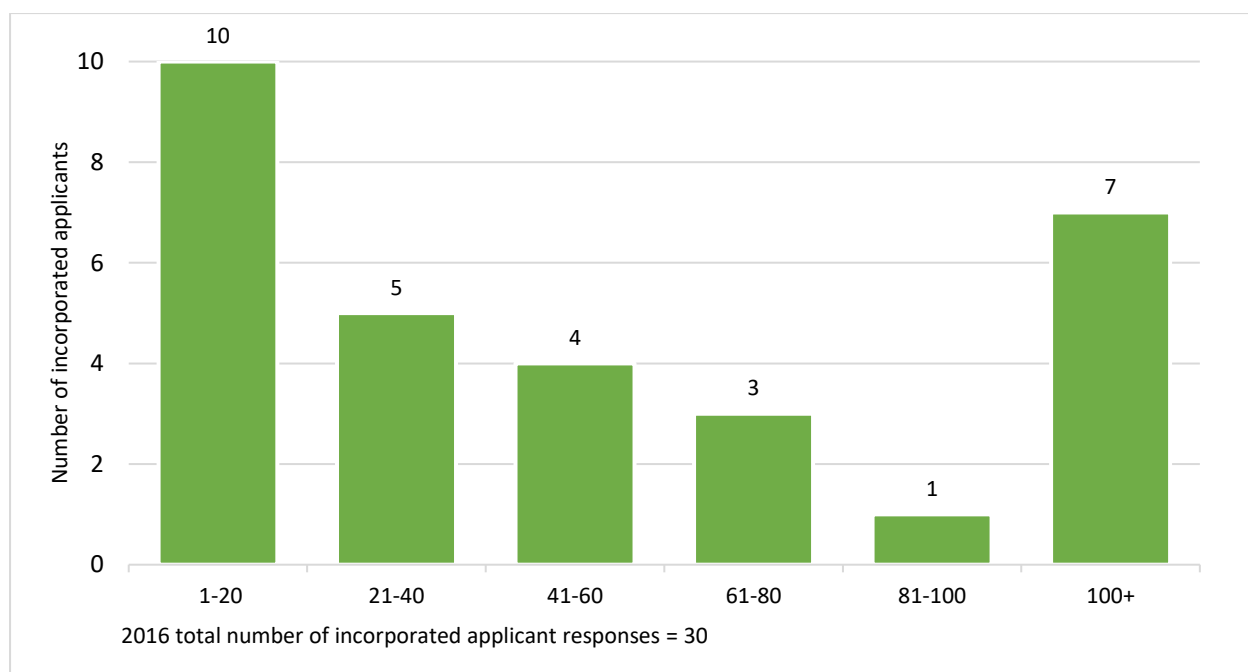
3.1.10   Number of Members

The number of members reported by incorporated applicants ranged from zero to over 250.[3] The majority of incorporated applicants (10 out of 30) reported less than 49 members and a significant number of applicants (six out of 30) reported having more than 250 members. As shown in Figure 9, this suggests that

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[3] The Awards application form asked applicants to record the number of members only. We note that this is a limitation of the analysis to organisations that have shareholders instead of members.

the majority of incorporated applicants had either relatively small or relatively large memberships. Non-incorporated applicants were not required to identify the number of their members.

Figure 9: Number of members (2016 incorporated)

2016 total number of incorporated applicant responses = 29
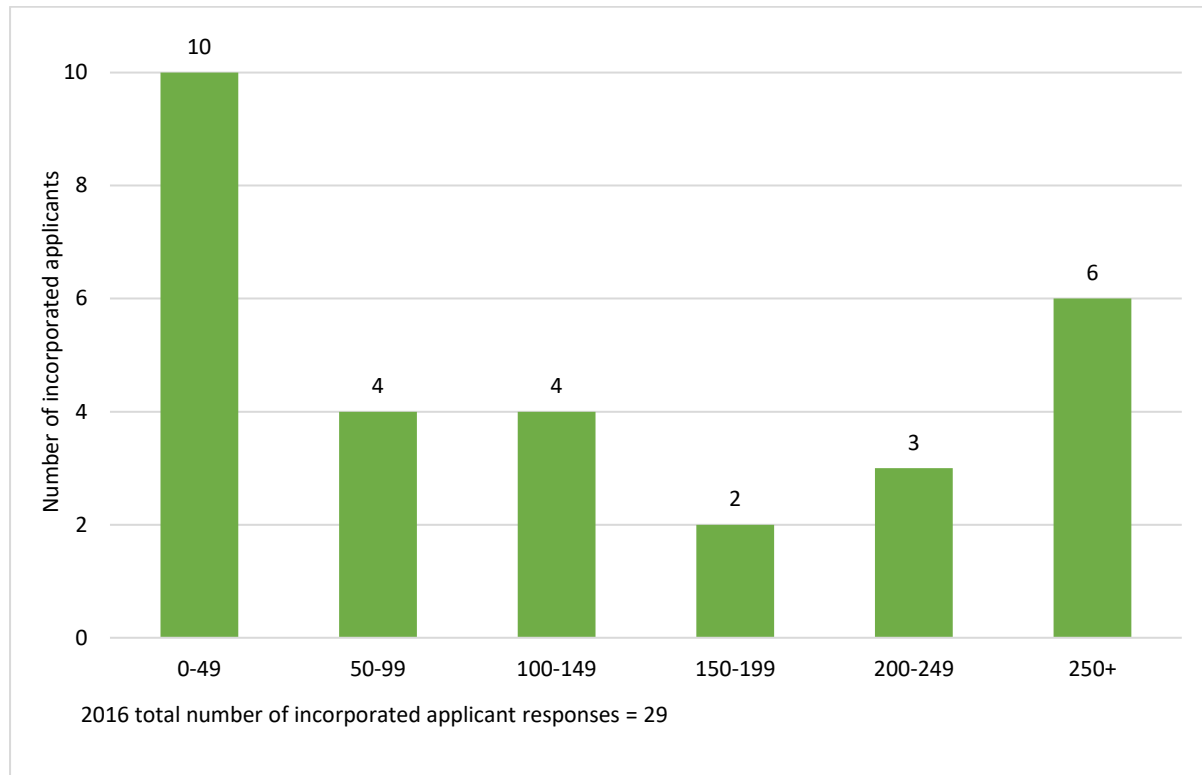
3.2 Formation and Structure of the Governing Body

The governance of an organisation rests upon the direction of the group of people who are recognised and selected or elected by their nation or community as being the representatives with the right, responsibility and ability to govern on their behalf. These people can be elected to that position of power by voting or be selected through nomination by Aboriginal and Torres Strait Islander decision-making processes.

Boards are the most obvious example of a governing body for incorporated organisations. In informal groups, people can decide for themselves what kind of governing structure, positions and processes they want to have. The following discussion outlines how incorporated applicants created governing body structures that were effective and representative. Six topics are covered:

- governing body selection process
- directors' required skills and knowledge
- role of independent non-Indigenous directors
- number of directors on the governing body
- director term lengths
- frequency of governing body meetings.

This discussion is informed solely by responses from incorporated applicants, as Category B applicants were not required to provide this information.

3.2.1   Governing Body Selection Process

Most legislative frameworks set out a specific procedure for the appointment of directors. The most common procedure reported by incorporated applicants was election in which candidates self-nominated, or were nominated, by members of the community they represented and registered members of the

organisation or its governing body. Nominations often occurred during or before annual general meetings (AGM) in which candidates were elected, usually by a majority vote of the members or governing body. Several applicants applied culture-smart approaches to the selection process to ensure their governing body represented interest groups in their communities. For example, in 2016, the Warlpiri Youth Development Aboriginal Corporation was governed by a board of 48 Warlpiri directors and 137 members, all of whom were Indigenous and selected through a culturally inclusive process reflecting the structure of Warlpiri society. The cultural authority of ceremonial leaders and senior Elders elected to the board ensured that decisions made reflected the cultural values of Warlpiri society.

Reserved positions were identified by 24 out of 30 incorporated applicants (80% of 2016 incorporated applicants compared with 56% of 2014 incorporated applicants) as an important method to ensure the governing body represented its members, communities and other stakeholders. As Figure 10 shows, the majority of incorporated applicants (77% or 23 out of 30) reserved positions on their governing body for Aboriginal and/or Torres Strait Islander people, which represents an increase from 51% of applicants in 2014. Geographically based representation was the second most common reserved representation group (63% or 19 out of 30

'We have developed a vision and values that are embedded in our operational policies that clearly define both behavioural and cultural expectations. Our board and members are long-standing community members and therefore reflect in their own attitudes the communities social structure and traditional values.'

Ungooroo Aboriginal Corporation
Category A Shortlisted Applicant

incorporated applicants). This is a significant increase from the 2014 Awards analysis in which 39% of incorporated applicants reserved geographically based positions on their governing bodies. Geographical representation was central to the governance of the Marninwarntikura Fitzroy Women's Resource Centre, which, in addition to having an all-female board:

> Has always ensured that the board of directors have represented each one of the local language groups. This has ensured that the governance has remained grounded in the cultural and political authority of the region.

Figure 10: Reserved representation groups on the governing body (2014 and 2016 incorporated)

2016 total number of incorporated applicants = 30
2014 total number of incorproated applicant = 41
NOTE: Applicants could provide more than one response.
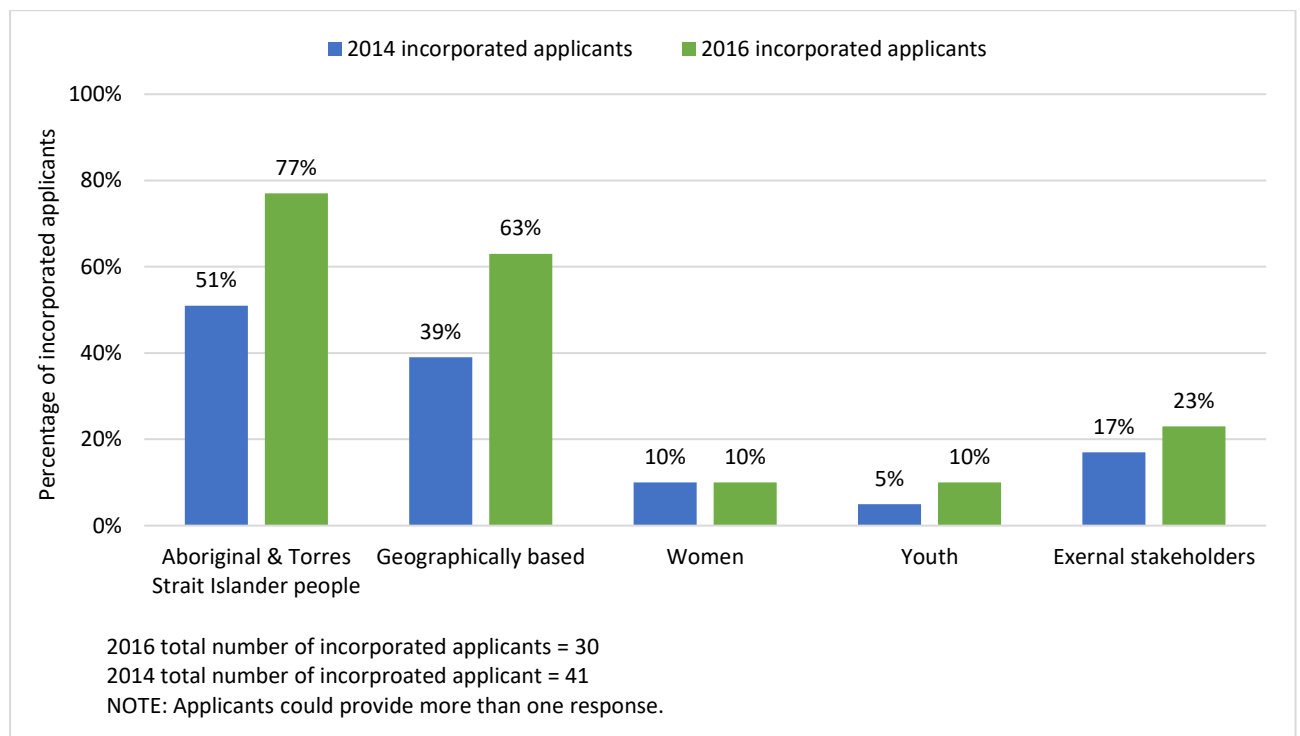
Positions were reserved for women and youth in three incorporated organisations and the number of positions varied according to the demography of the membership, project participants and/or communities. For example, the Aboriginal Family Violence Prevention and Legal Service Victoria reserved positions for at least three women on a board of five directors in recognition that the majority (at least 90%) of clients were women and children. Alternatively, the Central Australian Aboriginal Congress reserved positions for at least one youth representative on the board 'to ensure that the voice of young people is heard at the most senior levels of our governance structure', and to provide youth with opportunities to develop leadership skills.

3.2.2 Directors' Required Knowledge and Skills

Most applicants reported that they appointed directors to the board on the basis of their specific skills, knowledge and experience. Applicants emphasised the importance of ensuring the skills of the board as a whole reflected the organisation's need. Figure 11 illustrates the most common skills valued by applicants when selecting their directors.

> 'We want to reflect our community within our board with authenticity. We believe our community members need to relate to our board members and they [our board members] should be accessible to talk and listen to community.'
>
> Kura Yerlo Incorporated
> Category A Shortlisted Applicant

Figure 11: Director's required knowledge and skills (2014 and 2016 incorporated)

2016 total number of applicant responses = 69
2014 total number of applicant responses = 63
NOTE: Applicants could provide more than one response.
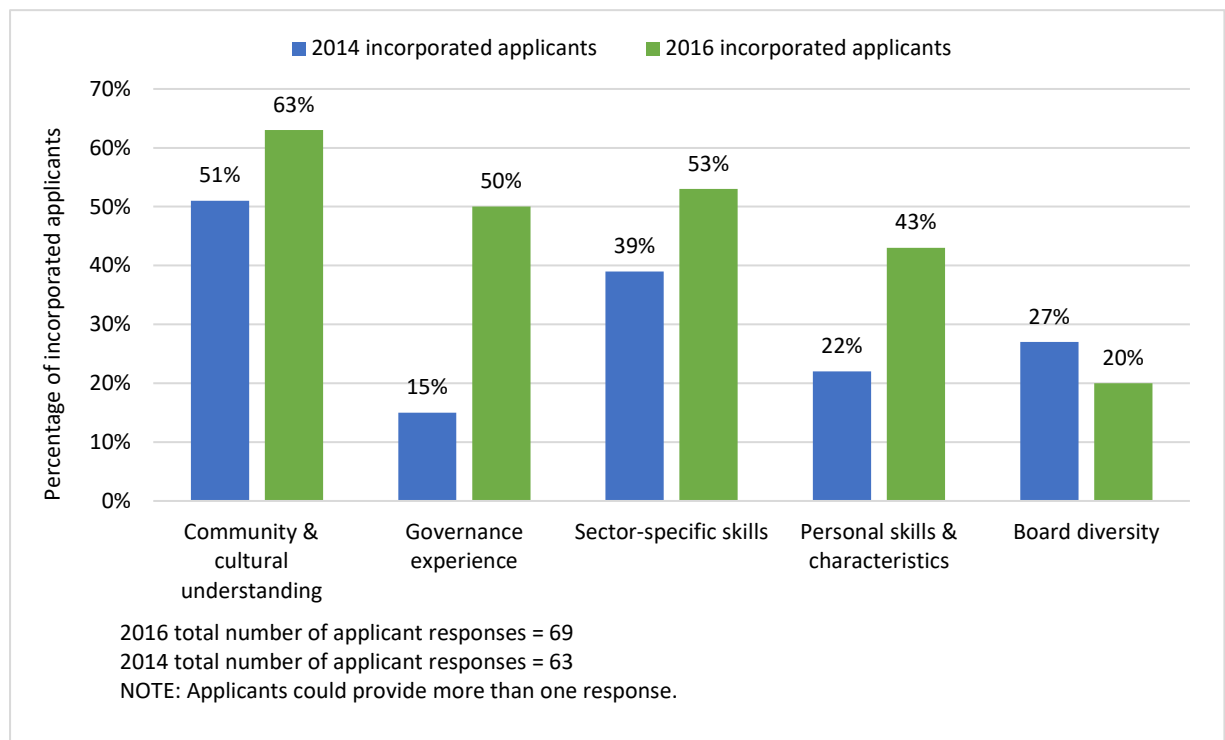
The majority of incorporated applicants (19 out of 30) required their directors to have an understanding of local culture and community. This is an increase of 12% from the 2014 applicant cohort, which suggests that understandings of local culture and community are increasingly important for incorporated applicants.[4]

Figure 11 suggests that there has been a significant increase in the expectation that directors will have governance experience (35% between 2014 and 2016). Sector-specific skills were also highly valued for 16 out of 30 incorporated applicants. The majority of these applicants required their directors to have had prior board experience, have completed governance training and/or be willing to participate in further

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[4] The importance of cultural legitimacy, reputation and community enagement in the decision-making process will be examined in further detail in Section 5.1.5: How Decision-Makers Derive Authority and Legitimacy.

governance training. A Registered Training Organisation, Tranby National Indigenous Adult Education and Training requires formal governance qualifications from its directors:

> All board members participate in governance training. Successful completion of these units will qualify each board member with a diploma level certification in governance. All board members who don't already have this qualification are able to access our online governance program at their own convenience. A Tranby lecturer presents parts of a relevant governance unit usually before the start of a board meeting where all directors are present.

Only one applicant did not report a prerequisite skills requirement from its directors. Instead, this applicant employed a selection process in which candidates were nominated at meetings in each represented community. According to this applicant:

> This approach increases community support for directors without prohibiting other members being nominated for election. The directors are required to be members of the company and to live in the community they represent.

This approach also recognised the strengths, skills and knowledge directors bring from their connection to community—skills that are not always valued in mainstream corporate governance. The First People's Disability Network (Australia) Limited (FPDN) demonstrated an alternative form of skills-based governance. In 2016, the FPDN board was governed entirely by Aboriginal people with disabilities or who were associated with disability:

> The board of FPDN is currently made up of six members, five of whom are living with disability (including physical disability, psychosocial disability and intellectual disability) and one member is a parent of a person with intellectual disability.

One in five incorporated applicants developed a board skills matrix to inform the recruitment of directors and facilitate succession planning. These formalised director requirements acted as a mechanism to balance the mix of skills, knowledge, experience, personal attributes and other relevant criteria on the governing body.

> 'The board has developed a board skills matrix to provide guidance as to the composition and mix of skills, knowledge, experience, personal attributes and other criteria appropriate for the governance of Aboriginal Housing Victoria. The matrix template is designed to inform the recruitment of directors and facilitate board succession planning.'
>
> Aboriginal Housing Victoria
> Category A Shortlisted Applicant

3.2.3 Role of Independent Non-Indigenous Directors

The Awards questionnaire did not specifically ask applicants to outline the role of non-Indigenous directors on their governing bodies. However, the role of independent non-Indigenous directors emerged in a number of applicant responses and, as such, is a potential trend to observe in future Indigenous Governance Awards.

ORIC (2014) defines an independent director as:

> A person with particular expertise or specialist knowledge who is not a member or an employee of the corporation and does not receive services or provide paid services to a corporation.

There is a common misconception that an independent director must be a non-Indigenous person. However, with the observed professionalisation of the Indigenous workforce, there are arguably many Aboriginal and Torres Strait Islander peoples well qualified to fulfil the role of an independent director.[5]

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[5] Census data indicates that the proportion of Aboriginal and Torres Strait Islander people who had completed Year 12 or its equivalent rose by more than 10% between 2006 and 2016. In addition, the proportion of Aboriginal and Torres Strait Islander people aged 15–64 attending university or another tertiary institution more than doubled between 2006 and 2016—from 2.6% of the Aboriginal and Torres Strait Islander population to 3.9% (ABS 2017).

In 2016, incorporated applicants tended to appoint non-Indigenous people into independent director roles. Almost one-quarter of incorporated applicants (seven out of 30) supplemented expertise on their governing body by appointing non-Indigenous specialist directors while maintaining an Aboriginal and/or Torres Strait Islander majority. Applicants described these specialists variously as 'professional directors', 'non-member directors', 'skills-based directors', 'advisory directors', 'independent directors' and/or 'non-Aboriginal board members'. All directors (specialist or not) had the same legal duties to make decisions for the good of the company, act responsibly, disclose conflicts of interest, and act honestly

> The Institute of Urban Indigenous Health restructured its governance arrangements after conducting research that identified:
>
> 'The value of introducing a mixed-board design that included skills-based appointments to be held by either an Indigenous or non-Indigenous person—with the emphasis being on skill, experience and competency rather than strictly based on identity.'
>
> Institute of Urban Indigenous Health
> Category A Shortlisted Applicant

and within the law. For some applicants, non-Indigenous directors had additional responsibilities such as completing cultural competency training and engaging in two-way mentoring with Indigenous colleagues. Often, independent non-Indigenous directors did not have voting rights and, for some agenda items, were asked to leave the room. One applicant explained their decision to remove voting rights from non-Indigenous members and staff in their new Rule Book under the CATSI Act:

> This was a significant consideration that was not taken lightly by board members … The reasoning behind this was to preserve the self-determining nature of the governance structure making decisions by and for Aboriginal people.

3.2.4 Number of Directors on the Governing Body

The number of directors on the governing body of an incorporated organisation varied according to the legislation under which the organisation and its governing body operated. For example, whereas the Western Australian *Associations Incorporation Act 2015* does not specify a minimum or maximum number of directors, under the CATSI Act (Section 243–45) the minimum number of directors is one and the maximum number is 12.[6] As Figure 12 shows, in 2016 the average number of directors for incorporated applicants was 10 and the number of directors ranged from one to 48. Four incorporated applicants had more than 12 directors to enable representation from each of the communities or community-controlled organisations they served.

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[6] Aboriginal and Torres Strait Islander corporations can apply to the Registrar for an exemption to appoint more than 12 directors (see Section 310-15, CATSI Act).

Figure 12: Number of directors on the governing body (2016 incorporated)

2016 incorporated applicants total number of responses = 30
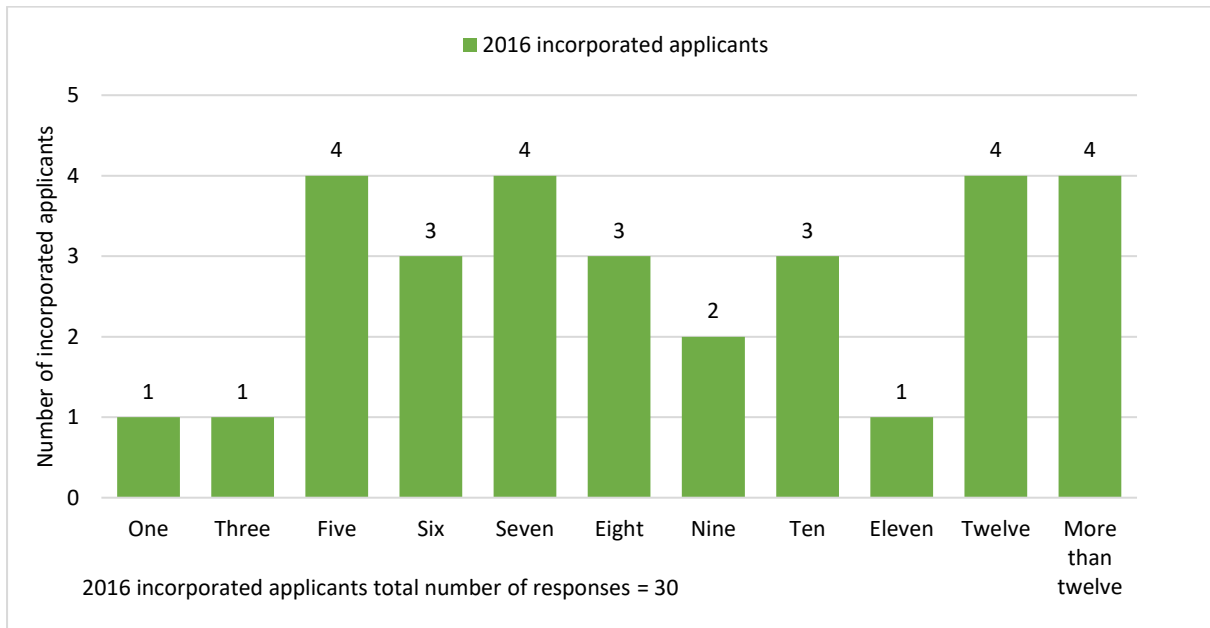
3.2.5   Director Term Lengths

The majority of incorporated applicants who responded (16 out of 24) had governing body terms of two–three years. Almost one-third of incorporated applicants (seven out of 24) identified processes that allowed directors to be re-elected once they had served their fixed term. Nine incorporated applicants had staggered terms for governing members to retain the governance expertise of existing members while new members came onto the board. The Winnunga Nimmityjah Aboriginal Health Service provided an alternative to staggered terms for governing members:

The board of directors is elected every three years. We believe that this model, rather than staggered elections, has strengthened our governance … [it provides] the board three years to work together, build trust in each other and implement a strong strategic direction over a significant period of time. The directors discuss succession planning and elections as they approach so that as a group they can plan for any retiring members.

The term length and potential for reappointment often differed between directors elected from the membership and independent appointments from the board.

Figure 13: Director term lengths (2016 incorporated)

2016 total number of incorporated applicant responses = 24
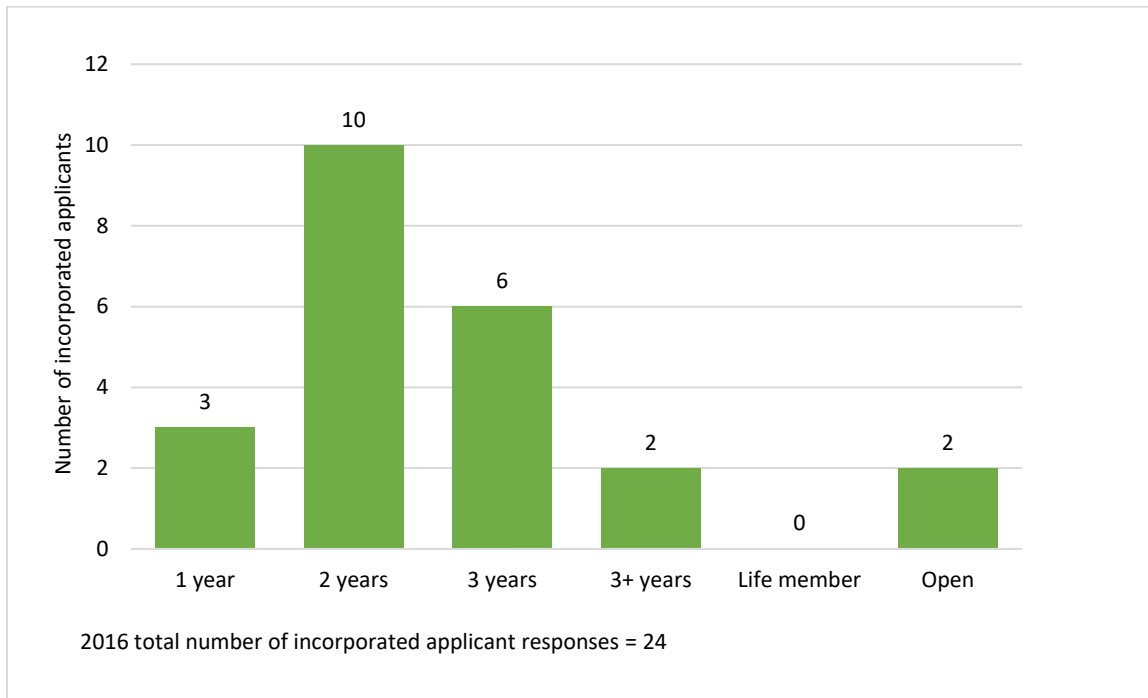
3.2.6   Frequency of Governing Body Meetings

The governing body of nearly every applicant was fully engaged and met frequently. Figure 14 shows that meetings were held by incorporated applicants at least quarterly (11 out of 30) or every three months (10 out of 30).[7] Almost one-third of applicants (10 out of 30) had provisions in place for any director to call for additional meetings when individual circumstances required.

Figure 14: Frequency of governing body meetings (2016 incorporated)

2016 total number of incorporated applicants = 30

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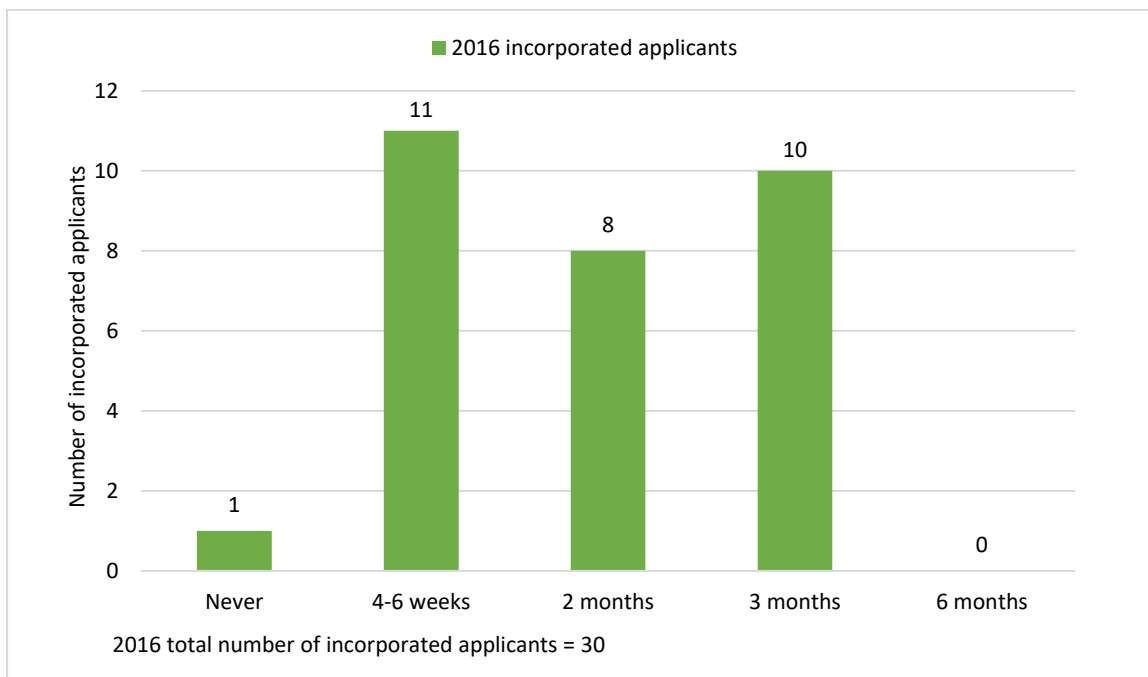
[7] The applicant who did not hold a governing body meeting had one sole director and thus the concept of a formal meeting did not apply, as 'there are [only] three "staff" members: me, myself and I!'

3.3   Reporting Requirements

In addition to statutory reporting obligations, annual meetings, audits and reports can provide organisations with an opportunity to update members on key activities and finances, and can provide members with an opportunity to ask questions about the operational, financial and strategic situation of the organisation. Annual meetings, audits and reports can also be used to celebrate success. These types of reporting promote trust and accountability between the governing body, members and stakeholders. The following discussion outlines the meetings applicants engaged in and the types of reporting required.

3.3.1   Meeting Reporting Obligations

Most legislative frameworks require incorporated organisations to hold an AGM (or equivalent). Observation of applicants to the 2016 Awards reveals that almost all incorporated applicants (20 out of 30) held an AGM (or equivalent) and conducted an annual account audit.[8]

Overall, incorporated applicants in 2016 continued the trend set in 2012 and 2014. However, Figure 15 suggests a 13% decrease among applicants that prepared annual reports between 2012 and 2016. This may be linked with the increased reporting requirements for charities incorporated under the CATSI Act and/or applicants receiving funding under the IAS, as previously discussed. The majority of applicants that did not produce an annual report prepared quarterly reports as part of their governance requirements.

Figure 15: Types of annual reporting (2012, 2016 and 2016 incorporated)

2016 total number of incorporated applicants = 31
2014 total number of incorporated applicants = 41
2012 total number of incorporated applicants = 41
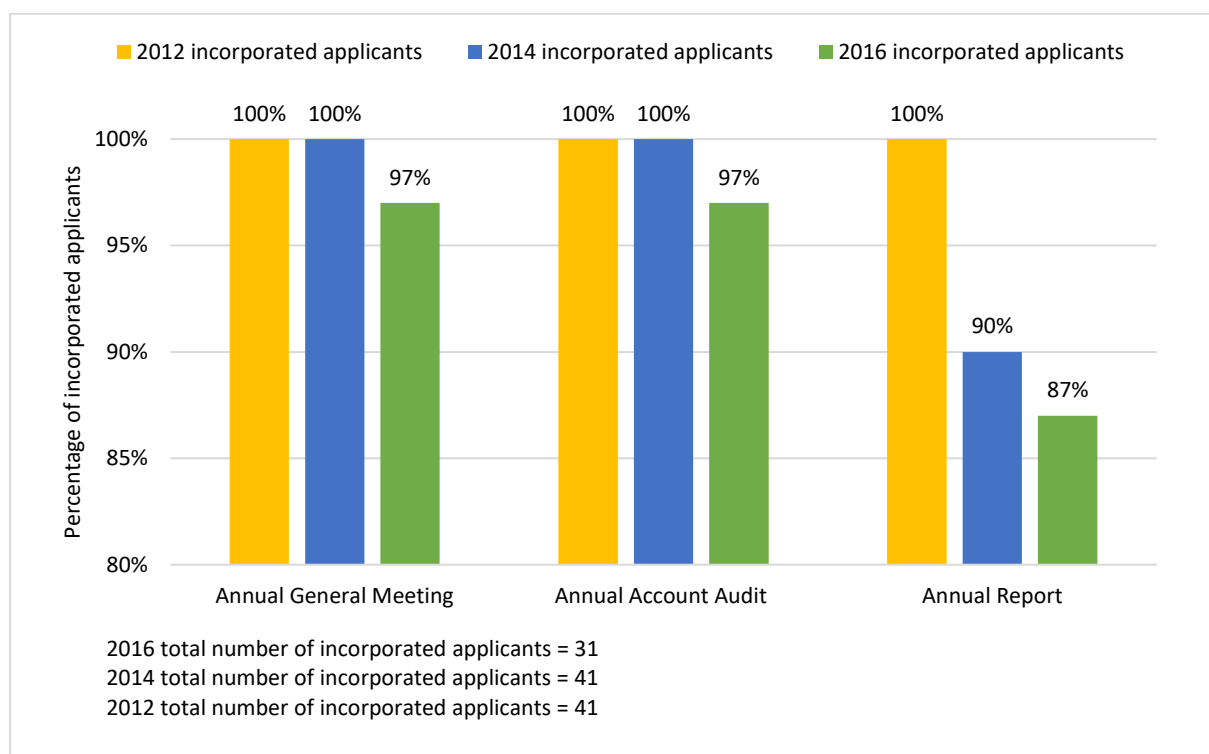
Opposite: Inawinytji Williamson (left) and Linda Rive (right) of Ara Irititja using its interactive multimedia software, Keeping Culture KSM.

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[8] The concept of an AGM did not apply to the single director applicant mentioned previously.

Criteria 3: Self-Determination and Leadership for Governance

Indigenous governance is innately interlinked with the concept of self-determination.

Self-determination means Aboriginal and Torres Strait Islander peoples and communities having meaningful control over their own lives and cultural wellbeing. This includes genuine decision-making power and responsibility about what happens on Aboriginal and Torres Strait Islander peoples' lands, in their affairs, in their governing systems and in their development strategies. In this sense, we can understand Indigenous organisations and initiatives as vehicles of self-determination—they form the structures through which Aboriginal and Torres Strait Islander peoples manage and exert authority over their own affairs and develop culture-smart solutions to social, economic and political issues.

Criteria 3 outlines how applicants understand and demonstrate self-determination, as well as how applicants support and develop leadership within their organisations, projects and initiatives.

4.1   Understanding and Demonstrating Self-Determination

Analysis of the 2016 Awards reveals multiple themes of self-determination.[9] These are often interrelated, as described by Magabala Books Aboriginal Corporation:

> [Effective Indigenous leadership and self-determination] is demonstrated by our organisational structure, from our all-Indigenous board, the way we make decisions, [to] the values and culture of our organisation. We have good Aboriginal employment levels, and most importantly, we are ensuring that Aboriginal people have the opportunity to have their voices heard and are telling their own stories. That is self-determination.

Applicants described self-determination in terms of the following seven themes, which will be discussed in more detail below:

- Aboriginal and Torres Strait Islander leadership
- setting the agenda
- capacity building and investment in an Indigenous workforce
- culturally informed practice
- effective and legitimate governance
- community engagement
- financial independence.

> 'Our organisation is run and owned by the local Aboriginal community. All Aboriginal or Torres Strait Islander people who reside in the local area are eligible to become a member of Minimbah and to have a say in how it is run.'
>
> Minimbah Preschool Primary School
> Aboriginal Corporation
> Category A Shortlisted Applicant

4.1.1   Aboriginal and Torres Strait Islander Leadership

Self-determination was most often discussed by incorporated applicants (18 out of 30) and informal groups (five out of eight) in terms of Aboriginal and Torres Strait Islander leadership.

There are many definitions of leadership and many different kinds of leaders.[10] Applicants to the 2016 Awards most often described leadership to mean Aboriginal and Torres Strait Islander peoples having decision-making power at the board, operational and program level. Very few applicants discussed the complexities of Indigenous-led decision-making in practice, and this is a key issue that could be explored in further detail in future Awards processes.

Applicants were committed to maintaining a majority Indigenous membership on the governing body and within operational staff, with approximately one-third of all applicants describing themselves as 100%

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[9] The majority of incorporated applicants (25 out of 30) and informal groups (seven out of eight) identified between one and three themes of self-determination.

[10] These complexities will be explored in further detail in Section 4.2: Current and Future Leadership for Governance.

Indigenous-led. This is a significant decrease from the 2014 applicant cohort, in which approximately half of the applicants described themselves as 100% Indigenous-led. The decrease in 100% Indigenous-led initiatives may suggest an increase in the number of non-Indigenous people involved in decision-making processes. Another possible explanation may be linked to the rise of partnerships between Indigenous and non-Indigenous organisations.

4.1.2   Setting the Agenda

Strong and locally representative Indigenous leadership coupled with professional expertise at the governing body, operational and program level enabled applicants to set the agenda in their industry sector.

> 'From its earliest days Congress has not just seen itself as a service delivery organisation but also as an advocacy one: we are here to be an effective voice of our people.'
>
> Central Australian Aboriginal Congress
> Category A Shortlisted Applicant

Almost all applicants were established in response to the failure of government and the private sector to deliver social, economic and political outcomes. In this context, a significant number of applicants understood self-determination in terms of setting the agenda through advocacy in their industry sector (18 out of 30 incorporated applicants and three out of eight informal groups). These applicants set the agenda through advocacy in media campaigns and presentations at public events, by participating in forums, and by commissioning and/or publishing research. Applicants also built on their existing strengths to set the agenda through strategic relationships with industry leaders, and by collaborating with a range of Indigenous community leaders, community-controlled organisations, service partners and external stakeholders. The financial independence gained through partnerships contributed to this theme of self-determination, and will be discussed in further detail below.

> 'MWRC was founded by women asserting their rights to self-determination … today, the women continue to advocate, locally, nationally and internationally for their community's rights as Indigenous peoples.'
>
> Marninwarntikura Fitzroy Aboriginal Women's Resource Centre
> Category A Finalist

Agenda setting was often described in contrast to government-funded approaches, which were seen to be informed by the external policy environment rather than Indigenous self-determined priorities. According to the CEO of the Australia Institute of Loss and Grief:

> My work in the context of Indigenous self-determination could be said to have been possible only through my project remaining independent, thereby as an Indigenous operator I have had the freedom to be entirely self-determined. This independence, while incredibly difficult at times, has allowed the development of a project that is purely an Aboriginal Australian culturally unique model.

Analysis of the 2016 Awards reveals that increasing numbers of applicants understand self-determination in terms of setting the agenda for their industry sector through advocacy. Between 2014 and 2016, there was a 26% increase in informal groups reporting this theme of self-determination, and a 22% increase in informal groups. Further research is required to examine the increasingly strong link between self-determination and advocacy.

4.1.3   Capacity Building and Investment in an Indigenous Workforce

One-quarter of all applicants understood self-determination in terms of capacity building and investment in an Indigenous workforce.

Capacity building is the development of an individual's, group's or organisation's core skills and capabilities to build their overall effectiveness and achieve their goals. Capacity building also includes the process of assisting an individual or group to identify and address issues that may be holding back their ability to

achieve desired outcomes and gain the insights, knowledge and experience needed to solve problems and implement change (AIGI 2017c).

Applicants implemented a range of strategies to support this theme of self-determination, as discussed in the following sections:

- targeted employment and retention of Aboriginal and Torres Strait Islander directors, CEOs and staff members (Section 2.1.4: Investment in Aboriginal and Torres Strait Islander Staff)
- provision of training and development opportunities for the governing body, staff members and future leaders (Section 4.2: Current and Future Leadership for Governance)
- implementation of culture-smart policies for a culturally secure workplace (Section 2.1.3: Cultural Safety and Cultural Security Frameworks).

'In a demonstration of self-determination, CAAPS staff team developed the values of the organisation through workshopping what it means for them to work at CAAPS. They describe the values of the organisation as reflected in the acronym CIPHER: Caring, Integrity, Pride, Harmony, Empowerment and Respect. In order to encourage positive leadership behaviours, the CIPHER awards were implemented to allow staff to nominate their peers for an award if they believe they demonstrate these values in their work. Every quarter the CIPHER awards are presented to three worthy staff culminating in a nomination for staff member of the year with the presentation made by the board.'

Council for Aboriginal Alcohol Program Services (CAAPS)
Category A Shortlisted Applicant

'Yapa and Kardiya "working together" is a key principle of WYDAC. New (non-Warlpiri) staff participate in a cultural induction, which includes discussion and lessons about Warlpiri cultural practices, ideologies, worldview, language and social organisation. It also includes a "bush trip" with Elders in order to get a strong sense of the importance of land and place to Warlpiri people.'

Warlpiri Youth Development Aboriginal Corporation (WYDAC) Category A Finalist

4.1.4   Culturally Informed Practice

Many applicants described the incorporation of cultural values and practices into their governance and operational processes as examples of self-determination in action (seven out of 30 incorporated applicants and four out of eight informal groups). These applicants designed their programs and activities to embrace Indigenous cultural values, practice and knowledge. Culturally informed practice was reported to promote self-esteem for Indigenous staff and program participants, and to ensure responsiveness to the needs of communities. Applicants also devised a range of culture-smart protocols to support Indigenous and non-Indigenous staff to work closely with each other and the governing body in a cross-cultural environment, such as cultural awareness training and the development and implementation of culturally secure policies (see Section 2.1: Culture-Smart Solutions).

4.1.5   Effective and Legitimate Governance

Effective and legitimate governance featured in discussions of self-determination for seven out of 30 incorporated applicants and one informal group.

Applicants discussed the role of effective governance for self-determination in a number of contexts, including:

- the formation and structure of the governing body (see Section 3.2: Formation and Structure of the Governing Body)
- the role of effective governance in overcoming challenges (see Section 7.1: Navigating Challenges)
- the affect and effect of projects and programs (see Section 6.2.5: Data Governance: Program and Project Outcomes)

-   partnerships and stakeholder engagement (see Section 7.2.3: Member and Stakeholder Engagement)
-   communication and decision-making (see Section 5.1: Informed and Meaningful Decision-Making and 6.3: Methods of Inclusive Communication).

4.1.6   Community Engagement

A strong relationship with community was central to self-determination for six incorporated applicants and three informal groups. Participatory processes, consultation and connection with the surrounding community enabled applicants to align their goals and initiatives with local self-determined community needs. Applicants also engaged community members as staff, directors, project participants, volunteers, members and partners. KARI Aboriginal Resources Incorporated described how relationships with community facilitated a sense of local ownership over programs and initiatives, contributing towards local self-determination:

> 'We are very much a part of the local community, which is proud of Magabala's achievements. There is something to be said for a strong beating heart and soul of an organisation that stems from the connection to country and Kimberley people.'
>
> Magabala Books Aboriginal Corporation
> Category A Shortlisted Applicant

> Our programs include a wide range of community-based activities designed to build skills and capacity in the Aboriginal community and to develop stronger links between Aboriginal communities and local organisations and authorities, such as high schools, sports clubs and the NSW Police.

The 2016 Awards suggests that the importance of community engagement for self-determination decreased 46% for incorporated applicants and increased 27% for informal groups between 2014 and 2016. This may be a product of the sample population and the self-nomination process of applying to the Indigenous Governance Awards.

4.1.7   Financial Independence

The role of financial independence in discussions of self-determination is a trend emerging from the 2016 Awards. Five incorporated applicants discussed self-determination in terms of financial independence, joining several other applicants working towards self-sufficiency. Although this is a relatively small number of applicants, financial independence did not emerge in discussions of self-determination in previous Indigenous Governance Awards.

> 'All Tangentyere Women's Safety Group members are paid for their participation and representation at training, events, meetings and activities.'
>
> Tangentyere Family Safety Group
> Category B Shortlisted Applicant

> 'Muru Mittigar operates as a self-sufficient social enterprise, developing and implementing business models that generate commercial revenue to support social outcomes for Indigenous peoples.'
>
> Muru Mittigar Aboriginal Cultural and Education Centre
> Category A Shortlisted Applicant

The importance of financial independence for self-determination has emerged in a context of political change and federal funding uncertainty (see Section 7.1: Navigating Challenges). Incorporated applicants used the financial independence gained from a reduced reliance on external funding to redirect funds back into their communities through self-funded programs and paid participation for members at training, meetings and other events.

Although financial sustainability was important for informal groups (many of whom were making serious efforts to diversify their funding sources and increase self-generated income), financial independence did not feature in discussions of self-determination among informal groups. One possible explanation is that many informal groups existed as partnerships between several different groups, or as projects guided by incorporated organisations; these applicants may be more focused on governing those partnerships than in creating their own independent sources of income for self-determination.

4.2   Current and Future Leadership for Governance

Any substantial long-term change must be led by dynamic and passionate leaders.

Leadership is the art of motivating a group of people to act towards achieving a common goal. Leadership is about providing guidance and direction. It does not always have to be done from the front, and it is not just for people at the top. Leadership is not an easy thing to achieve, but everyone can be a leader by using their talents to make a difference each day. A leader is someone who has the style, personal qualities, values, skills, experience and knowledge to mobilise people to get things done together (AIGI 2017f).

For the purpose of the Awards, applicants were asked to consider leadership in the context of their governing bodies, staff and future leaders. The following discussion explores how incorporated applicants supported and developed leadership through the provision of training and development opportunities to their governing bodies, staff and future leaders.

> Building collective leadership is an important part of nation building and community development.
>
> Indigenous Governance Toolkit

4.2.1   Investing in the Governing Body: Training and Development

Incorporated applicants demonstrated a clear commitment to supporting and developing leadership on their governing bodies. Figure 16 illustrates the variety of methods employed, which included governance and professional skills training, professional development strategies, induction processes, informal processes, mentoring and tertiary education.

Figure 16: Governing body training and development initiatives (2014 and 2016 incorporated)

2016 total number of incorporated applicants = 30
2014 total number of incorporated applicants = 41
NOTE: Applicants could provide more than one response.
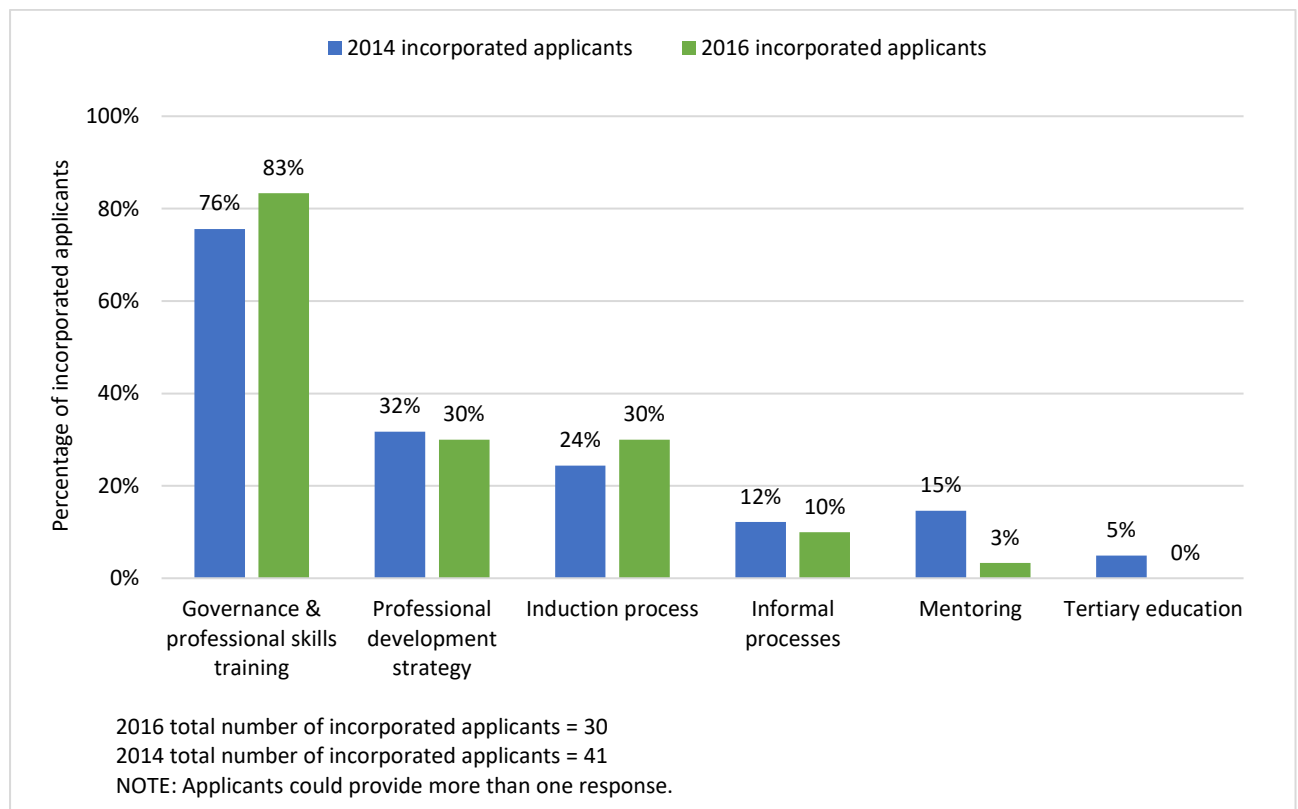
Governance and Professional Skills Training

The majority of incorporated applicants (25 out of 30) provided members of their governing body with governance and professional skills training. Directors participated in workshops, seminars, certificate-level courses, conferences, professional networks and community events related to the specific needs of their appointed role on the governing body. There was a strong focus on the need for directors to access regular governance training in-house or through providers such as ORIC and the Australian Institute of Company Directors. Governance and professional skills training topics included financial planning, financial literacy, decision-making, dispute management, negotiations with external parties, implementation of strategic plans, and understanding formal documents and cultural protocols (particularly for younger directors).

> 'The FPDN board regularly attends governance training both as individuals and as a collective. FPDN also receives ongoing regular advice from a major law firm based in Sydney on governance related matters that are delivered in person with FPDN board members.'
>
> First Peoples Disability Network (FPND) (Australia) Limited
> Category A Shortlisted Applicant

> 'CAAPS has a training matrix, which outlines each role in the organisation … and describes the training required to fulfil each of those roles specific to their inherent duties. The training is classified as mandatory, required for practice, or for professional development ... In May this year we have scheduled in the board calendar to evaluate our board performance and to plan for governance training.'
>
> Council for Aboriginal Alcohol Program Services (CAAPS)
> Category A Shortlisted Applicant

Professional Development Strategies

Almost one-third of incorporated applicants supported leadership on their governing bodies through tailored professional development strategies. Professional development strategies were internal and often involved directors conducting an independent assessment of the skills required for their appointed role and identifying the training required to achieve these skills. Directors were encouraged to visit and learn from other Indigenous governing bodies, and received ongoing governance and professional skills training as listed above.

Induction Processes

Approximately one-third of incorporated applicants provided training for new governing body members through a formal induction process. Inductions were often led by experienced directors and involved a tour of facilities, introduction to management and staff members, copies of a governance manual and organisational policies, a board of management kit and other internal training (see also Section 2.1.5: Cultural Awareness and Induction).

Informal Processes

Three incorporated applicants discussed informal methods to support leadership on their governing bodies. On-the-job training, experiential learning and informal information sharing were common practices for these applicants, and many applicants described themselves as 'learning organisations'. Three incorporated applicants used action-learning principles in a rotating chair model in which the chair of board meetings was rotated at every meeting between the directors. Applicants reported that this model allowed for more experienced directors to demonstrate effective governance, while encouraging less confident directors to develop their own leadership skills and take ownership of their role.

> 'The culture of the organisation also includes a commitment to being a "learning organisation". We operate in an extremely complex industry and we walk the line between two worlds, balancing cultural considerations alongside artistic goals and commercial imperatives. Due to this complexity, we recognise that we will not always "get it right", but as long as we learn from it and move on, we are heading in a positive direction.'
>
> Magabala Books Aboriginal Corporation
> Category A Shortlisted Applicant

Figure 16 suggests that the training and development opportunities offered by applicants to their governing bodies in 2016 were broadly consistent with the 2014 Awards applicant cohort.

Mentoring

Incorporated applicants in 2016 put less emphasis on the role of mentoring for the governing body than in previous years. Mentoring for the governing body was an explicitly stated priority for only one incorporated applicant (3%) in 2016 compared with 15% of incorporated applicants in 2014. The role of mentoring and how it takes place on the governing body is a potential trend to observe in future Indigenous Governance Awards.

> 'MRWC employs a permanent organisational mentor. She works across the whole organisation assisting all staff, primarily youth, in a variety of activities such as CV, letter writing etc … the purpose of the mentor, along with entire organisational ethos, is to promote self-worth and confidence to build empowerment over time.'
>
> Marninwarntikura Fitzroy Women's Resource Centre (MWRC) Category A Finalist

Tertiary Education

No incorporated applicants supported members of their governing body to attend university, TAFE or Registered Training Organisations. The role of tertiary education in supporting leadership among staff and future leaders will be discussed in further detail below.

4.2.2 Investing in Staff: Training and Development

Incorporated applicants demonstrated a clear commitment to supporting and developing leadership for staff members. Figure 17 illustrates the variety of methods employed, which include professional and personal skills training, professional development strategies, tertiary education, internal training programs, induction processes, cultural training programs and mentoring.

Figure 17: Staff training and development activities (2014 and 2016 incorporated)

Total number of 2016 incorporated applicants = 30
Total number of 2014 incorporated organisations = 41
NOTE: Applicants could provide more than one response.
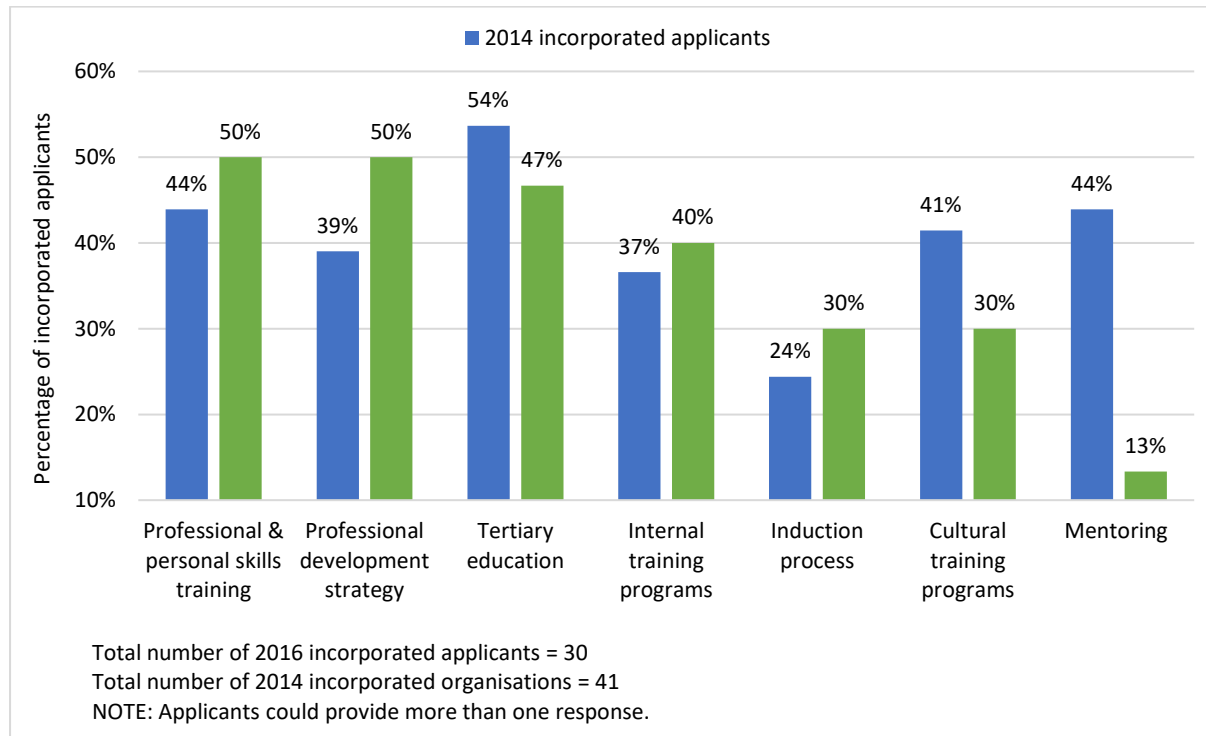
Half of all incorporated applicants provided at least one form of training to their staff members. Training programs for staff were similar to training programs for the governing body, and activities ranged from internal processes, to cultural awareness training, to support for staff to undertake relevant study at university and TAFE. Many applicants engaged external training consultants to deliver training to staff,

> Governance is not static. It is more than a one-off training course: strong governance is an on-going developmental journey.
>
> Indigenous Governance Toolkit

adding that training opportunities were often limited by the availability of funds. Applicants described situations in which the involvement of external consultants was challenging, as standardised training programs did not often reflect the self-determined needs of Indigenous nations, communities and organisations.[11]

Professional and Personal Skills Training

Staff members were provided with a range of opportunities to develop professional and personal skills. Half of the incorporated applicants encouraged staff members to participate in workshops, seminars, conferences, professional networks and community events related to their position. Training often provided staff with skills for financial literacy, management and leadership, difficult conversations and mentoring. Many applicants applied a holistic approach to personal and professional skills training, recognising that the wellbeing of an organisation is linked to the wellbeing its staff. Tranby National Indigenous Adult Education and Training articulated this holistic approach:

> Staff are regularly involved in training that benefits their employment including the healthy eating and cooking program, fire safety and evacuation training, Moodle online learning seminars and industry specific training events and conferences.

Professional Development Strategies

Half of the incorporated applicants supported staff development and leadership through tailored professional development strategies. These strategies addressed organisational skills gaps and were informed by the wishes and professional development needs of each staff member. Several applicants encouraged staff to progress their careers within the organisation by reserving identified positions in management.

> 'NAAJA provides management training to all managers on a regular basis and has given Aboriginal people an opportunity to take on a manager's role in the organisation.'
>
> North Australian Aboriginal Justice Agency (NAAJA) Category A Shortlisted Applicant

Tertiary Education

Applicants were much more likely to support management and staff to attend university, TAFE or Registered Training Organisations than to support members of their governing body to do this. Fourteen out of 30 incorporated applicants supported staff to gain a tertiary qualification; however, no incorporated applicants offered this opportunity to members of their governing body. Incorporated applicants supported staff to gain qualifications relevant to their position through accredited programs in the areas of governance/business, community services, community management and development, youth work, Indigenous leadership, Indigenous mentoring, cross-cultural awareness, bookkeeping, counselling and first aid. Applicants provided staff support, such as study leave, subsidies for courses, quiet study spaces and support to apply for scholarships from training providers, to gain tertiary qualifications.

> The Aboriginal Family Law Services (WA) requires non-Aboriginal staff to develop cultural awareness and competence. Applicants are recruited with suitable experience and qualifications, undergoing a comprehensive induction and orientation process upon commencement, and participating in ongoing professional development. Training is also provided around agency policies on harassment and bullying.'
>
> Aboriginal Family Law Services (WA) Category A Shortlisted Applicant

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[11] The lack of culturally informed and adequately funded governance training tailored specifically to the self-determined needs of Indigenous nations, communities and organisations is detailed in the AIGI's *Preliminary Report into Indigenous Governance Education and Training in Australia* (Wighton and Smith 2018).

Induction and Cultural Training Programs

As previously discussed, at least one-third of all applicants required their staff (both Indigenous and non-Indigenous) to complete cultural awareness or competency training as part of the induction process (see Section 2.1.5: Cultural Awareness and Induction).

The tendency for applicants to provide cultural awareness training to staff rather than to members of the governing body may be due to the way applicants perceive culture and cultural awareness. Further research is required to understand this trend.

4.2.3   Investing in Future Leaders

The idea of succession planning has been part of Aboriginal and Torres Strait Islander societies for a long time. There have always been rules and processes for educating future leaders by passing on the knowledge, practical skills and experience required to progressively take on leadership roles.

KARI Aboriginal Resources Incorporated outlined their approach to succession planning in 2016:

> To enable our staff to develop their career and leadership skills within KARI, we have invested time and resources into our succession planning program. In the 10 months from July 2015 to April 2016, 10% of our staff have been promoted … KARI has also developed and introduced succession planning training programs for staff and for senior management. There is a strong belief at KARI to develop up our future leaders from within the service. We place great emphasis on our staff training and we see great rewards for both our staff and the service because of this key priority.

Figure 18 illustrates applicants' increased awareness of succession planning and their deliberate, planned approach to the development of future leaders. Applicants supported future leaders with a combination of strategies also used to support staff and the governing body.

Figure 18: Future leaders' capacity development activities (2012, 2014 and 2016 incorporated)

2016 total number of incorporated applicants = 30
2014 total number of incorporated applicants = 41
2012 total number of incorporated applicants = 41
NOTE: Applicants could provide more than one response.
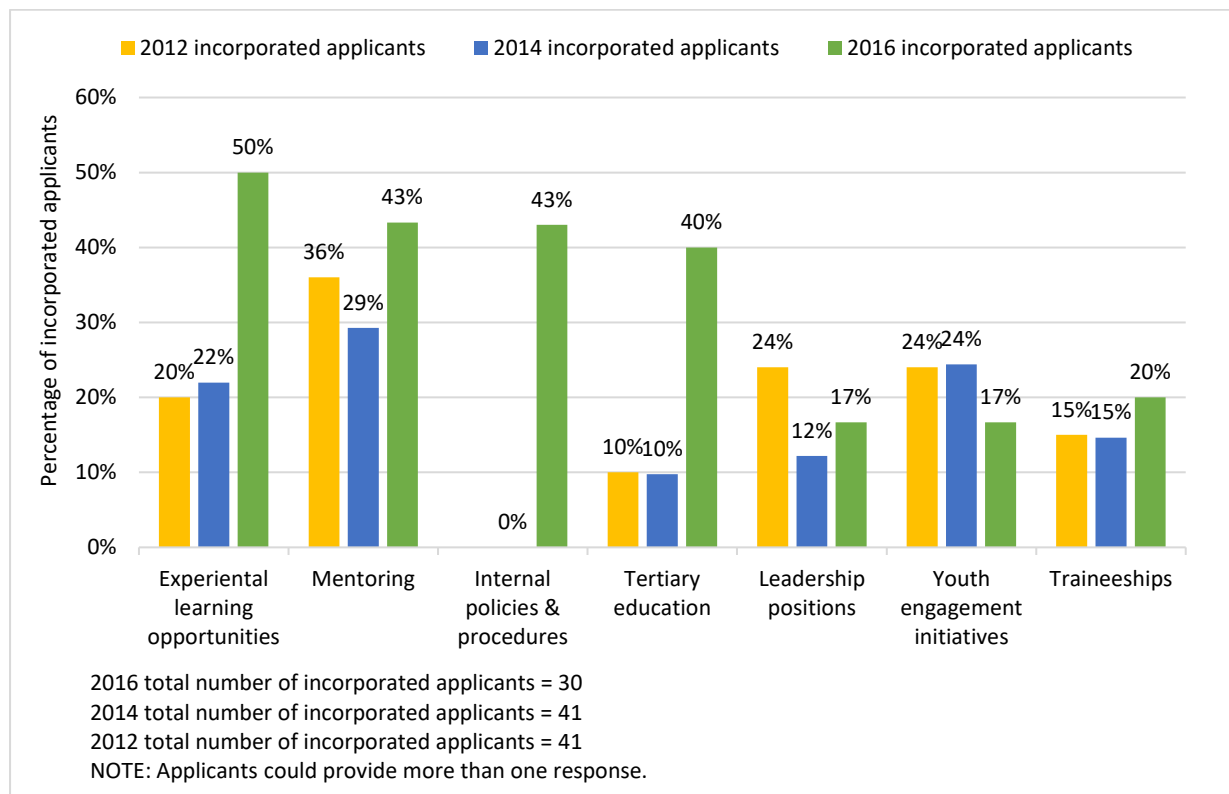
Applicants most often referred to future leaders in inclusive terms, supporting the view that everyone can be a leader. Applicants representing future leaders in inclusive terms most often provided leadership opportunities to people inside and outside their organisation regardless of age, gender, able-ness or sexuality. Only sometimes did applicants frame future leaders in gendered and/or generational terms; in such situations, future leaders were most often represented as Indigenous women and young people.

'Access to flexible training is important to be able to accommodate, support and encourage involvement and participation from younger women and future leaders .... The Tangentyere Women's Safety Group members are supported to work within their strengths and to build their experience.'

Tangentyere Family Safety Group
Category B Shortlisted Applicant

Experiential Learning Opportunities

The most common method used to support future leaders by incorporated applicants (15 out of 30) and informal groups (three out of eight) was to provide experiential learning opportunities that enhanced skills and built self-confidence.

Experiential learning is all about learning by doing and understanding—participants get their hands dirty while practising new tasks and then reflect on what happened. Applicants provided future leaders with experiential learning opportunities in workshops and community forums, and through opportunities to design and lead projects. Among applicants who framed future leaders in gendered and/or generational terms, activities were often provided to women in the form of peer support networks, empowerment groups and healing camps. Training and experiential learning for youth often involved support to attend international conferences and forums, as well as support to work on media projects and news coverage of their organisation on radio and television. At the Marninwarntikura Fitzroy Women's Resource Centre:

> Youth are taught through these experiences [about] the remarkable nature of the region we operate in, the importance of having their voice heard in advocating for their community, and their position of responsibility, within an immense intergenerational history, to carry the lessons of their ancestors forward into a healthy future.

Applicants also provided future leaders with experiential learning opportunities though leadership positions on action committees. Once future leaders had developed governance capacities, they were encouraged to join the governing body of the larger organisation. Kura Yerlo Incorporated provided one example of this practice:

> Our Kura Yerlo Aboriginal Youth Action Committee is being groomed to be future leaders of their community and at Kura Yerlo. These young people are responsible for the expenditure of the allocated funding and, as such, make decisions [about] how it is to be expended and what program activities they want. They have a chairperson (rotated/shared) and a minute taker (this role is shared). They have developed their own Rules (like a Code of Ethics). They generally nominate the youth rep to be on our board of management.

'In our Children's Centre we have a Cultural Immersion Program called Palti Time (a Kaurna word for singing and dancing). Our preschool children perform Palti Time at the Centre and externally. This program has contributed to the development of their cultural identity, confidence, and resilience and to be proud of who they are and where they come from.'

Kura Yerlo Incorporated
Category A Shortlisted Applicant

Figure 18 suggests a significant increase in the rates of experiential learning opportunities offered to future leaders by incorporated applicants (20% of incorporated applicants in 2012, compared with 22% in 2014 and 50% in 2016). One possible explanation is that applicants are becoming more aware of the benefits of experiential learning as a method to support continuous learning and improvement; stronger memories of lessons learned are created when participants are fully engaged in the learning process and are able to develop sensory and emotional connections to the material.

Mentoring

One of the second most common strategies used to support future leaders by incorporated applicants (13 out of 30) and informal groups (two out of eight) was mentoring.

Incorporated applicants were much more likely to provide mentoring opportunities to future leaders than to staff or members of the current governing body. Figures 16, 17 and 18 illustrate the relative significance of mentoring for leadership in these areas. In 2016, one incorporated applicant provided mentoring opportunities to members of their governing body, four incorporated applicants provided mentoring to staff and 13 incorporated applicants supported the development of future leaders through mentoring. Future research is needed to understand this trend.

Internal Policies and Procedures

The role of internal policies in the development of future leaders emerged from the 2016 applicant cohort as a potential trend to observe in future Indigenous Governance Awards. Internal policies were used to support future leaders by a significant number of incorporated applicants (13 out of 30) and informal groups (two out of eight). This has not previously featured in Awards applicant responses. Internal policies included succession planning, workforce development strategies, and investment in an Aboriginal and Torres Strait Islander workforce.

'Succession planning is also addressed through providing higher duties opportunities wherever possible. This is evident where recent maternity leave has opened an opportunity for a young Aboriginal caseworker to step into a coordinator's role for seven months rather than employing an external person.'

Council for Aboriginal Alcohol Program Services Category A Shortlisted Applicant

'If a parent shows initiative and willingness to be involved in Koobara, they are approached and asked if they would like to be a board member. Often they express a desire but also a reluctance claiming that they lack experience. To encourage new board members, they are given an assurance that training and development will be provided so that they are fully competent to hold a position on the board.'

Koobara Aboriginal and Islander Family Resource Centre Incorporated Category A Shortlisted Applicant

Tertiary Education

The role of tertiary education in the development of future leaders was also significant for incorporated applicants (12 out of 30) and non-incorporated applicants (two out of eight). Several applicants worked in partnership with schools, universities, TAFE and Registered Training Organisations to provide accredited training to staff, program participants and members of the community. Tertiary study was often perceived to facilitate industry linkages for successful transitions into employment, as discussed by Ungooroo Aboriginal Corporation:

> Singleton High School (SHS) and UAC have developed a Memorandum of Understanding (MOU) focusing on the provision of pathways to employment for Aboriginal and Torres Strait Islander (Aboriginal) students at SHS. This MOU outlines the ways Ungooroo and SHS work together for the advantage of local Aboriginal young people as they seek employment. Each recognises the expertise and pre-eminence of the other in their fields and the value of a formal relationship based on open and transparent communication.

Reserved Leadership Positions

One in five incorporated applicants supported the development of future leaders through reserved positions within their organisations. Leadership positions were reserved in a variety of contexts, including on the governing body and within decision-making processes.

Positions on the governing body were most often reserved for women and youth, and varied according to the demography of the membership, clients and other stakeholders (see Section 3.2: Formation and

Structure of the Governing Body). The Central Australian Aboriginal Congress described how reserved positions on their governing body served multiple purposes:

> There is one elected position on our board for a youth representative, which (as well as ensuring that our board gains an insight into the views and experiences of young Aboriginal people in Central Australia) also provides an important opportunity for a young person to learn and develop their leadership skills.

Applicants also reserved positions for future leaders in their decision-making processes. These nominations allowed more experienced people to mentor less experienced people and to delegate responsibility. The Mirima Council Aboriginal Corporation (MDWg) reserved positions for the chairperson and vice chairperson for this purpose:

> As part of MDWg's governing structure, the role of chairperson and vice chairperson are often divided between a senior and a younger person … the chair should receive support from a younger person but also for the younger person to learn and grow in taking on responsibility. This is reflected in the current arrangement [in which] the chairperson is more senior, and is supported by a younger individual who stepped up for this role for the first time at last year's AGM.

Leadership positions were not reserved for future leaders by informal groups (unincorporated applicants).

Youth Engagement Initiatives

Youth engagement initiatives were provided to future leaders by five incorporated applicants and two informal groups. These applicants often formed partnerships with schools and local, state/territory and federal governments to deliver initiatives such as:

- Aboriginal Young Leaders Project
- Cultural Leadership Program
- Aboriginal Youth Committee
- visits by specialist trainers, educators and employers
- regular bush trips for young people and Elders to sites of cultural significance
- Elders mentoring younger people in the strength of local Indigenous culture and leadership
- pairing youth workers with young people.

> 'Our Kura Yerlo Aboriginal Youth Action Committee [are] being groomed to be future leaders of their community and at Kura Yerlo. These young people are responsible for the expenditure of the allocated funding and, as such, make decisions how it is to be expended and what program activities they want.'
>
> Kura Yerlo Incorporated
> Category A Shortlisted Applicant

Youth engagement initiatives aimed variously to:

- encourage young people to participate in their communities and take on leadership and roles of responsibility
- support young people to identify and develop role models
- engage with education, training and employment
- encourage early school leavers to consider re-entering the education system
- become involved with the organisation or project.

Intergenerational succession planning and representations of young people as future leaders is one of the silences of the Indigenous Governance Awards conversation in 2016. The 2016 Census of Population and Housing (Census) reported that more than half (53%) of Aboriginal and Torres Strait Islander peoples in Australia were aged under 25 years (ABS 2016). In the 2016 Awards, the proportion of applicants providing leadership opportunities to Indigenous youth (17% of incorporated and 25% of informal groups) did not reflect the proportion of Indigenous youth involved in governance. It will be interesting to see how applicants support youth leadership in future Indigenous Governance Awards, and what governing for youth means in practice.

Traineeships

One in five incorporated applicants supported the development of future leaders through traineeships. Traineeships were often provided to Indigenous school leavers seeking work experience and Indigenous peoples seeking a career change or a return to work. Traineeships often involved full-time employment for a period of time and nationally accredited qualifications on completion.

Informal groups did not support the development of future leaders through traineeships in either 2014 or 2016. One possible explanation is that informal groups may have less organisational capacity to offer traineeships and do not have the organisational structure required to host trainees.

'Congress offers:

- traineeships to Aboriginal school leavers seeking work experience and/or Aboriginal people looking to return to work and/or a career change, who are interested in building a career in the field of Aboriginal health or related administrative and corporate service …
- cadetships to Aboriginal people who are undertaking full-time study at university in a health, social services or business administrative field and who are seeking on the job training in their field.'

Central Australian Aboriginal Congress
Category A Shortlisted Applicant

Participants in St Mary's women's craft activity program run by the Tangentyere Council Aboriginal Corporation.

Opposite: Philip Jamina of Tangentyere Council Aboriginal Corporation working on the Phillipson Bore Camp Ground Project.

Strong Governance Supporting Success

Criteria 4: Governance Effectiveness:
Decision-making, Policymaking and Communication

Building effective governance is a journey in which the road ahead and the final destination can change over time. Effective governance means having collectively agreed upon rules, structures, processes and skills that are capable of achieving a group's objectives. Effective governance is successful in accomplishing the desired or intended result.

Effectiveness is about being capable, competent and efficient. It means performing and functioning well and, in doing so, successfully producing the desired outcomes of the group or organisation—that is, achieving their mission and goals. Effective governance means being able to make decisions and get things done that matter to people, and to perform these functions in the 'right' way.

People from different cultures have their own ways of judging what 'good' governance is; therefore, understandings of effectiveness can vary dramatically. Problems can occur when one society or group attempts to impose their view of 'good' governance onto another. As a result, it is more useful to talk about 'effective' and 'legitimate' governance than 'good' governance.

Indigenous groups and their organisations are building governance effectiveness that suits their local purposes, has the practical capacity to get things done, is deemed by their members to have cultural legitimacy and works effectively in the wider world in which they are situated. This difficult balancing act is not easy to achieve or sustain. It involves factors (see the Indigenous Governance Toolkit[12] 1.1.2) such as:

- people (who does it?)
- institutions and processes (how you do it)
- strategies and functions (what you do)
- resources (what you've got and what you need)
- the wider environment (external influences and conditions)
- culture (the way you do things and assess whether it's been done well), which runs through all of the above factors.

Criteria 4 explores how applicants to the 2016 Awards addressed some of these factors that influence effectiveness. It focuses on how applicants make informed and meaningful decisions and adapt to change through policy development and review processes. This discussion is followed by an analysis of how applicants communicate with their staff, members and stakeholders, and how applicants manage internal and external disputes.

These factors are not comprehensive and should be considered alongside the other criteria that may influence governance effectiveness.

5.1   Informed and Meaningful Decision-Making

Informed decisions are essential for effective governance. Decisions made by the governing body may be about long-term policy or strategic planning, or about everyday matters such as short-term projects or events.

A meaningful decision is one that is:

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[12] The Indigenous Governance Toolkit (the Toolkit) is a free multi-media online resource developed for Indigenous nations, communities, individuals and organisations searching for information to assist their work in building governance. It covers all the basics: rules, values, culture, membership, leadership, decision-making, conflict resolution and organisational structure. It features tools to help get started, useful guidance on ways to meet changing conditions, and suggestions for refreshing good practice. The Toolkit is accessible at toolkit.aigi.com.au.

Informed:	All information about the issue including the implications of any decision in a range of contingencies is understood, including technical complexities requiring specialist expertise and advice.
Transparent:	Members and outsiders understand and follow an open decision-making process and the reasons behind it. Conflict of interest is declared.
Well considered:	It is based on sound information and inclusive consultation. Risks and assumptions are clarified by the governing body. Solutions are reality checked.
Consistent:	It is consistent with a set of agreed values, rules or principles and the organisations' strategic objectives.
Lawful:	People should record their dissent if a decision is illegal or may lead to insolvency.
Actioned:	The decision is implemented and followed through, monitored, reviewed and evaluated as required.
Building capacity:	The decision is made with increasing confidence through practice, experience and increased skills.

Applicants to the 2016 Awards employed a number of different procedures to make informed decisions on their governing bodies. This diversity will be important to consider in future Awards analyses. The following discussion outlines the general approach of many incorporated applicants towards:

- making an informed decision
- modes of decision-making
- out of session decision-making
- how decisions are implemented
- how decision-makers derive authority and legitimacy
- what happens if a board's decision or recommendation is not carried out.

5.1.1   Making an Informed Decision

For 2016 Awards applicants, informed decision-making often began with the identification of a need or gap and was followed by consultation with relevant interest groups.

The consultation process often involved meeting with interest groups from the surrounding community, partner agencies, funding bodies, members of the organisation, clients, project participants and/or staff. Several applicants emphasised the important role of cultural knowledge in the consultation process, and actively sought to privilege the voice of Elders, Traditional Owners and other Indigenous knowledge holders in major decisions.

'The Tangentyere Women's Safety Group members are trusted members of their respective Town Camp communities and many have been on governing executive boards such as Tangentyere Executive Committee … [Our] members have been effective in influence and decision makings because of their strengths, connections, cultural knowledge and experience of Town Camps, communities, family and domestic violence and solutions.'

Tangentyere Family Safety Group
Category B Shortlisted Applicant

Applicants often supplemented local knowledge with specialist advice. Some applicants had provisions to invite internal and external guest speakers to present their legal, financial, scientific or business advice directly to the board. The Puuya Foundation discussed their inclusion of local knowledge and independent expertise in decision-making:

> The Puuya Foundation has developed a governance structure where community and external expertise combine and complement each other to provide the community with a solid backbone organisation to progress locally determined initiatives in a competent and culturally respectful manner.

'Past workers—both Warlpiri and non-Warlpiri who have made a significant contribution to WYDAC—are sometimes consulted or invited to contribute to important decisions being considered by the board.'

Warlpiri Youth Development Aboriginal Corporation Category A Finalist

External advice was employed by Kanyirninpa Jukurrpa (KJ) to hold the advice of non-Indigenous specialist directors to account. KJ details this strategy:

> KJ regularly commissions external specialists to provide advice on particular issues to the board. Sometimes this is conventional, where any board might require specialist advice. However, it is often a device to provide independent reassurance to the board that 'the whitefellas' are telling them the truth. KJ's advisory directors encourage a level of healthy scepticism in the Martu directors. They encourage them not to take things on trust, but to seek independent advice and assurance.

'If a decision affects the legal structure or Rule Book of the organisation it goes to the entire CAAPS membership, they are notified about the matter for consideration in writing prior to a Special General Meeting being convened.'

Council for Aboriginal Alcohol Program Services (CAAPS) Category A Shortlisted Applicant

Incorporated applicants often referred to formal documents that guided their decision-making processes, such as their Constitution, Rule Book, Organisational Structure, Budget, Directors Code of Conduct and Strategic Plan. These documents clarified who had the authority to make specific decisions, how to ensure decisions reflected the organisational agenda and appropriate behaviour during meetings. Informal groups agreed upon set procedures to make decisions, but these procedures were not necessarily formally documented.

5.1.2   Modes of Decision-Making

Incorporated applicants and informal groups used a mix of methods and approaches to make decisions on their governing bodies, including consensus decision-making, majority vote or a combination of both.

The majority of applicants always used or preferred to use consensus approaches to decision-making. Consensus decision-making is a process in which all members of a group come to agree on a given course of action, or at least agree to disagree and are prepared to support a consensus decision. Consensus is created through slow agreement and may change over time. It is a matter of moulding opinion (often done by influential people) and when achieved can create chains of cooperation, both within and across networks (AIGI 2017c).

For many applicants, consensus decision-making meant spending a lot of time hearing opinions for and against an issue, and resolving issues through collective discussion. The principle of subsidiarity often featured in these decision-making processes. Subsidiarity is a way of governing in which the people most affected by a decision have a greater say in making the decision. The chair of the governing body often took on the role of a facilitator, negotiator or mediator, rather than acting as the person making the final decision. Provided the decision was recorded, the chair's consensus process did not necessarily require formal motions with a

'Everybody has a "round-table" chance to speak … The Working Party votes democratically on all decisions concerning the Working Party and prospective projects. As Interim Chairman of the meeting, it is my responsibility to ensure that every person around the table has the chance and opportunity to put forward their points of view, which are also minuted.'

Yued Nyoogar Independent Working Party for the Preservation and Promotion of Language, Heritage, History and Culture Category B Shortlisted Applicant

counted vote. A minimum number of directors (quorum) was required during the decision-making process, and decisions made through consensus were often open to ongoing negotiation and discussion. If the governing body was not able to reach a decision, there was usually a request made to the CEO or staff to provide further information on a specific point or to do more research.

Many applicants reported consensus decision-making as an important way to maintain harmonious relationships and build legitimacy for the decisions made and actions taken. As the Council for Aboriginal Alcohol Program Services stated:

> We work towards consensus by ensuring everyone has a right to speak and to be heard, no one member has more authority than others do. Everyone is respected equally.

If applicants could not reach an agreement through consensus decision-making, some referred to democratic decision processes such as voting. Majority rule was the most common way applicants made decisions through voting. Using this method, a decision was most often made if it received more than half of the votes. In practice, this meant that each person on the governing body had the right to have their say and advocate a particular position. Once a decision was passed by a majority of the directors, all directors were required to respect and abide by the collective decision.

5.1.3   Out of Session Decision-Making

Governing bodies are often under daily pressure to make multiple fast decisions about major issues that have important consequences for the future of their communities and nations. However, few applicants described their processes for urgent decision-making out of session. Further research is required to gain an understanding of urgent decision-making processes used by incorporated applicants and informal groups.

5.1.4   How Decisions are Implemented

Most applicants outlined a set procedure for implementing decisions in formal documents such as delegation policies, position descriptions and operational structures.

Procedures for implementing decisions often involved multiple stages in which tasks were identified and different roles and responsibilities assigned. Meeting minutes were often used as a method to identify tasks and assign responsibilities.

Depending on the size of the organisation or group, there was generally a clear delineation of roles and a separation of power between the governing body, the CEO, senior management and staff. Directors were most often responsible for implementing strategic decisions. Management and staff were most often responsible for implementing decisions made at an operational level.

Some applicants engaged consultants to complete tasks or projects if the expertise required was unavailable within the organisation and they had the resources to do so.

5.1.5   How Decision-Makers Derive Authority and Legitimacy

Applicants described a range of reasons for why decision-making on their governing bodies was respected by members and the wider community. Reasons ranged from the transparency, honesty and accountability of the organisation to the reputation of its governing body and staff.

<u>Cultural Legitimacy</u>

Cultural legitimacy was the most frequently reported factor influencing the authority and legitimacy of decision-making for informal groups (five out of eight). These applicants ensured Indigenous cultural values informed all stages of their decision-making process. Cultural legitimacy for both incorporated applicants and informal groups involved being mindful of local traditions and customs, ensuring directors built relationships before working in a community, and allowing sufficient time for issues to be considered and reconsidered by decision-makers.

> 'The key roles of our organisation are generally diverse and must maintain a degree of community legitimacy at all times beyond the typical commercial responsibilities of a similar role elsewhere. This means ... a senior PCG member must be able to perform their duties to an equivalent professional level, while being able to maintain a strong sense of social responsibility and be fully aware of Indigenous cultural protocol, awareness and respect.'
>
> Muru Mittigar Aboriginal Cultural and Education Centre Category A Shortlisted Applicant

Aboriginal Housing Victoria (AHV) committed to making decisions in accordance with articulated cultural values through their board director's Code of Conduct:

-   recognition and respect for Country and for Traditional Owners and their role and position
-   recognition of traditional law and custom and the importance of caring for Country
-   recognition of, and support for, the transmission of Aboriginal language, culture and beliefs and practices
-   reciprocity and the obligation to share with and care for each other, and to be cared for on and off Country
-   respect for Aboriginal Elders and their role in communities
-   recognition and respect for the importance of families and extended family networks in the raising of children and in maintaining strong communities
-   recognition of the right of, and importance to, Aboriginal people to practice their traditional culture
-   respect for and support of Aboriginal people's right to maintain their connection to Country, spirituality, culture and identity and to always maintain their dignity.

<u>Professional Experience and Expertise</u>

The professional expertise of the governing body and familiarity with it were significant factors for approximately one-third of incorporated applicants (nine out of 30) and three out of eight informal groups. Members and the wider community were more likely to respect the decisions made by an organisation or group whose decision-makers had relevant experience and professional expertise and had undertaken governance training.

> 'The directors and the CEO recognise that they need to be clearly seen within the Aboriginal community as leading a viable and relevant organisation, whose employees can be trusted to operate on behalf of Aboriginal community members.'
>
> Aboriginal Family Violence Prevention and Legal Service Victoria Category A Shortlisted Applicant

<u>Reputation of Decision-Makers in the Community</u>

The reputation of staff and directors within the surrounding community was important for 13 out of 30 incorporated applicants and two out of eight informal groups. These applicants aimed to promote a strong and positive profile in local, regional and national Aboriginal communities by maintaining a majority Indigenous governing body and ensuring directors were active community members.

The reputation of the organisation or project as a whole was also significant in lending authority and legitimacy to decision-

making. Being seen to be impartial and independent was highly significant. Also significant was how successful the organisation or project was in mediating disputes and resolving grievances (see Section 5.4: Managing Disputes and Complaints). Aboriginal Family Law Services (WA) supported the reputation of their decision-makers through formal requirements in the induction process:

> The standing of staff within their communities, as well as board members is crucial to the legitimacy of decision-makers. This is supported by internal induction processes including the signing of a Professional Ethics and Conduct Policy, Confidentiality and Conflict of Interest Agreement and Conflict of Interest Record. These are also signed by board members.

At least two applicants aimed to maintain an impartial reputation within the surrounding community by representing themselves as politically neutral. According to the Magabala Books Aboriginal Corporation:

> Magabala Books has managed to maintain a position that is not politically aligned. This independence and clear focus on its purpose has also gained respect for the board. In the eyes of our creators, the success of the organisation reflects on the board.

Democratic, Open and Transparent Decision-Making Processes

Approximately one-third of incorporated applicants (9 out of 30) and one informal group suggested that members and other stakeholders were more likely to respect the decisions made by a governing body elected through democratic, open and transparent processes.

Institutional Capacity

Institutional capacity was also a factor for one-third of incorporated applicants and one informal group. These applicants claimed that decisions were more likely to have legitimacy within the community when the policies and governance of the organisation were perceived to be in order and the governing body was committed to regular performance reviews.

Representation of Stakeholders through Reserved Decision-Making

The representation of stakeholders in decisions was an important source of legitimacy for five incorporated applicants and two informal groups. As previously discussed, many applicants applied the principle of subsidiarity to their decision-making processes and reserved decision-making power for Elders, Traditional Owners and other Indigenous knowledge holders. Many of these knowledge holders were also approached on the basis of their specific skills and experience. In this way, the principle of subsidiarity facilitated the representation of different stakeholders, language groups and geographically based members in decision-making processes, which supported the authority and legitimacy of decisions made by the governing body. Mirima Council Aboriginal Corporation describes how they encouraged Elders to participate in decision-making and future planning processes:

> 'Our governing body, the board of the Pitjantjatjara Council, is made up of our community's traditional decision-makers, giving the governing body the legitimacy it needs to function. This governing body takes time to make sure the right people are kept informed about what's going on by holding regular general meetings and communicating with other community members.'
>
> Ara Irititja Project
> Category B Highly Commended

> In principle, there is no time limit to directors' and members' meetings as issues tend to be talked out. The authority of Elders is … significant in this context as their word has particular weight in making decisions … if consent on any matter cannot be reached, the decision is deferred.

5.1.6   What Happens If a Board Decision or Recommendation Is Not Carried Out

Applicants to the 2016 Awards employed a number of procedures to implement decisions, as discussed in Section 5.1.4: How Decisions Are Implemented. Most of these procedures involved methods designed to ensure that applicants met regulatory requirements and kept track of decisions made and implemented.

Frequently reported methods included monitoring the progress of decisions made through staff and board meetings and providing a list of action items to persons responsible for allocated tasks.

Applicants outlined a variety of procedures to address situations in which the implementation of a decision was not on track or the appointed staff member was experiencing difficulty with implementation. Procedures were most often outlined in applicants' employment policies and procedures, which all staff members had access to. This diversity of approaches will be important to consider in greater detail in future Awards analyses. The following discussion outlines the general approach of many incorporated applicants.

These applicants most often conducted an investigation of the decision, the procedure used to implement the decision and the reasons why it had not been actioned. This involved consulting the people affected by the decision and its implementation. If the explanation for inaction was found to be reasonable, this often meant operational issues were making it difficult for the staff member to carry out their assigned tasks. Applicants sought to mitigate this situation by developing alternative implementation strategies, which often included providing staff with further training and support or delegating the task to another staff member. If operational issues were not found to inhibit the staff member from carrying out assigned tasks, some applicants described a range of disciplinary procedures.

One applicant outlined the disciplinary approach taken by some applicants in this situation:

> In summary, disciplinary procedures involve an investigation of the incident, including the impact on personal safety and reputation of the organisation. Any inappropriate behaviour is communicated clearly to the individual and expectation around future behaviour is agreed upon. At a minimum, the organisation provides three formal warnings to the individual, as outlined [in] the policies and procedures.

5.2   Effective Policy Development

Policies are the rules or guidelines that set out what an organisation wants to achieve and the decisions, behaviours and actions required to achieve those goals. The changing nature of the internal and external governance environment requires organisations to develop new policies and refresh existing policies on a regular basis to ensure they remain relevant and adapt to change (AIGI 2017e). The following discussion, which examines applicants' policy development and review processes, has a direct link with Criteria 6: Governance Resilience and Sustainability.

5.2.1   Policy Development and Review Process

Applicants understood policy development as an ongoing process that required periodic review to adapt to the changing governance environment.

Most incorporated applicants and informal groups reported set procedures to develop and refresh new and existing policies. Like the decision-making processes outlined above, the development and review of policies involved multiple stages, with different tasks assigned to different actors. There was generally a clear delineation of roles and a strict separation of powers between the governing body, the CEO, senior management and staff.

Policies were developed for a wide range of reasons—from achieving and maintaining accreditation or incorporation status, to complying with new funding requirements, to providing instructions on how to accomplish new tasks. Policies were also refreshed for a wide range of reasons, including to help staff make decisions more efficiently, maintain workplace health and safety, and strengthen the organisation or group's governance.

Policies were often developed and reviewed through the following process. First, the need or gap in existing policies was identified. The appropriate interest groups and specialists were asked to participate in preliminary research, which was used to inform the development of a draft policy or amendment. Opportunities to review draft documents and provide feedback were made available to relevant staff, community members, clients, project participants, funding bodies and other stakeholders. Information from this consultation process was used to refine the draft policy or amendment. Depending on the size of the organisation, the relevant manager would discuss the policy or amendment with the CEO. The CEO would submit a draft version of the policy to the governing body for approval, implementation and communication. The governing body would engage in the decision-making processes previously discussed to consider the approval of a new policy or the amendment of an existing policy. Any required changes were often discussed between the governing body and the CEO. Once board approval was achieved, the policy would become the responsibility of management to communicate and implement.

Several applicants engaged external consultants to assist in the drafting, implementation and communication of a policy. Consultants were engaged on the basis of their professional expertise in law, human resources or policy development. However, applicants reported that these engagements were often limited by the availability of funds.

The way in which policies are developed with communities is a potential topic to explore in future Indigenous Governance Awards.

'The process used at MWRC to develop a policy was first of all establishing the need. This came about as in 2013 we applied for accreditation with the Community Legal Centres and they sent us a list of all required policies. We employed a person who had experience in drafting policies to actually write the policies in draft form. We set about drafting up the required 66 workplace policies. We used a template so we could get consistency in our policies and to make sure we covered all the required areas.'

Marninwarntikura Fitzroy
Women's Resource Centre
Category A finalist

5.3   Methods of Inclusive Communication

Effective leadership is about the wise use of power. The legitimacy of leaders is stronger and more sustained when they gain the respect and trust of their members and communities and when there is open communication. In this context, honest, regular and useful communication between and among members of a governing body and its staff, and other members and stakeholders, is essential to achieve an organisation's goals. The following discussion highlights the link between effective leadership and communication for informed decision-making.

Figure 19 illustrates the methods used by applicants to communicate with their staff, members and stakeholders. These methods enabled applicants to promote their work while keeping members, clients, program participants and other stakeholders engaged and well informed.

The Awards questionnaire did not ask applicants to list methods used to target specific interest groups; it will be interesting to see if this conversation emerges in future applications.

Figure 19: Methods of inclusive communication (2012, 2014 and 2016 incorporated)

- 2012 incorporated applicants
- 2014 incorporated applicants
- 2016 incorporated applicants

Percentage of incorporated applicants

Method	2012	2014	2016
Electronic media	70%	73%	83%
Local meetings & events	53%	76%	80%
Formal meetings & reporting	79%	76%	70%
Print media	72%	71%	70%
Email & phone correspondence	0%	10%	13%
TV & radio	23%	12%	37%
Formal Networks	0%	0%	20%
Informal networks & word of mouth	23%	37%	27%
Noticeboards	16%	2%	3%
Translation of materials	9%	0%	13%
Other methods	0%	10%	17%

2016 total number of incorporated applicants = 30
2014 total number of incorporated applicants = 41
2012 total number of incorporated applicants = 41
NOTE: Applicants could provide more than one response.

5.3.1   Electronic Media

The most common medium of communication was electronic media, reported by 25 out of 30 incorporated applicants and five out of eight informal groups. These applicants published information on their websites about latest developments, events, projects, partnerships and research. Some also established a regular social media presence on platforms such as Facebook, YouTube, Twitter, Instagram and LinkedIn. Social media was reported to be particularly useful for engaging young people in applicants' activities. Figure 19 suggests an upward trend towards communication through electronic media for incorporated applicants (an increase of 13% between 2012 and 2016).

'We have also instituted a process of regular written communiques from the board outlining developments at Congress and the decisions of its governing body following each meeting. These communiques are a means through which the board openly and transparently communicates information about developments, projects, partnerships and research, and its overall position regarding affairs relevant to the context of Aboriginal health care in Australia. They are publicly available on the Congress website.

Central Australian Aboriginal Congress
Category A Shortlisted Applicant

The move away from communication on noticeboards and hard copy documents towards communication through electronic media is a trend to observe in future Indigenous Governance Awards. It will be interesting to see how effective electronic media is in keeping members, clients, program participants and other stakeholders engaged and well informed over time.

5.3.2   Local Meeting and Events

Local meetings and events were the second most common method of communication for incorporated applicants (24 out of 30) and informal groups (four out of eight). Informal meetings were hosted alongside

'This past year, AHV has continued to encourage, celebrate and acknowledge Aboriginal culture in the workplace and across the broader community by participating in campaigns and hosting events for significant dates on the Aboriginal and Torres Strait Islander calendar such as Harmony Day, National Apology, Close the Gap, Sorry Day, Mabo Day, Reconciliation Week, NAIDOC Week, National Aboriginal and Torres Strait Islander Children's Day and International Day of World Indigenous peoples.'

Aboriginal Housing Victoria (AHV)
Category A Shortlisted Applicant

local events such as community days, cultural performances, NAIDOC Week, National Reconciliation Week and Sorry Day, which themselves took place alongside outreach programs, annual open days, fundraising events and conferences. Figure 19 indicates an increasing trend towards communication through local meetings and events—an increase of 27% for incorporated applicants and 24% for informal groups between 2012 and 2016. One possible explanation is that local meetings and events tend to offer a more relaxed and culturally secure setting to engage with a wider number of community members. Perhaps there is also more demand from community members for organisations to actively engage with community on their own terms.

5.3.3   Formal Meetings and Reporting Processes

The third most common method of communication for incorporated applicants (21 out of 30) and informal groups (three out of eight) involved formal meetings and reporting processes. Formal meetings included annual meetings and AGMs as well as meetings scheduled with community groups, partner organisations, networks and funding bodies. Some applicants encouraged their members and stakeholders to join open meetings and also attended the meetings of other organisations. Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation described an example of open meetings:

> Our meetings are open to all who wish to come and listen and [provide] feedback. We also have meetings in remote communities, hold forums and patient meetings, attend board meetings of other organisations … and other health board meetings regionally.

Many applicants distributed reports that were presented at, and informed by, these meetings to their members, clients, program participants, partner organisations and other key stakeholders. Several applicants increased the accessibility of reports and other materials by using visual, infographic formats and translating them into Aboriginal languages.

Applicants described other formal methods of communication, such as through designated positions (e.g., communications or advocacy and research officer) and via formal documents (e.g., communication and community engagement strategies).

'MWRC ensures that at all community gatherings food is provided, there is time for informal conversations and all new staff members are formally introduced to community members. The annual general meeting is such an occasion. MWRC presents all its work over the previous year. All work is presented in a clear format, often visually depicted with simple annotations, for many of our members who are second or third English language speakers. There are also verbal translations in Kriol, a language shared by all across the Kimberley.'

Marninwarntikura Fitzroy
Women's Resource Centre (MWRC)
Category A Finalist

5.3.4   Print Media, Television and Radio

The use of print media has remained relatively constant for incorporated applicants (70% in 2016) and was less popular among informal groups (two out of eight). Communication through television and radio has increased significantly for incorporated applicants (37% in 2016 compared with 12% in 2014) but was not employed by informal groups in 2016.

5.3.5   Corporate Partnerships

Three incorporated applicants formed partnerships with sports clubs as part of their communication and engagement strategy. These partnerships enabled applicants to promote greater awareness of their organisation, its programs and their social message. Other benefits from partnerships with sports clubs included increased community engagement with the organisation and its programs, enhanced social media presence and increased opportunities to attract sponsors and donors.

The Institute for Urban Indigenous Health (IUIH) describes its partnership with the Brisbane Broncos as:

> Particularly valuable to this end … [it] has broadened the range of community members that the IUIH is now able to interact with … and has been a leading example of a successful collaborative [partnership] to promote and broaden the reach of positive Indigenous health and lifestyle messaging.

KARI Aboriginal Resources Incorporated suggested that corporate partnerships can also increase cultural safety within the internal environment of corporate partners:

> Our corporate strategy not only involves attracting and retaining funding for our programs but [also] to share cultural knowledge and educate corporates about Aboriginal culture so they can build this into their … programs for the benefit of both non-Indigenous and Indigenous staff.

The role of corporate partnerships in enhancing community engagement is a potential trend to observe in future Indigenous Governance Awards.

5.4   Managing Disputes and Complaints

Every organisation or project at some time or another will experience conflict, disputes and complaints. Some will arise from within the members of a community or group, others from within the organisation, and still others from external stakeholders or clients. Indigenous organisations established to represent culturally based groups are especially vulnerable to the damaging effects that colonisation has had on land ownership and, correspondingly, on collective identity and membership rights and interest. This can be a constant source of debilitating conflict and requires strong effective governance.

Legal incorporation under Australian legislation requires organisations to meet particular governance conditions. Some of these conditions require organisations to follow set rules and procedures to manage

circumstances that are externally defined as constituting a dispute or complaint. As a result, all incorporated applicants had such arrangements in place and efficient ways of rolling them out to deal with complaints. Many applicants also placed a high value on their own cultural values, rules and processes, and had their own understandings of what constituted a dispute or complaint, and what procedures would enable those to be managed or resolved, especially in sensitive matters connected with their membership.

The constant challenge for Indigenous organisations and projects is how to meet statutory requirements for dealing with disputes and complaints, while also designing rules and processes that have cultural credibility with Aboriginal and Torres Strait Islander nations and communities. To meet these demanding expectations, applicants to the 2016 Awards have crafted innovative ways to mediate disputes, resolve grievances and deliver their own peacemaking processes. These innovations often draw on Indigenous norms, values and networked relationships.

Informal groups were not required to specify dispute resolution processes in the Awards questionnaire and have not been included in this discussion.

5.4.1 Internal Dispute Resolution

In general, incorporated applicants described having robust frameworks for dispute and complaint resolution.

The majority of incorporated applicants (29 out of 30) outlined at least one mechanism to resolve internal disputes, which were most often reported to arise within and between the governing body, senior management and staff.[13]

Formal mechanisms to resolve internal disputes included:

- written complaints and dispute resolution policies and procedures having multistage processes and timeframe for resolution
- the appointment of professional mediators or external consultants to investigate the dispute or complaint
- the implementation of warnings
- summaries of dispute or complaint provided to governing body by CEO
- Elders councils and advisory boards
- provision of training for staff focusing on procedural and legislative requirements and best practice
- annual performance appraisals
- facilitated discussions between parties, counselling and/or informal mediation
- legal intervention as a last resort.

Informal mechanisms for internal dispute resolution were described by one-third of incorporated applicants and included:

- employees encouraged to resolve issues among themselves
- clear, honest and respectful communication
- provision of culturally safe and secure working environment
- strong leadership by the CEO and governing body
- role modelling at the board, management and staff level
- effective and strategic management.

'We are very open to discussion about what has happened in the past, what went right and what went wrong and how we can improve moving forward.'

Seabrook Aboriginal Corporation
Category A Shortlisted Applicant

'Koobara believes that the best way to reduce complaints is to put in place measures to prevent or restrict the possibility of conflict occurring. Koobara does this by displaying strong leadership; developing policies and processes; effective and strategic management and having skilled and motivated staff.'

Koobara Aboriginal and Islander Family Resource Centre Incorporated
Category A Shortlisted Applicant

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[13] The applicant who did not outline an internal dispute resolution process had one sole director and thus the concept of an internal dispute did not apply.

The Secretariat of National Aboriginal and Islander Child Care (SNAICC) provided a strong example of both formal and informal internal policies and procedures for dispute resolution. All staff members received training on the following policies as part of their induction.

1. SNAICC employees will try to resolve their issues among themselves.
2. If conflict resolution cannot be achieved adequately and mutually between parties, the matter is to be directed firstly to their relevant Manager and or the HR Manager, then the CEO.
3. The HR Manager and or CEO should arrange a mediation session/s between all parties involved in the conflict.
4. SNAICC employees may request a support person to the mediation sessions.
5. SNAICC employees requesting a support person must inform the CEO prior to the meeting outlining why they require a support person and what the support person can contribute to resolve the conflict.
6. The SNAICC employee must inform the CEO in writing, the support person's name and qualifications.
7. If no satisfactory outcome is achieved by the mediation session/s, the CEO may seek the advice of the Chair of SNAICC.

Marninwarntikura Fitzroy Women's Resource Centre (MWRC) aimed to create a positive, safe and supportive work environment to assist staff to deal with trauma and minimise the risk of internal disputes. MWRC described their dispute minimisation strategy as follows:

> With the growth of the organisation, MWRC has developed a series of policies and procedures … part of the healing approach that the organisation has adopted is to ensure that all staff feel safe and are in a caring environment and that they are free to express their concerns and worries.

Part of MWRC's approach to dispute resolution also involved the creation of a specific position for a workforce development manager. According to MWRC, this process had:

> Allowed grievances to come to the surface quickly and be solved by offering staff non-monetary benefits such as time away from a higher trauma environment, flexible working hours, additional long weekends throughout the year, on Country experiences etc.

5.4.2 External Dispute Resolution

The majority of incorporated applicants (29 out of 30) outlined at least one mechanism to resolve external disputes. These were reported to arise within and between the organisation and its clients, program participants, funding bodies and other external stakeholders.

Formal mechanisms for external dispute resolution were described by 28 incorporated applicants and included:

- formal policies that outlined a multistage process with a set timeframe for resolution, such as Client Feedback and Complaints Policy, Access to Services Policy, Complaints and Appeals Policy and Procedure for External Stakeholders
- complaints recorded on a central Complaints Register
- obtaining client and stakeholder feedback through surveys, workshops and forums
- Elders councils and advisory boards
- referral to a formal external procedure in situations in which the complainant is not happy with the outcome
- development of a website to enable online lodgement of complaints
- staff assisting clients to put their complaints in writing if necessary
- CEO bringing external disputes to the attention of directors
- pro bono relationships with legal firms to provide assistance if needed.

'We welcome feedback about services we provide. Our CEO brings external disputes to the attention of directors. Those that require immediate attention are dealt with as per CAAPS Complaints Policy. Information about this policy is provided to us at our induction. We review this policy annually to ensure it continues to meet our needs.'

Council for Aboriginal Alcohol Program Services (CAAPS) Category A Shortlisted Applicant

The Puuya Foundation outlined their consideration of cultural factors in their Complaints Policy and Dispute Resolution Procedure:

> The policy, processes and procedures are to be implemented taking into consideration any relevant cultural factors and protocols including understanding and respecting cultural differences at an individual and organisational level.

Informal mechanisms for external dispute resolution were described by seven incorporated applicants and included:

- senior staff supported to resolve complaints directly themselves
- feedback from clients during and after programs
- client and stakeholder feedback through surveys, workshops and forums.

A number of applicants attempted to structure their governing body and membership to minimise the risk of internal and external disputes. For example, the Mirima Council Aboriginal Corporation (MDWg) appointed their board of directors on the basis of traditional protocol and geographically based representation. According to MDWg, the composition of their governing body enabled a balanced representation of people from different areas of Miriwoong Country and minimised the risk of disputes at the board and membership level:

> It also ensures that there are no grounds for rivalry between different estates since each family group has the opportunity to provide input into decisions. The balanced representation of members allows the organisation to maintain an ongoing partnership with each of the outstations.

Another Aboriginal Corporation shared a similar governance story:

> Our governance model has been developed with a strong focus on the recognition of families and family structures in our local community … In the early days the organisation was dominated by one or two families and nepotism was rife. The secrecy involved caused conflict and feuds in our community and it was evident that [the applicant], as an organisation, was somewhat dysfunctional and was likely to collapse. It was because of these problems that we as a mob decided that we needed to establish some rules [that] guaranteed fairness in family representation and governance. We referred back to our traditional […] culture, which includes Elder respect, respect for our land, our tribal identification and the need for fair representation. Since redesigning the constitution to deal with the above issues things have been much better and we now operate as a single community with fair family representation.

Criteria 5: Planning, Evaluation and Action

Effective governance is about working out the balance between the need for continuity and consolidation, and the need for renewal and innovation. The trick is do that while keeping true to your overall vision and purpose. The Awards applicants' stories suggest that this balance will be different at different times and contexts. This is where planning, evaluation and action play a critical role.

Planning allows an organisation or group to look at the big picture, consider where they want to be in the future and collectively work out how to get there. Planning is also a way of making self-determined decisions about the future, rather than having those decisions imposed from the outside.

Yet, the best strategic plan means nothing if it is not implemented or is implemented poorly. In this sense, planning goes hand in hand with evaluation and action; that is, identifying what is working, what is not working and why; putting ideas and solutions into practice; and evaluating the effectiveness of those solutions. Done in this way, planning, evaluation and action become a cycle of ongoing work.

In short, planning and evaluation help organisations and groups to measure their effectiveness. In times of funding uncertainty or high staff turnover, planning and evaluation give an organisation or project a better chance of staying on track.

The 2016 Awards demonstrate the growing awareness among Indigenous organisations and community groups of the value of planning, self-evaluation and obtaining feedback from members to promote renewal and put plans into action. Criteria 5 outlines how applicants plan, evaluate and implement their plans. An important insight gained from the 2016 Awards cohort is the sheer creative diversity of the planning, evaluation and action being undertaken.

6.1 Strategic and Financial Planning

Incorporated applicants most often set out their goals and actions in strategic and financial plans. A strategic plan is a written document that sets out an organisation or group's intended goals and actions during a specified period: it tells the story of where you want to go and how you plan to get there; sets out the vision; explains the priorities, goals and strategies; and explains what actions, resources, people and amounts of time are needed. Put simply, a strategic plan is a critical governance tool (AIGI 2017b). Informal groups often articulated their strategic goals and actions in their vision, core purpose and values, whether in a formal document or an informal understanding between people.

Two broad themes emerged from the priorities identified by incorporated applicants in their strategic and financial planning: best practice policies and strategies, and income diversification.

6.1.1 Best Practice Policies and Strategies

Almost one-third of incorporated applicants planned to design and use best practice in their financial operations and policies to mitigate financial risk, and to ensure the ongoing financial viability and integrity of their organisation.

A wide variety of best practice financial strategies were mentioned by applicants, including:

- monthly cash flow budget forecast to allow close monitoring of income and expenditure
- multi-year budgeting
- employment of a full-time accounts manager/bookkeeper
- monthly meetings of the finance committee
- securing independent financial expertise for advice and committee membership
- management financial reporting
- maintenance of rigorous governance and financial control procedures
- financial professional development of board members

- reporting on financial performance at board meetings
- ensuring operational structures support applicants' ambitions
- conducting research into the most appropriate funding model
- reform of payment systems to ensure capability under sector-wide legislative reforms
- compliance with funding contracts.

6.1.2 Diversification of Income

Diversification has been a significant priority for the past three cohorts of incorporated applicants, and is an important ongoing trend to observe in future Awards. Almost three-quarters of incorporated applicants reported diversification as part of their financial plan in 2016, continuing the trend set by 80% of incorporated applicants in 2014 and 63% of incorporated applicants in 2012.

The role of income diversification for self-determination, independence and financial sustainability was constantly highlighted by the 2016 applicant cohort. Applicants looked towards diversification for multiple reasons, including to reduce their reliance on external funding, enhance stability in times of political change, increase the flexible use of funds for self-determined purposes, and maximise their effect. Applicants also spoke strongly about the need to reduce their reliance on government funding as a way to address uncertainties in the external political environment. According to one applicant:

> Reducing our reliance on government funding is key to increasing our financial independence and self-determination, so we can continue providing the most culturally appropriate and effective services to Aboriginal children, families and communities.

In this context, income diversification provided applicants with a sense of autonomy over their organisations and initiatives, and better enabled applicants to deliver high-quality services and programs in line with community needs.

'The aim is to achieve a blended funding model, made up of both grant contributions and self-generated income streams, including from MBS [Medicare Benefits Schedule] and fee-for-service operations conducted in community through the delivery of primary health care.'

Category A Shortlisted Applicant

'We don't put all our eggs in one basket! We are also aware that government policy can change quite quickly and threaten to undermine our model. We therefore have the goal of continuing to gradually decrease our dependence of government funds.'

Category A Shortlisted Applicant

Analysis of the 2016 Awards reveals three broad methods of income diversification: diversification of funding sources, enhancement of self-generated income streams and diversification through partnerships. The following applicant exemplified the mixed approach of many applicants:

> The diversification plan included sponsorship from other organisations for a collective advocacy campaign, philanthropic investment, membership strategy, corporate engagement, development of the training arm and strengthening [our] communications to increase the profile of [the organisation]. [We have] also explored how to maximise impact with limited resources, leading to development of our social media strategy and online resources. We have also established capacity for webinars. On current projections, [the organisation] expects this financial year to be in surplus and increase the still significant funding reserve.

Diversification of Funding Sources

Incorporated applicants planned to source funding from a range of different industry sectors, including local, state and federal governments, the not-for-profit sector, the private sector, and the corporate philanthropic sector. Applicants often stated their preference for entering into funding agreements with like-minded and culturally secure funding bodies to support their own financial sustainability and independence. However, they also noted this was not always possible because of the significant challenges involved.

'If we keep true to our cultural priorities and are true to our vision, we will get there in the end!'

Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation Category A Winner

Many different kinds of strategies were employed by applicants to diversify their funding sources, including:

- development of a corporate engagement strategy to attract philanthropy and sponsorship from the business community
- arrangement of deductable gift recipient status to market the organisation to corporate bodies for sponsorship and/or donations
- establishment of multi-year partnerships with industry organisations and peak associations
- forming of strategic relationships with organisations able to donate time, materials and/or expertise pro bono
- launching of collective advocacy and fundraising campaigns
- collection of royalties and rent money from the use of land under Aboriginal ownership
- strengthening of social media, communications and engagement strategies to increase public profile and maximise effect with limited resources.

Two incorporated applicants reported having developed specific plans to continue lobbying efforts to secure continued funding. These applicants planned to build stronger relationships with state and federal government funding bodies by demonstrating evidence of successful outcomes and future needs.

> 'We will continue to lobby both federal and state governments to support the investment into [our organisation] and extend the funding cycles from one year in some cases to a minimum of three years.'
>
> Category A Shortlisted Applicant

Diversification of Income-Generating Activities

Incorporated applicants also planned to explore diversification by enhancing self-generated income stream. Plans to expand services, programs and physical assets featured in seven incorporated applicants' financial plans for the future. Applicants planned to generate their own income by expanding their business strengths in new markets or by increasing the scale of their existing programs and services. Commercial activities included fee-for-service training, social enterprises, art and tourism ventures, land management services, community activities, landscaping services, archaeological services and the provision of nursery supplies.

> 'We have implemented strategies to employ a business development manager specifically for the commercial arm of our business to build capacity in our current model and again increase financial viability and opportunities.'
>
> Category A Shortlisted Applicant

One applicant reported income through a number of self-generated income streams, including:

1. the sale of Indigenous products that highlight and celebrate Indigenous ingenuity and entrepreneurship
2. partnerships with business to provide Indigenous labour hire services, corporate and protective clothing (branded and unbranded) and merchandising.
3. a partnership with the Royal Doctors Network to secure income through Medicare rebated services and other fee-paying health services.

> 'The development of a range of Indigenous products highlight and celebrate Indigenous ingenuity and entrepreneurship.'
>
> Ungooroo Aboriginal Corporation
> Category A Shortlisted Applicant

Muru Mittigar Aboriginal Cultural and Education Centre planned to expand the scale of their existing services through Aboriginal Procurement Policies with state and federal governments. According to Muru Mittigar, this business model:

> Is responding to a market [that] allows community, government and business to seek innovative and practical ways to increase the meaningful participation of Aboriginal people to create their own level of economic independence.

Applicants awarded contracts for goods and services by government often stated that their aim was to reverse financial relationships with government—that is, to go from being recipients of grant funding to providers of fee-for-service arrangements. According to the Murdi Paaki Regional Assembly:

> The biggest challenge to the Assembly will be establishing sufficient income stream to sustain and support the organisation: we don't just want state and Commonwealth grant funding. Instead, we want them to buy the MPRA's services.

'We work hard to raise our own funds by sharing art and cultural knowledge with others. In 2015, with the help of Business Council of Australia, we launched a Purple House fund to raise money for new projects and provide a buffer against the vagaries of governments.'

Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation
Category A Winner

At least two applicants planned to explore diversification through the use of investment funds. According to one applicant:

> The aim is to create a fund of $10 million. Investing this fund will provide sufficient return on investment to cover approximate annual costs of $1 million without diminishing the investment fund—which means the income source remains sustainable. Further research of the most appropriate fund model is required to ensure governance arrangements are sound, risks are mitigated and best practice is adhered to.

Expansion activities and lobbying efforts are categories of key activities that have been added to the analysis of 2016 Awards. It will be interesting to monitor the significance of these in the financial plans of future applicant cohorts.

'Another key strategy implemented by Tranby is based on the partnership model successfully adopted in the corporate sector. This strategy sees Tranby fostering mutually beneficial partnerships with other training organisations, as well as other corporate and government bodies, to deliver projects and qualifications in a cost effective manner that effectively utilises each entities' specific services.'

Tranby National Indigenous Adult Education and Training
Category A Award of Recognition

Diversification through Partnerships

Applicants also planned to expand their support base and generate income through partnerships with other Indigenous organisations, larger industry partners and peak associations. Partnerships were particularly important for informal groups, the majority of which existed as partnership models.

For example, in 2016, the East Gippsland Aboriginal Health Consortium, Djillay Nglau (DN), consisted of four Aboriginal Community Controlled Health Organisations and other non-Indigenous partner agencies. These organisations worked together to deliver government-funded programs aimed at improving the health and wellbeing of Indigenous peoples in East Gippsland, Victoria. This partnership model had no legal organisational status, but was supported by an MOU and structured governance documents that were reviewed regularly.

This partnership model, and others like it, fostered mutually beneficial outcomes that enabled applicants to deliver projects, services and qualifications in a cost-effective and culturally secure manner. According to DN:

> DN recognises the need to work in partnership and share the load and over the years has been very successful at building and maintaining strong working partnerships with both mainstream and Aboriginal organisations. The longer term view of partnership development is to ensure that mainstream health services are able to provide culturally safe spaces for ATSI [Aboriginal and Torres Strait] people living in East Gippsland.

6.2   Evaluation, Monitoring and Review Processes

Evaluation is the systematic collection and analysis of different kinds of information about a process, organisation, project or event over a particular timeframe. Evaluation enables people to identify their most important strengths and areas for improvement, as well as the processes required to achieve goals over time (AIGI 2017b).

There are many different kinds of evaluation, such as reviews, monitoring, audits, performance, accounts and participatory evaluation. These kinds of evaluation often include the regular collection and analysis of different kinds of information about a process, structure, project or event over a particular timeframe. The evaluation of this sort of information over time enables an organisation or group to better understand and assess its worth, performance, affect, outcome, viability and success.

Alongside their strategic planning, applicants developed and implemented a variety of evaluation, monitoring and review processes to ensure their work aligned with their priorities, goals and actions. These processes were consistently tailored to suit their goals, members' needs, the industry sector they operated in, compliance obligations, size of programs and number of staff. Applicants stressed that these evaluation processes involved a continuous cycle of strategic planning > action > monitoring > review > learning to inform future strategic planning.

Figure 20 illustrates the wide variety of methods employed by incorporated applicants and informal groups to evaluate their organisation or project. Five broad methods emerged from applicant responses, including:

- internal monitoring, review and evaluation processes
- external evaluation
- the use of reporting as a review mechanism
- member and stakeholder feedback
- data governance: program and project outcomes.

'Ongoing cycles of this [evaluation and review] process are vital to gauge whether we are hitting the mark in delivering services to our client population.'

Institute for
Urban Indigenous Health
Category A Shortlisted Applicant

Figure 20: Methods of evaluating the organisation, project or initiative (2014 and 2016 incorporated)

2016 total number of incorporated applicants = 30
2014 total number of incorporated applicants = 41
NOTE: Applicants could provide more than one response.
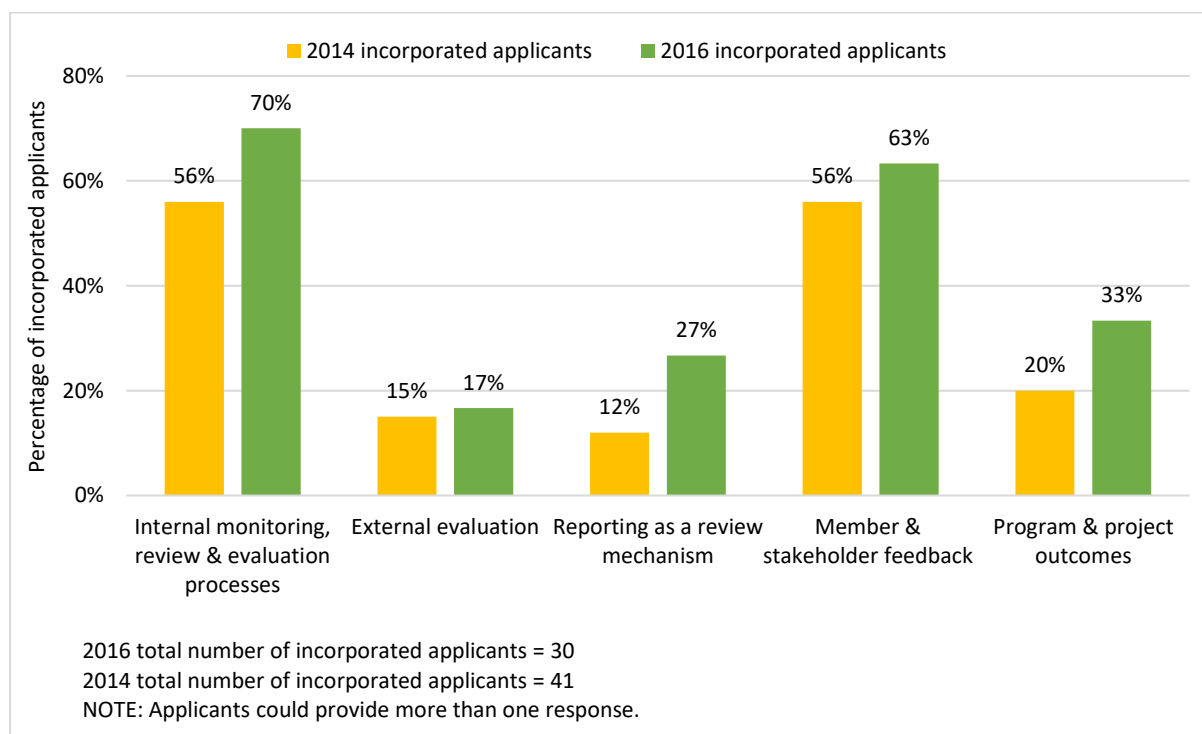
6.2.1   Internal Monitoring, Review and Evaluation Processes

Approximately two-thirds of incorporated applicants (21 out of 30) and five informal groups used internal monitoring, review and evaluation processes to regularly assess their progress against strategic goals and actions.

Common components of this internal monitoring, review and evaluation cycle included:

- the development of strategic plans and business plans
- annual self-assessment by staff, managers and members of the governing body
- entering data into a management database that stores performance reviews, compliance tasks, maintenance and incident reporting to inform risk management and continuous improvement
- establishing a reporting framework to monitor performance against key performance indicators and external contractual obligations
- annual reports
- status reports
- debriefing meetings
- process of review and feedback on program activities and directions at AGMs
- project evaluation and impact assessment tools.

Informal groups referred to the responsibility of, and reliance upon, their leaders to review work performance and outcomes, address management issues and fine-tune plans on a regular basis.

The collection and analysis of data was a central component of all these methods of internal monitoring, review and evaluation. The governance of data emerged as a critical area of expertise, decision-making and control among the applicants, and will be discussed further in Section 6.2.5: Data Governance: Program and Project Outcomes.

Five applicants established committees specifically designed to assist with internal monitoring, review and evaluation. The Warlpiri Youth Development Aboriginal Corporation (WYDAC) formed a Management Review Committee specifically for this purpose:

> Each of WYDAC's programs are closely monitored with fortnightly coordinator meetings with the operations manager. In turn, the operations manager brings the information to the monthly management team meeting for internal evaluation. Under WYDAC's quality management system, the Management Review Committee meets twice a year to evaluate how each department is performing, based on all reports and practices recorded in our quality database. Outcomes from both the management team meeting and the Management Review Committee are detailed in the following board meetings for information and discussion with the board.

Figure 20 illustrates an increasing focus on internal monitoring, review and evaluation processes for incorporated applicants and informal groups. There was a 14% increase in incorporated applicants using these processes between 2014 and 2016, and a 42% increase in informal groups using these process in the same timeframe. This may reflect the fact that, rather than waiting for major crises to happen and facing external intervention by government regulators, applicants are emphasising their desire to be self-determining and have enhanced internal control over their effectiveness. Applicants appear to be increasingly aware of the value to them of internal monitoring, review and evaluation processes, and make a direct connection between these processes and having strong governance.

'As a signatory to the Accord with the NSW Government, the Assembly has established a Monitoring and Evaluation Group [that] regularly reviews progress against the activities within the Accord. The act of reviewing work regularly is good continuous quality improvement and is important tool in any good management toolkit.'

Murdi Paaki Regional Assembly
Category B Winner

6.2.2 External Evaluation

Internal monitoring, review and evaluation processes were sometimes supplemented by external independent evaluations (for six out of 38 applicants). The high financial cost of external evaluations may explain the low incidence of this method; external evaluations were described by one applicant as 'useful and welcome, but costly'. Low rates of external evaluation may also the result of applicants wanting to take control and responsibility for their own evaluation processes.

For some applicants, the financial cost was worth it; one applicant reported that a successful external evaluation led to an Award for Excellence and seven years of ongoing funding from the federal government.

Interestingly, external evaluations were most often conducted through partnerships with university research projects or consultants with particular areas of specialist expertise.

6.2.3   Reporting as a Review Mechanism

The use of reporting (both internally and externally) as a review mechanism is a strong trend identified in the 2016 Awards applicant cohort.

Eight incorporated applicants and four informal groups used financial and performance reports prepared for external partners and funding bodies as a method for their own internal reviews. Such reports were produced by applicants at quarterly, half-yearly and/or annual intervals, and were used to review their own performance data longitudinally. Financial and performance reports were employed to evaluate progress against stated objectives, indicate whether targeted outcomes were being met and inform decision-making around the need for change.

'Each [external independent] evaluation is an opportunity for fresh eyes to review the Assembly and how it functions and we have learned from each evaluation and used these learnings to improve or revise our activities and operations.'

Murdi Paaki Regional Assembly
Category B Winner

'Given that our activities are supported by a range of different funding bodies, every aspect of our project delivery is regularly analysed and reported on. This does not only satisfy grant funding opportunities but also helps us understand which activities are particularly successful and where programs can be improved.'

Mirima Council
Aboriginal Corporation
Category A Shortlisted Applicant

Figure 20 suggests an increase of 15% among incorporated applicants and 34% among informal groups using external reporting as a review mechanism between 2014 and 2016. One potential explanation for this trend may be the increased reporting requirements for funding recipients. Another possible explanation may be the increased tendency for applicants to generate income through partnerships, as discussed in Section 3.1.8: Sources of Income. In the latter context, the increased use of reporting as a review mechanism indicates an opportunity for funding bodies and partner organisations to work constructively with applicants to align reporting processes with community priorities.

6.2.4   Member and Stakeholder Feedback

Communication with and feedback from members and various stakeholders was the second most common method of evaluation among incorporated applicants (19 out of 30) and the third most common among informal groups (three out of eight).

In general, applicants were proactive in seeking and incorporating feedback from a range of internal and external stakeholders to ensure they remained relevant and responsive. Internal stakeholders included community members, as well as organisation staff, volunteers and members of the governing body.

'By constantly engaging with others, allowing external scrutiny of our ideas and plans, and being open to accepting the advice of experts, we believe our governance has improved significantly.'

Winnunga Nimmityjah
Aboriginal Health Service
Category A Shortlisted Applicant

Applicants indicated that a key strategy for seeking and incorporating feedback was to start with their own community; it was important to find out what mattered to their community and to identify the strengths, talents and knowledge the organisation was able to contribute. External stakeholders included broader categories of program participants and customers, partner organisations, funding bodies, businesses and the broader community.

A variety of mechanisms were used to gather feedback from internal stakeholders and members, including:

- annual open meetings on Country
- community consultation and participation
- surveys of members
- social media, newsletters and website engagement
- informal conversations
- directors meetings and AGMs
- providing staff with opportunities to inform strategic planning
- monitoring staff retention rates
- conducting exit interviews with staff
- reviews of incident and risk reports
- debriefing sessions with staff
- monitoring of complaints, grievances and appeals register.

A variety of mechanisms were used to gather feedback from external stakeholders, including:

- formal meetings and submissions
- social media, newsletters and website engagement
- informal conversations
- surveys of partner feedback and satisfaction
- implementation of communication strategies requiring feedback on performance from key stakeholders
- assessing program evaluation forms
- involvement of partners in the evaluation of joint activities
- establishment of memorandum of understandings with key partners
- annual strategic planning sessions with partner organisations
- meeting with other organisations to share practices and refine policies and procedures
- monitoring of complaints, grievances and appeals register.

Applicants used internal and external stakeholder feedback to inform improvements in their internal working environment, guide strategic relationships with partner organisations and ensure that their work aligned with their strategic goals and actions.

6.2.5   Data Governance: Program and Project Outcomes

Almost one-third of all applicants evaluated their success through the outcomes of their programs, projects and services. An essential component of this was data collection, interpretation, management and application. In other words, the governance of data. To do this, applicants worked independently and in innovative partnerships with universities, research institutions and state governments to collect data on the following aspects of their programs, projects and services:

- number of program participants
- attendance rates
- outcomes for participants
- how programs, projects and services were experienced by participants
- community perceptions of programs.

Applicants also conducted research on the governance of their programs, projects and services, including of their:

- financial performance
- achievement of important milestones
- compliance with governance and technical/regulatory requirements.

'Changes can be made to systems and processes as a result of client feedback and it is important to give everyone a voice.'

Council for Aboriginal
Alcohol Program Services
Category A Shortlisted Applicant

'It is essential that our services are need responsive, timely and quality orientated to achieve improved outcomes for Aboriginal and Torres Strait Islander peoples.'

Institute for
Urban Indigenous Health
Category A Shortlisted Applicant

Applicants often reported looking for what could be called 'culture-smart' data; that is, information that is produced locally and captures local membership, social units, conditions, priorities and concerns. This kind of information was considered to be more culturally informed and meaningful because it represented collective identities, rights and priorities. Such data often complemented other kinds of organisational data, emphasised existing Indigenous capabilities and knowledge, and had direct practical application (Smith 2016).

The increase in Indigenous-led research is an important trend to emerge from the 2014 and 2016 Awards applicants. In 2016, at least six incorporated applicants were in the process of conducting their own research (often as large collaborative projects) primarily to ensure their programs, projects and services were informed by, relevant and responsive to the needs of their community members and clients.

'We know and can prove that our mob are healthier, happier than those people who do not have our supports. We know this through qualitative interviews, through blood results and attendance rates on dialysis … We conduct qualitative interviews in language with an external interviewer … we participate in evaluation and research … we conducts surveys and help facilitate a consumer group.'

Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation
Category A Winner

'The data that we collect and use to inform our program development includes both qualitative and quantitative data. Both forms of data are important for us to understand how programs are working and being experienced by participants. By combining analyses from multiple data sets, and working with participants to understand how programs are being implemented and changed as a result of data, we are able to continually work on our programs to ensure accountability to participants, the organisation and funding agencies.'

Tangentyere Council Aboriginal Corporation
Category A Finalist

Applicants undertook research to collect data on their programs, projects and services for a number of purposes, including to:

- undertake ongoing reflection and learning
- evaluate the impact and effectiveness of programs
- measure the social effects of programs over time
- identify areas of programs in need of change
- facilitate program development and continuous improvement
- ensure accountability to participants, partner organisations and funding agencies
- ensure the needs of participants are embedded in the design of the project
- ensure programs are culturally informed
- justify further funding and support for effective programs.

At least two applicants reported using their research to contribute to the broader evidence base in their industry field of operation. For example, in 2016, the Winnunga Nimmityjah Aboriginal Health Service (WNAHCS) 'remained steadfast in its commitment to research and publication'. According to WNAHCS:

Evidence must be constantly reviewed and incorporated into client services so that clients are receiving the most current, best available care and treatment … This means that Winnunga, while keeping up with the evidence base for best practice care, also seeks to contribute to the expanding evidence base. It is a balancing act—ensuring we are delivering the best services to our clients and at the same time making sure that what we are doing is documented, evaluated, analysed and reported in the hope that others will benefit from our lessons.

Applicants also reported using their research for advocacy purposes. For example, the Secretariat of National Aboriginal and Islander Child Care (SNAICC) described using their own research to create an 'effective platform for Aboriginal and Torres Strait Islander early childhood outcomes through evidence-based lobbying and mobilisation of members'. SNAICC reported their research and advocacy accomplishments between 2013 and 2016 as including:

- SNAICC secured pro bono support … to conduct research with over 2,000 Indigenous children on the impact of a proposed federal Bill and policy package …. SNAICC launched this research at a very successful breakfast at Parliament House in February 2016, supported by all key sector players and high-profile ambassadors.
- SNAICC organised 55 meetings with Members of Parliament and Senators. This led to four statements by MPs and Senators in Parliament and a series of letters and meetings with the responsible Minister.
- SNAICC attracted significant media coverage on this issue, with 8 TV interviews, 19 radio interviews and 11 print media stories. SNAICC received significant profile through participation in the Senate Inquiry on the Bill, through an extensive submission and as one of three non-governmental organisations to present at the hearing.

The rise in community-led research initiatives may be informed by the same Indigenous concerns and priorities that have given rise to the global Indigenous 'data sovereignty' movement, which is gaining considerable momentum in Australia. This movement is concerned with the right of Indigenous peoples to govern the creation, collection, ownership, management and application of data about their own peoples, lands, waters and resources as outlined in the United Nations Declaration on the Rights of Indigenous Peoples.[14] Further research is required to examine the relationship that exists between Indigenous-led research initiatives in Australia and this global Indigenous movement. In the meantime, it is clear that applicants see the conduct of their own research and using the resulting data as being an important aspect of organisational sustainability and governance resilience.

6.3   Governance Development and Action Plans

Being effective over the long-term not only involves thinking about services, programs and projects, but also having a Governance Development Plan. Such a plan places governance front and centre on the agenda of regular board and staff meetings, and provides a way to regularly check governance performance. Such a plan can be built up over time and is a critical mechanism for building capacity and resilience within an organisation or project.

A Governance Development Plan identifies strengths and weaknesses in governance and looks towards the kind the governance an organisation or group values and wants to develop. It sets out a plan of attack, which includes the best options and tactics for achieving more resilient and effective governance. It also provides a set of tools for tracking progress.

A Governance Development and Action Plan can include an organisation or groups':

- governance vision
- governance purpose
- governance culture
- governance values
- governance environment
- relationship with members
- relationship with stakeholders
- governance strengths, weaknesses, opportunities and threats
- steps to be taken to address the above.

The process of applying to the Indigenous Governance Awards can be a capacity building process in itself, if done collectively by the group. It is part of an ongoing governance check.

Opposite: William Johnson (left) of Murdi Paaki Regional Assembly and Sam Jeffries (right), Former Chairman of Murdi Paaki Regional Assembly.

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[14] United Nations Declaration on the Rights of Indigenous Peoples articles 3, 4, 5, 15(i), 18, 19, 20(i), 23, 31, 32, 33, 38 and 42.

Criteria 6: Governance Resilience and Sustainability

Governance is not all plain sailing and all organisations (Indigenous *and* non-Indigenous) have a life cycle of ups and downs, good times and hard. There will always be times of difficulty and lessons to be learned. The 2016 Awards applicants, especially those applicants with long histories, have many valuable lessons to share about why some organisations make it and why others do not. The factors that seem to make the difference are often to do with the overall effectiveness, resilience and sustainability of their governance.

Resilience is the ability to rebound from a disruption. Governance can be said to be resilient when it is able to anticipate, prepare for, respond and adapt to sudden or incremental change over time. Resilience and effectiveness in governance are interrelated and together contribute to the overall sustainability or viability of an organisation.

Sustainability is the ability to maintain, endure, support or continue. In the context of governance, sustainability is based on the ability of an organisation's leaders and staff to adopt and implement a long-term view of their purpose and function that considers the interests of both current and future generations.

This capability is closely related to the resilience and overall effectiveness of organisational governance. For example, a resilient and effective organisation or project does not merely *survive* but *flourishes* in the long-term. Governance effectiveness, resilience and sustainability enable the organisation or project to implement the reforms necessary to ensure their ongoing viability in the face of changing internal and external conditions. Moreover, the organisations or projects that adapt and flourish over the long-term are those that are innovative and adaptive in their governance capacity and arrangements.

Criteria 6 outlines how applicants govern to achieve their overall vision and priorities, and how they deal with change and big challenges. This is followed by an exploration of the governance areas identified by applicants as having scope for improvement if outside support were available. This section concludes by presenting applicants' greatest self-nominated successes, including how they got there.

7.1 Navigating Challenges

Effective Indigenous governance is a dynamic condition, not static. Organisations and groups must be able to respond to external events and changing conditions, which means their governance may sometimes need to be adapted or fine-tuned.

The 2016 Awards questionnaire asked applicants to describe their *biggest* challenge and the strategies employed to address this challenge. Applicants identified a range of challenges and solutions that have been categorised into four main themes, as illustrated in Figure 21:

- challenges related to the operating environment
- financial challenges
- staffing challenges
- challenges related to governance model.

It is important to note that there are a great array of other governance challenges that are not captured in this summary overview. Other challenges can include, but are not limited to, staff training and development, the complications of shared governance, methods of inclusive communication and culturally informed practice. It is also important to acknowledge that the aim of the Awards is to redirect our attention to success, best practice and exciting innovations in Indigenous governance; that is, to focus on what *is* working rather than what is not working. As a result, applicants are less likely to emphasise their internal challenges in the process of applying to the Awards.

Figure 21: Common challenges (2012, 2014 and 2016 incorporated)

2016 total number of incorporated applicants = 30
2014 total number of incorporated applicants = 41
2012 total number of incorporated applicants = 41
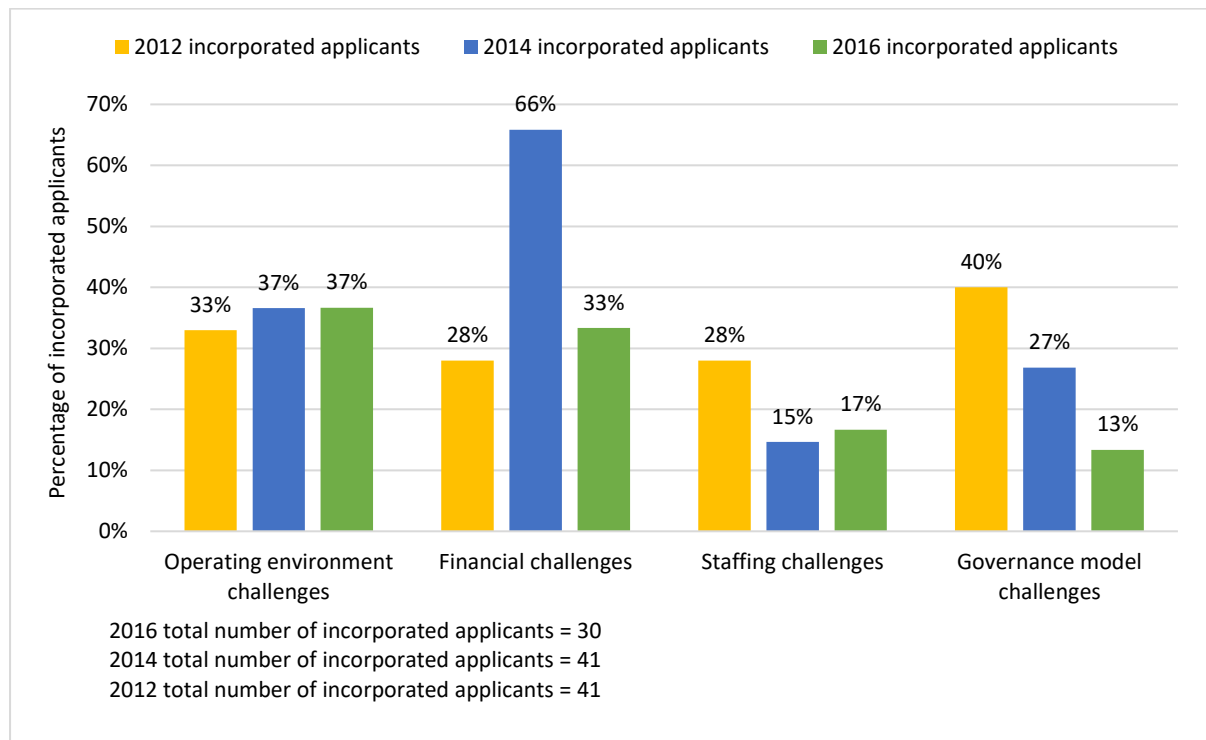
7.1.1 The Operating Environment: Challenges and Solutions

The first most common set of challenges reported by one-third of incorporated applicants (11 out of 30) and half of the informal groups (four out of eight) were organisation-specific and related to the operating environment in which they did their business. This set of challenges was most often linked to the political context, industry sector or the specific aims of the organisation or group.

One-third of incorporated applicants in this category discussed their biggest challenge in the context of the external political environment, including the effects of federal reforms around funding, land tenure, and policy reforms and restructuring such as in the child care and aged care systems and National Disability Insurance Scheme.

'Our current challenge is remaining able, financially strong and responsive in a time of unprecedented reform.'

Category A Shortlisted Applicant

The first step for most incorporated applicants was to assess the nature and effect of relevant reforms and explore viable options. Clear and hard-headed communication between the governing body, staff, volunteers, members, clients and program participants was essential to how applicants met such challenges, including through having regular internal meetings and providing information sessions for members and external stakeholders.

'Our biggest challenge and strength in some ways is that we don't fit! We are an Indigenous solution to a problem which is relatively new.'

Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation Category A Winner

The Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation described an approach common to many incorporated applicants, which involved making hard-headed assessments and experimentation:

> We deal with such challenges by attempting to do as much as possible ourselves (we are not passive recipients waiting for government handouts) being resolute and optimistic that compassion and common sense will prevail! Often we have to push ahead, try new things, start new services and then once they have proved themselves, ask for support from government so that we can push on!

Applicants reported facing several other challenges related to their operating environment and implementing a range of specific solutions. For example, challenges associated with operating in regional and remote locations included isolation, weather, transportation, internet access and having to build relationships with diverse groups over big distances. Strategies for this category of applicants often included sharing their resources and opportunities, working realistically around weather and transport problems, developing hybrid online/offline operating systems, implementing new engagement strategies and structuring decision-making processes to ensure all stakeholders were fairly represented.

7.1.2   Financial Challenges and Solutions

The second most common set of challenges reported by incorporated applicants (10 out of 30) and informal groups (two out of eight) were financial and/or funding related. Awards applicants commonly relied upon external funding and discussed financial challenges in the context of the major changes that have been occurring over the past several years in federal funding following the Indigenous Advancement Strategy (IAS) in 2014/2015. This was especially the case with Awards applicants in 2014 who were in the midst of major upheavals in their funding bases as a result of IAS changes.

Applicants' responses suggest that, while state/territory and federal governments may aim in theory to adopt a flexible funding approach, the short-term nature of electoral cycles and of program funding itself makes this extremely difficult in practice, and creates an environment of great uncertainty for Indigenous organisations and communities.

Analysis of the 2016 Awards reveals that reliance on government funding is creating pressure on Indigenous organisations to focus on externally imposed government agendas, rather than working towards their own needs and aspirations. One applicant noted the negative effects of:

> The level of [government] funding, [which] does not match the level of need we face … [The] constant changing of government funding streams and reporting processes further challenges our ability to deliver what our communities need.

In 2016, government policy, program and funding changes disrupted the ability of incorporated applicants and informal groups to plan, conduct research, develop and maintain leadership, comply with institutional requirements and provide ongoing governance training to directors, staff and the broader community. In this context, the 2016 Indigenous Governance Awards confirm the wider research literature that external policy and funding changes linked to electoral cycles can disrupt the foundations of effective Indigenous governance (Hunt and Smith 2006).

However, analysis of applications to the 2016 Awards also confirms that applicants were employing a variety of strategies to address those financial challenges and consequences. The first step for many applicants was to conduct an organisational review to assess the nature and effect of financial challenges and explore viable options (two applicants engaged external consultants to assist them in doing this). Following the review process, applicants often employed one or more of the following three strategies to address the financial and related challenges.

> 'Despite all these challenges, over the years Congress has developed an effective and internationally recognised model of comprehensive primary health care, and has maintained and strengthened the structures of Aboriginal community control and governance. We have hung in there and survived.'
>
> Central Australian Aboriginal Congress
> Category A Shortlisted Applicant

One strategy employed by applicants was to maintain and strengthen the structures of Aboriginal community control and governance in their organisation. The following applicant emphasised the importance of a united board and staff:

> We feel strongly that if we weren't unified, the organisation may have collapsed. No-one from the board resigned during the most critical time and core staff stuck by the organisation and stepped up into leadership roles as required.

The second strategy follows the trend identified in the 2014 Awards analysis; the majority of incorporated applicants in this category (seven out of ten) chose to increase self-generated income through commercial activities and/or to diversify funding sources (see Section 6.1.2: Diversification of Income). Income-generating activities included collective advocacy and fundraising campaigns, attracting sponsorship from corporate and philanthropic partners, strengthening communications and developing a social media strategy to increase the public profile of the organisation. Importantly, applicants pointed out that they tried to respond to income-generating opportunities that aligned with their core vision and purpose. This is an important component of self-determined viability.

Some applicants suggested that developing a membership base helped build their voice and credibility while providing a source of core funding through membership fees. Other applicants directed their resources into applications for federal funding through open competitive grant rounds, despite the risk of becoming less responsive to their members and communities in the process. For example, one applicant maintained their funding under the IAS by developing a submission that:

> Was over 400 pages and 100,000 words in length [and] outlined a range of innovative programs … On the strength of this submission and due to a strong history in the delivery of services … [this applicant] was one of only a small number of NT Aboriginal organisations that did not suffer financially under the Indigenous Advancement Strategy.

The third strategy employed by applicants (at least five) to address financial challenges was to reduce their own operating costs and expenditure. Such strategies included forming partnerships and sharing resources with other Aboriginal community-controlled organisations (see Section 7.3.3: Partnerships and Stakeholder Engagement), maintaining voluntary board positions, reducing staff working hours, reducing utility costs through review of invoices and arranging for more regular servicing of energy-intensive electronic equipment, and investing in technology and cloud-based server software to reduce the costs of office and rental space.

One applicant made use of Budget Forecast Software to monitor income and expenditure needs and ensure sound financial management:

> The cashflow forecast clearly indicates the organisations position at the end of financial year. Monthly expenditure is then managed according to our financial wherewithal. Our accountant provides us with a monthly financial statement, however this is very much an historical statement of income and expenditure. A forecast now provides us with a better understanding of our future financial position.

The following approach exemplifies the mixed approach of many applicants to financial challenges:

> [This applicant] has dealt with this challenge by strategically diversifying funding sources and increasing income-generating activities. In 2014-15's federal funding uncertainty, [the applicant] drew on its substantial reserves and ran a deficit budget to promote organisational stability. The [applicant's] Management Sub-Committee considered a detailed proposal on this strategy and after weighing up the risks and other options, unanimously confirmed the decision to draw on reserve funds … [the applicant] has also explored how to maximise impact with limited resources, leading to [the] development of [their] social media strategy and online resources. [The applicant has] also established capacity for webinars. On current projections, [the applicant] expects this financial year to be in surplus and [to] increase the still significant funding reserve.

Although applicants outlined a variety of strategies to address financial challenges, few specified setting actual financial targets. It will be interesting to note whether applicants discuss more specific targets in future Indigenous Governance Awards.

Interestingly, incorporated applicants and informal groups discussed financial and funding-related challenges less in 2016 than in 2014 (a 33% decrease among incorporated applicants and a 17% decrease among informal groups). Given that funding restrictions and program hyper-change within government remains, this may indicate that organisations have been effective in their strategies to diversify their funding bases and, as a consequence, feel less uncertain about and dependent on government funding.

7.1.3   Staffing Challenges and Solutions

Challenges related to staffing were the next most common for incorporated applicants (five out of 30). Identified challenges included the retention of a qualified and culturally proficient workforce, the need to implement cultural security frameworks and the need to provide longer contracts to enhance job security.

Other staffing challenges arose from financial mismanagement by board members or CEOs that damaged relationships within the organisation, with community members and within external relationships with funders, creditors, stakeholders and government regulators.

Incorporated applicants employed a diverse array of strategies to address challenges related to financial mismanagement, including the election of a new governing body, the reduction of operational costs and the development of procedures to ensure financial mismanagement did not reoccur. Informal groups did not report staffing challenges.

7.1.4   Governance Model Challenges and Solutions

Fewer incorporated applicants reported challenges in respect to their governance model (four out of 30 applicants listed this as their biggest challenge). This may suggest that incorporated applicants are getting better at responding to the need to change or adapt their models. This conclusion is supported by the fact that, in general, incorporated applicants took a responsive and flexible approach towards change and employed specific methods to strengthen their governance model. These included:

- development of an overarching business plan
- development of policies, procedures and codes of conduct that met the compliance requirements of the industry sector
- employment of a manager to implement new policies, procedures and codes of conduct
- recruitment of other specialised support and expertise
- investment in board and staff training and leadership development.

In contrast, there was an 18% increase in informal groups reporting their biggest challenge as being related to their governance model (11% of informal groups in 2014 and 29% in 2016). However, given the small sample size, it is important to acknowledge that this may reflect different types of informal groups presenting from one Awards round to the next.

<u>To Incorporate or Not?</u>

The question of incorporation featured in the strategic plans of one informal group. Previous Awards analyses identified this as a live concern among some applicants. The issue included not only whether an informal initiative should undergo incorporation, but also whether incorporated organisations should move from one kind of legislative regime to another.

In 2016, the project (unincorporated Category B applicant) that was considering incorporation was being guided by the governing body of a larger Aboriginal corporation and delivered by a number of Aboriginal community-controlled partner organisations. The major objective of the project was to maintain local Aboriginal culture, history, language and identity, and to ensure its own viability into the future.

At the time of application, responsibility for governing the project rested solely with the governing body of the larger Aboriginal corporation. This applicant listed the following reasons for why they were considering incorporation:

- [The project] has always been looked to by all these … [partner] organisations for advice and as a resource for cultural and historical materials … this process needs to be developed and protocols and procedures set in place … sometimes joint funding application have been successfully achieved … Our new corporation will strengthen these relationships [between partner organisations] and facilitate these processes.
- We believe that our new corporation will … help develop a succession plan.

- By becoming an Aboriginal corporation in our own right, we will be spreading the responsibility of such a multifaceted project over many … corporations, rather than it being shouldered by one or two individuals.
- Many different corporations will have more ideas and a larger network to source funding, thereby securing the sustainability of the project.
- We are expecting that our new structure will build and strengthen Aboriginal authority and capacity over the project, its resources and its future.

These statements suggest that the applicant understood incorporation to serve a number of purposes, including strengthening the governance of the project through partnerships, expanding networks and increasing access to funding for financial sustainability, promoting Aboriginal decision-making and leadership processes, and enhancing Aboriginal ownership of the project.

The pros and cons that inform decisions about incorporation status have not been explored in detail in previous analyses of the Indigenous Governance Awards, as it is not a question asked in the Awards application. However, it is interesting that most applicants seem to consider this issue at one stage or another during their operations. It warrants further consideration in the context of the changing purpose, circumstances and viability of organisations and project initiatives.

7.2 Priority Areas for Governance Improvement

Applications from successive Indigenous Governance Awards over the past 10 years demonstrate that, when investments are made in Indigenous capacity building, and when structural and institutional supports are put in place, there is real improvement in delivering desired outcomes.

The 2016 Awards questionnaire asked incorporated applicants to identify their priority governance areas for improvement if outside support were available (Figure 22). The following discussion is structured according to the governance areas identified by applicants in response to that question:

- building governance capabilities
- staff and board development
- member and stakeholder engagement
- strategic planning
- sharing knowledge.

Jamparri, Western Australia. Image taken by Ben Deslandes and supplied by Kanyirninpa Jukurrpa.

Figure 22: Priority areas for governance improvement (2014 and 2016 incorporated)

2016 total number of incorporated applicants = 30
2014 total number of incorporated applicants = 41
NOTE: Applicants could provide more than one response.
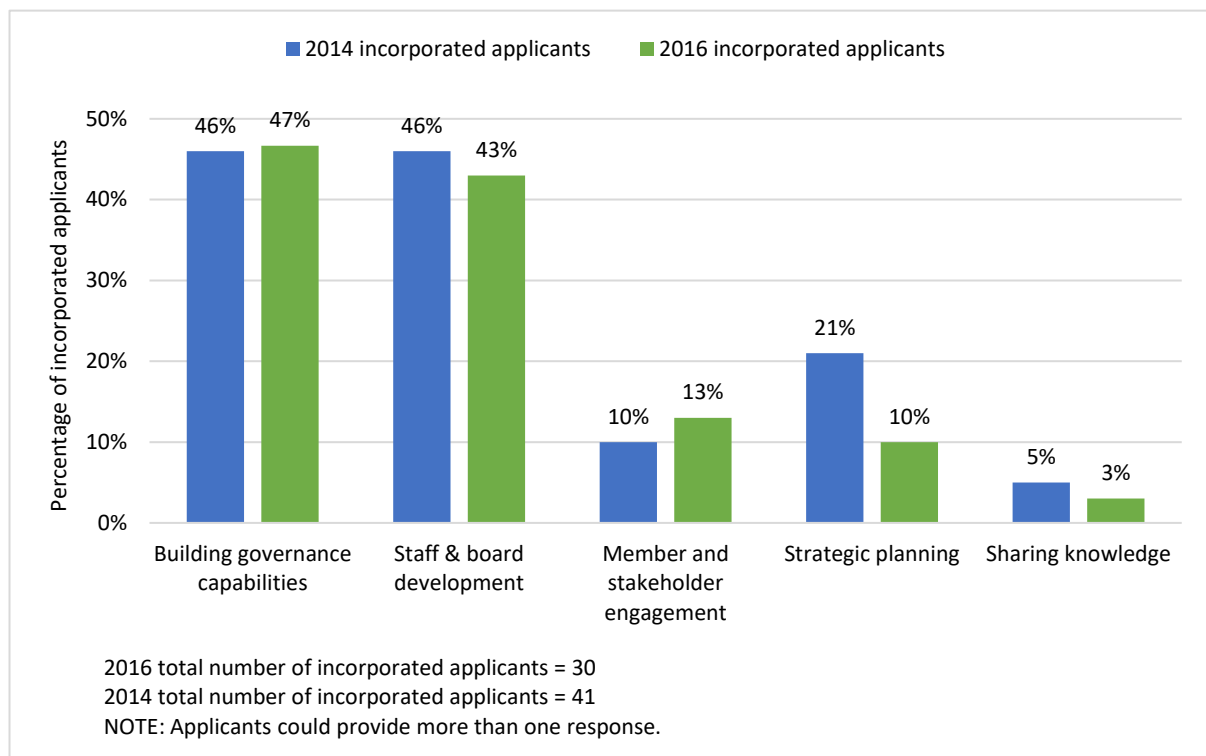
7.2.1   Building Governance Capabilities

Building governance capabilities (individual and collective) was a high priority for approximately half of the incorporated applicants (14 out of 30). Smith (2005, 1) describes capacity development as:

> The process by which individuals, groups, organisations, institutions, societies and countries develop their abilities, individually and collectively, to perform functions, solve problems, set and achieve objectives, and understand and deal with their development needs in a broader context and in a sustainable manner.

Incorporated applicants identified a variety of abilities to be strengthened. Some applicants emphasised their human resource needs and prioritised the recruitment of qualified staff with specific skillsets in times of fast-growing workloads. Some applicants sought specialist assistance to redesign their business and governance models to support stable and sustainable growth.

Figure 22 suggests that incorporated applicants in 2016 are just as interested in governance capacity building as were the 2014 applicant cohort.

'Succession planning is perhaps our most pressing issue at present. The current board are very pro-active but this can change in a short period of time if appropriate actions are not taken to address current and future governance issues and ways of recruiting and training new board members.'

Category A Shortlisted Applicant

7.2.2   Staff and Board Development

Staff and board development was the second most common priority for improvement among incorporated applicants (13 out of 30). This included professional and leadership development activities for board members and staff to strengthen organisational capacity. Limited funds often restricted the provision of such opportunities, and external support to attend training programs and engage external consultants was identified as a priority. Figure 22 suggests that staff and board development was of similar importance to the 2014 and 2016 Awards applicant cohorts.

7.2.3 Member and Stakeholder Engagement

Four incorporated applicants identified stakeholder engagement as a governance priority. Some of these applicants sought to increase their engagement with stakeholders through increased social media presence, website content management, public relations and marketing strategies. For others, increasing membership was the most important element of their outward engagement. The development of membership drives, rollout of social and traditional marketing campaigns, and simplification of their own organisational processes were common strategies used to boost the number of engaged members. Membership was regarded as promoting strong community participation and contribution, and for ensuring that the priorities of the organisation aligned with community needs.

7.2.4 Strategic Planning

Three incorporated applicants identified strategic planning as an area that would further benefit from securing external support. These applicants spoke of engaging the whole organisation in a comprehensive planning and review process. This process would embed continuous improvement with related check points and risk management protocols across all programs in a more robust and informative way.

Figure 22 suggests that the 2016 applicant cohort were 11% less interested in receiving support for strategic planning than in 2014. It will be interesting to track scope for improvement in this area in future Indigenous Governance Awards.

7.2.5 Sharing Knowledge

Knowledge sharing was identified by one applicant as a governance priority. For the Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation (WDNWPT), sharing knowledge meant recording their governance story. WDNWPT emphasised the importance of telling stories in Indigenous languages:

> We are always exploring ways to make our governance story stronger and to encourage younger people to become members and consider standing for election. We would also be keen to record some stories about strong governance in a couple of our main language groups so that we can share this story with others. Resources are always so much stronger, and understanding deeper and more meaningful when people are communicating in their first language.

7.3 Biggest Successes

Applicants to the 2016 Awards described a host of outcomes they were proud of—from successful negotiations with government, advocacy of their community leaders and involvement in the development of key national policy frameworks, to the generation of resources and improved outcomes for their community.

The following discussion outlines some of the diverse successes celebrated by the applicants:

'There is always room for improvement within any organisation, but one area is perhaps the instigation of more strategies to inform our board of the important role that philanthropic support plays in organisations within the current Australian funding climate, as this is a new area for the organisation and one that is relatively new for many Aboriginal performing arts organisations across the country.'

Category A Shortlisted Applicant

'The organisation developed its current strategic plan in 2012 with support from a consultant. It was published in 2013. In 2018, this strategic plan is set for renewal. Outside assistance could help [us] commence and complete the review process. For the process to be successful we would require all regional staff to be present to workshop the contents of the plan.'

Category A Shortlisted Applicant

'[We] will be expanding from a medium-sized to a large organisation. In order to stick to our continuing goal of keeping [the organisation] stable during times of change and making our growth sustainable, we will be consulting with external advisors to agree on an appropriate model to support that growth. As we will be changing from being a statewide to a nationwide agency, we will be looking to similar successful models that have achieved this transition and continued to grow and succeed.'

Category A Shortlisted Applicant

- organisational growth and governance improvement
- program and project outcomes
- partnerships and stakeholder engagement
- strengthened collective cultural identity
- organisational resilience.

It is important to note that there are a great array of other governance successes that are not captured in this summary overview.

7.3.1   Organisational Growth and Governance Improvement

Organisational growth and related governance improvement were the most commonly reported successes for incorporated applicants (12 out of 30) and second most commonly reported successes for informal groups (three out of eight). Applicants referred to the expansion of their services, programs and physical assets, and their provision of training for staff, management and the governing body. Applicants were also proud of the development of their internal policies and their creation of vibrant business models for financial independence.

7.3.2   Program and Project Outcomes

Indigenous peoples want results from well-governed organisations. The establishment of new programs and the achievement of desired outcomes were the most commonly reported triumphs for informal groups (four out of eight) and second most common for incorporated applicants (10 out of 30). Several applicants offered programs and services directly targeted towards Aboriginal and Torres Strait Islander youth and women.

'Our greatest success has been the development and implementation of a comprehensive model of primary health care under Aboriginal community control. This model delivers medical services to treat community members who may be unwell, but goes beyond this to a holistic model that seeks to promote health and wellbeing, prevent illness, and address the underlying causes of ill health within an Aboriginal-led, culturally safe philosophy.'

Central Australian Aboriginal Congress
Category A Shortlisted Applicant

Youth engagement initiatives were provided by five incorporated applicants and two informal groups (see Section 4.2.3: Investing in Future Leaders). As previously discussed, many of these initiatives were designed to encourage young people to participate in their communities, and take on leadership and roles of responsibility. In 2016, the East Gippsland Aboriginal Health Consortium—Djillay Ngalu offered a range of opportunities for Indigenous youth to engage in activities designed to 'Close the Gap' in health:

> One of our signature events that was established five years ago is the Cape Conran Surf Comp and Community Day. This event takes place during the January school holiday period and provides an opportunity for East Gippsland Aboriginal community/families to reconnect with Country and the community.

> The opportunity came from the need for youth workers and health services provider to engage in activities with high energy youth. An opportunity to build a relationship with the surfing fraternity has resulted in ongoing family activities [through which] youth learn to surf and offer up water safety and other health promotional messages …

> In January 2016, a Youth Leadership Camp was delivered in tandem with the Cape Conran Surf Day and a total of 80 young people and their carers/guardians/parents took part in an overnight Youth Leadership Camp.

Applicants also provided initiatives specifically for Aboriginal and Torres Strait Islander women. In 2016, the Tangentyere Women's Family Safety Group was a shortlisted applicant to Category B of the Indigenous Governance Awards:

> [The Safety Group] was developed to address the ongoing issues that women and children were experiencing in their day to day lives in the Town Camps as a result of family violence. The project has been the first of its kind at Tangentyere and the focus of the project has been on eliminating family violence towards women

and children … Since the group's inception in September 2014, 16 women have been trained in both family violence and 'Through Black Eyes' SNAICC training.

7.3.3   Partnerships and Stakeholder Engagement

Effective organisations do not operate in isolation. Applicants' ability to communicate with and represent their communities and form partnerships with other organisations was regarded as being another important indicator of success. Establishing partnerships and strategic alliances with service providers and research institutions allowed applicants to conduct their research (see Section 6.2.5: Data Governance: Program and Project Outcomes) and have a better collective impact across large geographic areas. Applicants were proud of relationships that generated collective effects such as:

- program alliances, including collaborating on specific projects
- knowledge partnerships, including sharing of information and collaborative research activities
- strategic relationships, including high-level advocacy and enhanced dialogue.

Collective impact was of particular importance to the Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation (WDNWPT), an Aboriginal community-controlled organisation providing culturally informed on Country dialysis treatment and support services to Indigenous renal patients in remote communities across Northern and Western Australia. In 2016, partnerships with other health organisations enabled WDNWPT to use existing structures for collective impact:

> 'A major achievement for the Djilaly Ngalu Health Consortium relates to the fact that it has been operating as a consortium for 10 years. The four ACCHO's have collaborated on many projects over the past 10 years and developed high-quality working relationships with the mainstream health organisations … creating culturally safe mainstream health services that allow ATSI [Aboriginal and Torres Strait Islander] people greater equity of access and an ability to choose a range of services that would not normally be the situation of these partnership did not exist.'
>
> East Gippsland Aboriginal Health Consortium -Djillay Ngalu Category B Shortlisted Applicant

> In some communities … there are dialysis committees who meet facilitated by WDNWPT to make decisions for their local services. In other places … WDNWPT works with existing health boards. Each service therefore has local buy in. We don't want to be Macdonalds dialysis! Nor do we create governance structures and extra meetings if there are existing structures [that] can be supported.

Partnerships were seen as important markers of success for informal groups, the majority of whom *existed as partnerships* between several different groups. For example, in 2016 the Moyjil Point Ritchie Project Committee (MPRPPC) was a working group that had been established in 2012 to protect the culturally significant sites of Moyjil Point Ritchie in Warrnambool, south-west Victoria. The MPRPPC described the establishment of effective and harmonious partnerships as their biggest success:

> The greatest success of the MPRPC is the collaboration between people from three different Traditional Owner groups. This collaboration has been vital in every step of the project and for securing community support for the dual naming of the site to Moyjil Point Ritchie in 2015.

7.3.4   Collective Cultural Identity

One in four informal groups described their biggest success in terms of strengthening their cultural vitality and collective identity. Applicants framed strengthened cultural identity as an outcome of specific governance arrangements, having cultural security frameworks and successful program outcomes. Kanyirninpa Jukurrpa described one such success:

> One of the less tangible but equally important successes has been the reinstatement of cultural authority of the Martu Elders. They have an increased confidence in their ability to shape their future and have responded positively to the interest and commitment of younger Martu to learn and fulfil their cultural obligations.

7.3.5   Organisational Resilience

Organisational resilience featured in five incorporated applicants' stories of success. At least two such applicants gained a sense of organisational resilience from recognition of their high standards through industry accreditation processes. For the Council for Aboriginal Alcohol Program Services (CAAPS):

> CAAPS has been recognised for its good work in various ways but without a doubt the achievement of accreditation last year was a triumph. In two short years of great teamwork … CAAPS moved from being assessed by funders as a high-risk organisation in 2012 to exceeding expectations against independently assessed quality standards by working through a planned capacity building process. CAAPS was awarded formal accreditation with the Quality Improvement Council Health and Community Services Standards.

Two informal groups described their biggest success as long-term resilience. This organisational resilience is significant considering the short-term nature of informal initiatives. The story of the Murdi Paaki Regional Assembly:

> Is the story of sovereignty rights and begins in what is now known as the Murdi Paaki Region back in the 1930s … but for the purposes of this narrative, it is better to begin in 1990 with the creation of the Aboriginal and Torres Strait Islander Commission by the Commonwealth Government …

> Our greatest success has been our existence over so many years as an expression of Aboriginal self-determination in NSW. The Assembly is a direct representation of Indigenous decision-making by and for Indigenous peoples; an avenue to speak about those issues that directly affect Indigenous peoples, reflecting Indigenous culture by emulating the early Indigenous 'parliaments' held in the region thousands of years ago.

An important aspect of resilience was seen to be the ability to learn from previous mistakes and put those lessons into action. For example:

> CAAPS recently had to completely restructure operations due to a loss of funds in the changes to the IAS. It was necessary for survival and at the time it required careful planning to adjust the way we work from restructuring roles and responsibilities and ensuring that quality client service delivery was paramount as well an as the retention of Aboriginal staff wherever possible. Crisis brings opportunity and the attention to detail at this time allowed for some improvements in the way we conducted our business. The board and senior managers worked in tandem to ensure all options were explored and considered before final decisions were made. Once that was done the communications were endorsed at every level to ensure consistency and clarity as a time of great stress to the staff. As discussed, we have come through this difficult period with a positive outlook. There were some unforeseen costs along the way and these have been incorporated into the planning process for this next financial year.

The 2016 Indigenous Governance Awards demonstrate a growing awareness among Indigenous organisations and community groups of being able to govern in a way that contributes to improved outcomes—cultural, social, economic, individual and collective—and self-determination for Indigenous Australians. Critically, their efforts in governance building are being directed to every part of their operations across every criteria discussed in this report, not just to the governing board or committee.

> 'We owe much of our success to the community that KARI has become such an important part of. By choosing an inclusive, representative and community-focussed model for our organisation, instead of an exclusive membership structure, we have kept politics out of our decisions and operations and remained open to new opportunities for services and programs that benefit our clients and community.'
>
> KARI Aboriginal Resources Incorporated
> Category A Shortlisted Applicant

> 'The achievement that Puuya Foundation is extremely proud of is that we have established the first community led grass roots non-government organisation, board and charity in Lockhart River, Cape York. We started in 2008 with nothing but a community driven desire for change—and now in 2016 we are still here; still community led and have established great growth and built the leadership capacity of community members.'
>
> Puuya Foundation—Lockhart River
> Category A Shortlisted Applicant

Mural of the Purple Truck at Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation, painted by the grandchildren of dialysis patients.

Glossary

Applicants:
The incorporated organisations and informal groups (unincorporated) that applied to the Indigenous Governance Awards in 2012, 2014 and 2016.

Annual general meeting:
'An annual general meeting (AGM) is a meeting held once a year that all members of a charity are invited to attend. The purpose of an AGM is to give members a report on the charity's activities and finances for the previous year, to allow time for members to ask questions, and to elect members of your governing body (e.g. board or committee members) for the coming year' (ACNC n.d.-d).

Auspice:
An auspice arrangement is one in which a lead organisation hosts the administration or charitable arrangements on behalf of another organisation or project.

Informed decision:
An informed decision is one where all information about the issue including the implications of any decision in a range of contingencies is understood, including technical complexities requiring specialist expertise and advice.

Indigenous:
The terms 'Indigenous' and 'Aboriginal' are used interchangeably throughout this report to refer to Aboriginal and Torres Strait Islander peoples. It is important to acknowledge the limitations of these terms in accounting for the complexity and diversity of Indigenous identities and experience.

Indigenous Governance Toolkit:
The Indigenous Governance Toolkit (the Toolkit) is a free multi-media online resource developed for Indigenous nations, communities, individuals and organisations searching for information to assist their work in building governance. It covers all the basics: rules, values, culture, membership, leadership, decision-making, conflict resolution and organisational structure. It features tools to help get started, useful guidance on ways to meet changing conditions, and suggestions for refreshing good practice. The Toolkit is accessible at toolkit.aigi.com.au.

Indigenous-led organisation:
An organisation or group of people that is majority Indigenous-led or controlled—that is, at least 51% of the governing body are Indigenous.

Capacity:
The combination of people's skills, institutions, resources, organisational abilities, powers and practices that enables them to reach their own goals over time. Capacity may be individual and collective.

Capacity building:
The development of an individual, group or organisation's core skills and capabilities to build their overall effectiveness and achieve their goals. These include administrative, cultural, creative, evaluation, finance, fundraising, leadership, literacy, management, personal, planning, professional development and organising skills and capabilities. Capacity building also includes the process of assisting an individual or group to identify and address issues that may be holding back their ability to achieve desired outcomes and gain the insights, knowledge and experience needed to solve problems and implement change.

Capacity development:
'The process by which individuals, groups, organisations, institutions, societies and countries develop their abilities, individually and collectively, to perform functions, solve problems, set and achieve objectives, and

understand and deal with their development needs in a broader context and in a sustainable manner'
(Smith 2005, 1).

Charity:
'The ACNC [Australian Charities and Not-for-profits Commission] uses the definition of charity set out in
the *Charities Act 2013* (Cth) (the Charities Act) when making decisions on registration applications. The
Charities Act clarifies that to be a recognised as a charity, an organisation must:
- be not-for-profit
- have only charitable purposes that are for the public benefit
- not have a disqualifying purpose
- not be an individual, a political party or a government entity' (ACNC n.d.-c).

Community:
A 'community' is a network of people and organisations linked together by a web of personal relationships,
cultural connections and identities, networks of support, traditions, shared socio-economic conditions and
common interests. The term 'community' can refer to:
1. A discrete geographic location; for example, a spatial territory or residential location such as a
   neighbourhood, city, rural town or district, an outstation or discrete remote settlement.
2. A 'community of interest' whose membership might be historical, voluntary or interest-based
   rather than geographic or culturally based.
3. A 'community of identity' whose membership might be cultural; for example, a clan, tribal group
   or urban group. Such a community might be residentially dispersed but nevertheless share a
   collective identity.
4. A political or administrative community; for example, a state authority or a federation, a service
   population or electoral ward.

Communities are more than just interpersonal networks, residential locations or shared collective
identities; they take on social patterns, roles, functions and organisational structure. Usually, communities
are composed of diverse groups, competing interests and rights; however, sometimes they may be
reasonably homogenous.

Community governance:
Community governance is the procedures and arrangements for working with, and on behalf of, people
and groups at the local level to enable them collectively to:
- have a voice in identifying the needs of all members of the community
- empower people to participate in, and have more influence and control over, decisions affecting
  their lives
- improve the quality of people's lives in the communities in which they live
- hold their representatives/leaders to local account.

Consensus decision-making:
The process by which all the members of a group come to agree to a given course of action or agree to
disagree and are prepared to support a consensus decision. Consensus is created through slow agreement
and may change over time. It is a matter of moulding opinion (often done by influential people) and, when
achieved, can create chains of cooperation within and across networks.

Corporate governance:
Corporate governance is the procedures and arrangements used by a legally incorporated organisation to
comply with the statutory rules and regulations under which it is incorporated. Frequently, the focus of
corporate governance is on the relationship between a company's management, board and shareholders.

Corporation:
A legal entity that exists separately from the people who are its members, or who manage or govern it. It
has its own legal powers (such as to hold property, enter into contracts, sue and be sued in its corporate
name) and legal responsibilities and accountabilities that are regulated and can be reviewed by external

mechanisms. Corporations include companies, cooperatives and incorporated associations, and are also known as incorporated organisations.

Culture:
The whole system of beliefs, behaviours, traditions, laws, technology, values, knowledge and meaning shared by a particular group of people, and forming the foundation for the way they live.

Cultural competence:
In governance training, 'cultural competence' means having rules, structures and/or processes that:
- are informed by an understanding of Indigenous peoples' own cultural traditions
- embody the values and norms that are important to Indigenous peoples and communities
- attempt to reflect people's contemporary ideas about how knowledge transfer and training should occur.

Deductible Gift Recipients:
Deductible Gift Recipients (DGRs) are organisations that are entitled to receive income tax deductible gifts and tax deductible contributions.

Development:
'Change or transformation that makes life better in ways that people want. From this viewpoint, development can take a variety of forms, from growth in traditional subsistence activities to increased participation in market economies, from Indigenous-citizen entrepreneurship to joint ventures with non-Indigenous corporations, from collective nation, community and clan enterprises to small individual and family cottage industries' (Dodson 2012, 2).

Economic development:
'Economic development refers to the ability of Indigenous nations to support themselves: to sustain self-governance and to provide their citizens with the opportunity to live productive, satisfying lives' (Dodson 2012, 2).

Governance:
'The evolving processes, relationships, institutions, and structures by which a group of people, community, or society organises itself collectively, negotiates its rights and interests, get things done, and make decisions about:
- how they are constituted as a group (who are members and who are not)
- how they manage their affairs and negotiate with outsiders
- who has authority within the group, and over what
- the development of rules to ensure authority is exercised properly and their decision-makers are held accountable
- how to enforce the decisions they make
- arrangements that will enable them to achieve their goals' (Hunt and Smith 2006, 1).

Governance capital:
'The combined forms of human, social, cultural, infrastructure and resource capital [that] are required to achieve effective and legitimate governance in Indigenous communities today' (Hunt and Smith 2006, 95).

Governance development:
'The processes by which people, organisations and groups as a whole, develop their abilities to do the collective and individual job of governing. That includes performing governing functions, designing institutions, structures and processes, solving problems and disputes, setting and achieving objectives, and understanding and dealing with their own development needs in a broader context and sustainable way' (Smith, Bauman and Quiggin 2014, 9).

Governance environment:

The broader external political, legal, policy, institutional and economic context within which a nation, community or organisation carries out its own governance functions. This environment operates at several levels, including local, community, state, national and international levels. Each different part of the wider environment has its own sets of governance rules, values and ways of getting things done, which can influence how a group or organisation operates.

Governance structure:

A 'structure' is something made up of a number of parts that are held or put together in a particular way. Therefore, a governing structure is the particular way that interrelated powers, decision-making roles, responsibilities and rules are arranged and put in place to support the running and accountability of a community, group or governing body or organisation.

Governing body:

A governing body is the group of people given the power and authority to represent others by leading, organising, exercising power, making decisions, forming policy and steering the overall direction of an organisation or group. They can be elected to that position of power by voting, or selected through nomination by Aboriginal and Torres Strait Islander decision-making processes. Once this process happens, the individuals on a governing body are said to act as the 'representatives' or 'delegates' of the people who selected or elected them.

Government:

The jurisdictional authority that rules a country, nation, community or state through delegated powers, policy and regulations or laws. In Australia, government draws its authority from the Australian Constitution and a mandate from the nation's citizens as a parliamentary democracy. Australia's mainstream system of government has three levels: federal (or Commonwealth), state or territory, and local government.

Aboriginal and Torres Strait Islander peoples have ancient jurisdictions of traditions and laws that operated effectively as governments, but which currently have no legal or treaty recognition, or devolved status under Australian common law or constitution. 'Nation rebuilding' encourages Aboriginal and Torres Strait Islander nations to act in self-determining ways, like governments.

Indigenous governance:

The complexity of Indigenous governance is difficult to contain within a simple definition. While 'culture' is often used to describe how Indigenous governance is 'different', in fact all modes of governance are culturally informed. The intercultural environment in which Indigenous governance operates in Australia is what makes it unique and dynamic. Today, Indigenous governance arrangements are required to be accountable to Australian legislative, corporate and government funding policy demands, as well as to Indigenous law, social and cultural priorities.

Indigenous Governance Awards:

A biennial event created in 2005 by Reconciliation Australia in partnership with BHP Billiton Sustainable Communities to identify, celebrate and promote effective governance in Aboriginal and Torres Strait Islander–led organisations and initiatives.

Incorporated organisation:

'Incorporation gives your group its own legal identity (the group becomes a "separate legal entity" from its members). The group can enter into [a] contract, sign a lease, employ people, and sue and be sued. Incorporated groups are incorporated under law (which can be either state or federal) and report to the regulator responsible for their type of structure … Incorporated groups follow a particular structure, with group rules (or constitution), members, and a governing body (often called a board or committee)' (NFP Law 2017).

Incorporation:
Incorporation is the legal process used to form a corporate entity or company. An incorporated organisation is a separate legal entity from its owners, with its own rights and obligations. Groups are incorporated under law (either state or federal) and report to the regulator responsible for their type of structure.

Indigenous data:
'Information or knowledge, in any format, inclusive of statistics, that is about Indigenous peoples and that impacts Indigenous lives at the collective and/or individual level' (Maiam nayri Wingara Indigenous Data Sovereignty Collective and AIGI 2018).

Indigenous data governance:
Indigenous data governance asserts Indigenous interests in relation to data by:
- informing the when, how and why our data are gathered, analysed accessed and used
- ensuring Indigenous data reflects our priorities, values, culture, lifeworlds and diversity (Walter et al. 2018).

Indigenous data sovereignty:
'The right of Indigenous peoples to determine the means of collection, access, analysis, interpretation, management, dissemination and reuse of data pertaining to the Indigenous peoples from whom it has been derived, or to whom it relates. Indigenous data sovereignty centres on Indigenous collective rights to data about our peoples, territories, lifeways and natural resources' (Walter et al. 2018). Indigenous data sovereignty is practised through Indigenous data governance.

Intercultural:
Relating to two or more different cultures that are closely intertwined and interact. This is a space of close contact and emerging relationships between cultures. It may include interaction between the cultural rules, standards, laws and systems they have in place. Intercultural contact may be positive and constructive, or mutually confusing and antagonistic.

Nation:
A group or community of people who share a common language, culture, ethnicity, descent or history. A nation may share a single common territory with physical boundaries and government, or it may be located as a nation within another larger nation. A nation does not rely on legislated or treaty recognition, although that greatly enhances its jurisdictional and decision-making power.

Non-incorporated organisation:
A more informal group of people who unite to get specific things done together, and who deliberately choose not to go down the road of legal incorporation—such as an assembly, alliance or volunteer organisation. In informal organisations, people decide for themselves what kind of governing structure, positions and processes they want to have.

Not-for-profit:
'A Not-for-profit (NFP) organisation is an organisation that is operating for its purpose and not for the profit or gain (either direct or indirect) of its individual members. NFP organisations fall within two broad categories:
- charities, and
- other NFP organisations that are not charities, for example: most sporting and recreational clubs, community service organisations, professional and business associations and social organisations' (ATO 2018).

Organisation:
A group of individuals who come together to achieve agreed objectives that might otherwise be unattainable. To continue to do this over time, groups adopt enduring roles, functions, procedures and

rules that give structure and function to their organisation. Sometimes this involves becoming legally incorporated under Australian legislation, but organisations may also be more informal; for example, non-incorporated reference groups, advisory committees, working groups and task forces.

Organisational governance:
The overall arrangements by which an organisation (incorporated or non-incorporated) is governed, directed and controlled. The governance of an organisation rests under the direction of the group of people who are recognised and elected or selected by their nation or community as being the group of people with the right, responsibility and ability to govern on their behalf. Specifically, organisational governance refers to the rules, relationships, policies, systems and processes by which authority is exercised and maintained by this group of people in an organisation. In practice, the concept of organisational governance is very broad and constantly expanding.

Policy:
A kind of rule or guideline for action developed by a nation, government, organisation or group to guide its decisions, behaviour and collective action to achieve desired outcomes and goals. Policies may determine governance, political, management, financial, economic, cultural and administrative actions.

Public benevolent institution:
'A type of charitable institution whose main purpose is to relieve suffering that is serious enough that it would arouse a feeling of pity or compassion in members of the community. Such suffering could be caused by conditions such as poverty, sickness, helplessness or distress' (ACNC n.d.-b).

Self-determination:
Indigenous peoples' assumption of real decision-making power and responsibility for what happens on their lands, in their communities, in their governing systems and in their development strategies.

Strategic plan:
A written document that sets out your intended strategic goals and actions during a specified period to achieve those intended goals (e.g., where you want to go and how you are going to get there). It sets out the vision and mission; explains the priorities, goals and strategies; and what actions, resources, people and amount of time are needed. Put simply, a strategic plan is a leadership tool, whereas a business plan is a management tool.

For more terms and definitions please visit the AIGI website at http://toolkit.aigi.com.au/glossary.

Next page: Desert Queen Baths, Western Australia. Image taken by Marc Huber and supplied by Kanyirninpa Jukurrpa.

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2016 Applicant Directory

■ Category A: Incorporated Indigenous organisations

■ Category B: Informal Indigenous groups, projects and initiatives (unincorporated)

Western Australia

ABORIGINAL FAMILY LAW SERVICES
Phone: 08 9355 1502
Email: MCowley@afls.org.au/ASmith@afls.org.au
Website: www.afls.org.au

MAGABALA BOOKS ABORIGINAL CORPORATION
Phone: 08 9192 1991
Email: ceo@magabala.com
Website: www.magabala.com

MIRIMA COUNCIL ABORIGINAL CORPORATION
Phone: 08 9169 1029
Email: manager@mirima.org.au
Website: www.mirima.org.au

YIRRA YAAKIN ABORIGINAL CORPORATION
Phone: 08 9380 3040
Email: gm@yirrayaakin.com.au
Website: www.yirrayaakin.com.au

KANYIRNINPA JUKURRPA
Phone: 0419 732 970
Email: peter.see@kj.org.au
Website: www.kj.org.au

MARNINWARNTIKURA FITZROY WOMEN'S RESOURCE CENTRE
Phone: 08 9191 5284
Email: ceo@mwrc.com.au
Website: http://www.mwrc.com.au/

SEABROOK ABORIGINAL CORPORATION
Phone: 08 9642 1041
Email: seabco@westnet.com.au

YUED NYOONGAR WORKING PARTY
Phone: 044897141
Email: jpemberton@heritageadviceaustralia.com.au
Website: www.heritageadviceaustralia.com.au

Victoria

ABORIGINAL FAMILY VIOLENCE PREVENTION AND LEGAL SERVICE VICTORIA
Phone: 03 9244 3333
Email: pstewart@fvpls.org
Website: www.fvpls.org

EAST GIPPSLAND ABORIGINAL HEALTH CONSORTIUM-DJILLAY NGLAU (HEALTHY TOGETHER)
Phone: 3051 551 208
Email: brians@dn.org.au
Website: www.dn.org.au

POINT RICHIE MOYJIL
Phone: 03 5559 4439
Email: hsheedy@warrnambool.vic.gov.au
Website: www.moyjil.com.au

ABORIGINAL HOUSING VICTORIA
Phone: 03 9403 2120
Email: jenny.samms@ahvic.org.au
Website: www.ahvic.org.au

MALLEE DISTRICT ABORIGINAL SERVICES
Phone: 0457 639 184
Email: lrobinson@mdas.org.au
Website: www.mdas.org.au

SECRETARIAT OF NATIONAL ABORIGINAL AND ISLANDER CHILD CARE
Phone: 0457 639 184
Email: lrobinson@mdas.org.au
Website: www.mdas.org.au

All information is current as of August 2016.

Northern Territory

CENTRAL AUSTRALIAN ABORIGINAL CONGRESS
Phone: 08 8951 4401
Email: donna.ahchee@caac.org.au
Website: www.caac.org.au

KATHERINE WEST HEALTH BOARD
Phone: 08 8971 9300
Email: sean.heffernan@kwhb.com.au
Website: www.kwhb.com.au

REMOTE ALCOHOL & OTHER DRUGS WORKFORCE PROGRAM
Phone: 0418 722 963
Email: diane.mayers@nt.gov.au

TANGENTYERE FAMILY SAFETY GROUP
Phone: 08 8952 1430
Email: maree.corbo@tangentyere.org.au

WESTERN DESERT NGANAMPA WALYTJA PALYANTJAKU TJUTAKU ABORIGINAL CORPORATION
Phone: 0448 685 610
Email: ceo@wdnwpt.com.au
Website: www.westerndesertdialysis.com.au

COUNCIL FOR ABORIGINAL ALCOHOL PROGRAM SERVICES
Phone: 08 89224800
Email: jill.smith@caaps.org.au
Website: www.caaps.org.au

NORTH AUSTRALIAN ABORIGINAL JUSTICE AGENCY
Phone: 08 8982 5100
Email: priscilla.collins@naaja.org.au
Website: www.naaja.org.au

TANGENTYERE COUNCIL ABORIGINAL CORPORATION
Phone: 0438 891 722
Email: tangentyere@tangentyere.org.au
Website: www.tangentyere.org.au

WARLPIRI YOUTH DEVELOPMENT ABORIGINAL CORPORATION
Phone: 08 8956 4188
Email: matt.davidson@wydac.org.au
Website: www.wydac.org.au

South Australia

ARA IRITITJA
Phone: 08 8226 4873
Email: john.dallwitz@irititja.com
Website: www.irititja.com

KURA YERLO INCORPORATED
Phone: 08 8449 7367
Email: ceo@kurayerloinc.org.au
Website: www.kurayerloinc.org.au

AUSTRALIA INSTITUTE OF LOSS AND GRIEF
Phone: 08 8226 4873
Email: rosemary@lossandgrief.com.au
Website: www.lossandgrief.com.au

Australian Capital Territory

WINNUNGA NIMMITYJAH ABORIGINAL HEALTH SERVICE
Phone: 02 6284 6224
Email: julie.tongs@winnunga.org.au
Website: www.winnunga.org.au

New South Wales

FIRST PEOPLES DISABILITY NETWORK (AUSTRALIA)
Phone: 02 8399 0881
Email: damiang@fndn.org.au
Website: www.fpdn.org.au

MINIMBAH PRESCHOOL PRIMARY SCHOOL ABORIGINAL CORPORATION
Phone: 6772 4853
Email: bruce@minimbah.net
Website: www.minibah.net

MURU MITTIGAR ABORIGINAL CULTURAL AND EDUCATION CENTRE
Phone: 02 4730 0400
Email: peter.chia@murumittigar.com.au
Website: www.murumittigar.com.au

UNGOOROO ABORIGINAL CORPORATION
Phone: 02 6571 5111
Email: taasha@ungooroo.com.au
Website: www.ungooroo.com.au

KARI ABORIGINAL RESOURCES INCORPORATED
Phone: 02 87820300
Email: mia.matheson@kari.org.au
Website: www.kari.org.au

MURDI PAAKI REGIONAL ASSEMBLY
Phone: 0428 235 590
Email: sam@mpra.com.au
Website: www.mpra.com.au

TRANBY NATIONAL INDIGENOUS ADULT EDUCATION AND TRAINING
Phone: 02 9660 3444
Email: b.russon@tranby.ed.au
Website: www.tranby.edu.au

WESTERN ALLIANCE: ABORIGINAL ABILITY LINKS NSW
Phone: 03 5881 4891
Email: lalcd@bigpond.com

Queensland

INSTITUTE FOR URBAN INDIGENOUS HEALTH
Phone: 07 3648 9500
Email: Adrian.carson@iuih.org.au
Website: www.iuih.org.au

PUUYA FOUNDATION
Phone: 07 3265 7171
Email: denisehagan@puuyafoundation.com.au
Website: www.puuyafoundation.com.au

KOOBARA ABORIGINAL AND ISLANDER FAMILY RESOURCE CENTRE INCORPORATED
Phone: 07 3265 7171
Email: adminstrator@koobara.com.au

Contact Details

The Australian Indigenous Governance Institute and Reconciliation Australia acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to Elders both past and present.