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Build your governance

Building or rebuilding governance is about selecting a governance model that suits your group's unique purpose. It involves making decisions about whether to incorporate and coming up with a set of strong and culturally-legitimate rules.

How to get started

Building governance involves time and effort.

Common attributes that can help Aboriginal and Torres Strait Islander groups get started include:

Strong leadership and teamwork: Identify local First Nations people who want to lead and form a core group.

Shared commitment: Find people with shared dedication and time to do the work.

A clear vision: Develop a strong vision of what you want to achieve.

Community support: Win support from the wider community and understand what matters to them.

Negotiation and mediation skills: Develop these skills to settle differences and conflicting interests.

Research: Gather information about successful solutions used by other groups.

Planning, time and persistence: Set realistic goals and create an initial plan.

Strong networks, partnerships and alliances: Connect with external agencies and experts.

A good sense of humour: Be inclusive and involve as many people as possible.

Steps to build your governance

1. Assess your current governance.
2. Identify your purpose.
3. Choose your governance model.
4. Decide whether to incorporate.
5. Choose a name.
6. Develop your rules or constitution.
7. Raise funds.
8. Establish operational systems.

What is a governance model?

A governance model is a framework used by organisations, communities and nations to create order. It ties together the rules, relationships, systems and processes.

The governance models of Aboriginal and Torres Strait Islander groups are unique. They're based on:

- interconnected layers of leadership
- groups of people
- land-ownership rights and interests.



Types of governance models

There are various types of governance models including:

- informal, unincorporated collective groups of action in a single community.
- small, localised groups who incorporate under state or national legislation.
- voluntary coalitions of incorporated organisations.
- centralised hub and spokes models – these cover large geographic areas with locally based representation.
- incorporated regional or territory-wide peak organisations.
- hybrid arrangements that include elements of all the above.

Ensure your governance model aligns with your group's values and cultural practices. Match your rules with how things are done and how your group believes they should be done.

When deciding whether to incorporate, consider:

- **your groups' activities** – for example, whether you need to enter into contracts
- whether there is a **structure that best fits your cultural networks and affiliations**
- whether the structure **allows for a clear separation of powers and roles**
- whether you need to **employ staff or work with volunteers**
- **where you will be operating**
- whether you need to **partner or create alliances** with other organisations
- **your funding**
- whether you can **follow strict regulatory requirements**
- which **structure best aligns with the system of representation you want to have**
- whether **cultural geographies are relevant to your required structure**-that is, the relationship your group has to Country
- whether you can meet the **costs and obligations of being incorporated.**

Unincorporated and incorporated groups

Unincorporated groups are not registered under government legislation. They have more flexibility but limited access to property and government grants. Unincorporated groups can however form partnerships with larger organisations through auspicing arrangements.



Incorporated organisations follow a defined structure with rules, members, and a governing body. They can enter contracts, employ people, and take legal action. The organisation holds property and assets in its name and must report to relevant regulators, such as the Office of the Registrar of Indigenous Corporations (ORIC) or the Australian Securities and Investments Commission (ASIC).

Note that incorporation is based on non-Indigenous concepts and may not always align with Aboriginal and Torres Strait Islander ways of doing things. However, many Aboriginal and Torres Strait Islander groups are incorporated.

Incorporation structures

Aboriginal and Torres Strait Islander groups can incorporate under different federal, state and territory legislation.

For state-based structures, a group is allowed to carry out activities in the state or territory where they have been incorporated.

For federal-based structures, your group can carry out activities across Australia. Your group may choose to incorporate under the CATSI Act or the Corporations Act. There are different benefits to each.

Develop your rules or constitution

Having clear rules or a constitution is crucial for effective governance. Your rules define decision-making authority, behaviour, accountability, membership, obligations, and more.

Ensure your rules align with your group's values, laws, systems of authority, and current governance needs.

Key topics to cover in your rulebook or constitution include:

- **membership**
- **dispute resolution**
- **powers**
- **liability**
- **meetings**
- **financing**
- **record-keeping**
- **conflict resolution.**

Document your rules clearly and consider translating them into language, if needed.

Everyone should be clear about the rules. It's the board and management's job to make sure that your group's rules are widely understood and fairly enforced.



**For more information,
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